

## **Contents**

RECOMMENDATION.....	2
BACKGROUND INFORMATION.....	2
Site location and description .....	2
Details of proposal .....	3
Planning history .....	3
Summary of main issues.....	4
Adopted planning policy .....	4
Consultations .....	9
Community impact statement / Equalities Assessment .....	9

<b>Item No.</b> 7.3	<b>Classification:</b> Open	<b>Date:</b> 19 November 2019	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 19/AP/1197 for: Full Planning Application  <b>Address:</b> THE IVY CAFÉ, POTTERS FIELD PARK, LONDON SE1 2SG  <b>Proposal:</b> The retention of 3x 'Jumbrellas' over the external seating area and an awning above the main entrance		
<b>Ward(s) or groups affected:</b>	London Bridge & West Bermondsey		
<b>From:</b>	Michele Sterry		
<b>Application Start Date</b> 10/05/2019		<b>Application Expiry Date</b> 05/07/2019	
<b>Earliest Decision Date</b> 07/06/2019			

## RECOMMENDATION

1. Grant planning permission, subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

2. The application site forms part of a large-scale mixed use development known as One Tower Bridge Development. More specifically, the proposed extension would relate to one of the commercial units (Unit 1.1) within Block 1 (now known as Blenheim House) which is one of the most prominent blocks within the development with its frontage facing onto Potters Field Park and the River Thames beyond. The commercial unit is occupied by the Ivy Cafe and extends over basement, ground and mezzanine floors. It is a key commercial unit within the block being positioned adjacent to the entrance to the new theatre with its return onto the pedestrian retail street (Duchess Walk) which runs north to south through the development, linking Potters Field Park and Tooley Street / Queen Elizabeth Street.
3. The application site currently comprises an outdoor seating area for the Ivy Cafe and is occupied by tables, chairs, and 'jumbrellas' with mobile planters to delineate the space.
4. The following policy designations apply to the site:
  - Central Activities Zone
  - Bankside, Borough and London Bridge Opportunity Area
  - Strategic Cultural Area
  - London Bridge District Town Centre
  - Thames Policy Area
  - Air Quality Management Area

- Archaeological Priority Zone
- Flood Zone 3
- Public Transport Accessibility Rating (PTAL) 6a
- Metropolitan Open Land (part in the saved Southwark Plan Proposals Map) and fully included in the Draft New Southwark Plan Proposals Map

5. Adjacent to and within proximity of the site are the following:

- Potters Field Park - Metropolitan Open Land
- River Thames - Site of Importance for Nature Conservation
- Tower Bridge - Grade I listed
- Former Lambeth College (now Lalit Hotel) - Grade II listed
- Bridgemaster's House - Grade II listed
- Tower Bridge Conservation Area
- Tooley Street Conservation Area

#### **Details of proposal**

6. The furniture and planting containers are capable of being moved and are not development and therefore not part of this application. The proposal is for retrospective permission for three 'jumbrellas' which are mounted on posts and cover the external seating area and the retention of a canvas awning over the door. The 'jumbrellas' have a width of 6 metres and finished in Weiror 3-505 fabric. The awning above the entrance is curved. The awning structure is .9 metre from bottom to the top with a width of 1.3 metres and a depth of .4 metres and is in Weiror 3-505 fabric.
7. It should be noted that the jumbrellas were in place when the construction of the extension over this outside terrace area was considered in 2016 but it appears that they have not been in place for four years in order to be immune from enforcement action.

#### **Planning history**

8. 10/AP/1935 Application type: Full Planning Application (FUL)  
45,075 sq metres (GEA) of Class C3 floorspace comprising 356 residential units and ancillary residential floorspace including an Estate Management facility; 6,554 sq metres (GEA) of cultural floorspace (Class D1/D2 to accommodate concert hall or gallery or exhibition space or museum uses); 1,827 sq metres (GEA) of commercial floorspace (to accommodate Class A1, A2, A3, A4, A5, D1, D2 and B1 uses, the latter not to exceed 500 sq metres); all accommodated within buildings of up to 11 storeys (45.505 AOD) and residential campanile of 20 storeys, plus roof garden and light box (79.3 AOD) together with 6,523.9 sq metres of communal and private amenity space, including an extension to and improvement of Potters Fields Park; 144 car parking spaces including two surface level parking spaces for car club use; 15 motorcycle spaces, cycle parking; together with associated highway, access and landscape works and other associated works and uses'

Decision date 21/04/2011 Decision: Granted with Legal Agreement (GWLA).

9. A separate agreement dated 19 July 2011 was agreed between the Council, the developer (Berkeley Homes Ltd) and the Potters Fields Park Management Trust to allow the surrender and exchange of land to the north and west of the above development site to allow former Council land to become part of the development and the other land to become part of the park. One of these parcels of the land involved the application site which the Council exchanged for another parcel of land. It would appear that the applicant considered that the application site should be taken out of the Metropolitan Land designation but there appears to have been no clause to this

effect in the agreement and remains designated as Metropolitan Land in the draft New Southwark Plan.

10. Planning refusal dated (16/AP/5054) for a single storey glazed front extension for restaurant (Class A3) on the following grounds

Due to its scale, form and prominent location at the front of the established building line of the One Tower Bridge Development, the proposed extension would introduce an incongruous, disruptive and visually harmful addition to the development and cause harm to the setting of Potters Field Park Metropolitan Open Land and to the setting of the Grade I listed Tower Bridge. It is therefore contrary to Part 12 of the NPPF (2012), Policy 7.8 'Heritage Assets and Archaeology' of The London Plan (2016), Strategic Policy 12 'Design and Conservation' of The Core Strategy (2011) and Saved Policies 3.12 'Quality of Design', 3.13 'Urban Design' and 3.18 'Setting of Listed Buildings, Conservation Areas, and World Heritage Sites' of The Southwark Plan (2007).

11. Details of the Ivy Cafe outdoor seating area have already been approved under permission reference 17/AP/1152.
12. There is currently an application to retain signage which will be considered at the same time as this application, reference number 19/AP/1198.

#### **Planning history of adjoining sites**

13. ONE TOWER BRIDGE, LAND ADJACENT TO LAMBETH COLLEGE & POTTERS FIELDS, LONDON SE1

Non Material Amendment to the hard landscape proposals on the One Tower Bridge site as already approved under planning application reference 10-AP-1935 and subsequently approved via discharge of condition details for Condition 31 and 32 (landscaping) application references 14-AP-0173 and 14-AP-0202. These amendments comprise alterations to the steps on the north side of Block 1. Granted permission on 23 April 2018.

#### **KEY ISSUES FOR CONSIDERATION**

##### **Summary of main issues**

14. The main issues to be considered in respect of this application are:
  - Principle of the development in terms of conformity with strategic land use policies
  - Impact of the development on the amenities of adjoining occupiers
  - Design issues
  - Impact on heritage assets
  - Impact on Metropolitan Open Land
  - Transport and highway matters

##### **Adopted planning policy**

###### National Planning Policy Framework (NPPF)

15. The revised National Planning Policy Framework ('NPPF') was published in February 2019 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.

Chapter 2 Achieving sustainable development  
Chapter 6 Building a strong, competitive economy  
Chapter 8 Promoting healthy and safe communities  
Chapter 11 Making effective use of land  
Chapter 12 Achieving well-designed places  
Chapter 13 Protecting Green Belt land

#### London Plan 2019

16. Policy G3 Metropolitan Open Land
17. Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt
  - 1) MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt.
  - 2) boroughs should work with partners to enhance the quality and range of uses of MOL.

#### Core Strategy 2011

18. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

Strategic Policy 1 Sustainable development  
Strategic Policy 3 Shopping, leisure and entertainment  
Strategic Policy 11 Open spaces and wildlife  
Strategic Policy 12 Design and conservation  
Strategic Policy 13 High environmental standards

#### Southwark Plan 2007 (saved policies)

19. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are

Policy 1.7 Development within town and local centres  
Policy 3.2 Protection of amenity  
Policy 3.6 Air quality  
Policy 3.12 Quality in design  
Policy 3.13 Urban design  
Policy 3.15 Conservation of the historic environment  
Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites  
Policy 3.25 Metropolitan Open Land  
Policy 3.29 Development within the Thames Policy Area

#### New Southwark Plan

20. For the last five years the council has been preparing the New Southwark Plan (NSP) which will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. The council concluded consultation on the Proposed Submission version (Regulation 19) on 27 February 2018. It is anticipated that the plan will be adopted in 2019 following an Examination in Public (EIP). Similarly with the OKR AAP, as the

NSP is not yet adopted policy, it can only be attributed limited weight. Nevertheless paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the policy and the degree of consistency with the Framework.

#### Summary of consultation responses

21. Objection on grounds that the entrance awning, adjacent planters and associated advertising (as per the attached photographs), are on Potters Fields Park and therefore encroach on the MOL. This is in contravention of Policy 3.25 of the Saved Southwark Plan Policies (2007) and Policy 7.17 of the London Plan.
22. That the applicant's statement is not correct as the proposal is not adjacent to but situated in MOL and is contrary to policies within the draft New Southwark Plan and the London Plan.

#### Officers comments

23. The terrace is not part of the Park but does have a MOL designation. While the proposal is not fully policy compliant, justification for this is contained in the report below.

#### **Planning considerations**

24. Representations have been received objecting to the proposal on the basis that it would result in a loss of MOL and public amenity space.
25. The proposed extension would project into the MOL based on the MOL boundary shown on the current adopted policies map (2015) and is shown as MOL in the draft New Southwark Plan policies map. As such, the proposal is considered to represent a departure to the local plan and has been advertised as such.

#### Land swap

26. The Potters Field Park Management Trust has commented that 'While it is the case that the land swap was formalised as proposed and the stepped seating area is within the proposed developments demise, the awning area (which is not mentioned above) sits within Potters Fields MOL.' The land swap occurred to create a more appropriate boundary between the park and the new development. The land swap is not fundamental to the consideration of this application as the application property still sits within Metropolitan Land. The main consideration is whether the proposal is an appropriate development on MOL.

#### Metropolitan Land Issues

27. The Mayor strongly supports the current extent of Metropolitan Open Land (MOL), its extension in appropriate circumstances and its protection from development having an adverse impact on the openness of MOL. While the proposal is not considered to be an appropriate development within the Southwark Plan, saved policy 3.25 or Policy P56 of the draft New Southwark plan, in that it is not essential facilities for outdoor sports etc it does provide an amenity for visitors to the park as discussed in the paragraph below. NPPF 2019 indicates that on Green Belt Land (guidance that is applicable for MOL) alterations to buildings that do not result in disproportionate additions can be acceptable. While this is not an alteration to a building, it has resulted in an addition that is not disproportionate.

28. In considering the impact of the proposal on Metropolitan Open Land it needs to be considered if the proposal will reduce the openness of the area, having regard to the fact that its use as a restaurant terrace is already permitted by an earlier permission. The additional provision of umbrellas and an awning which could be easily removed are not considered to cause an impact. The terrace is used by visitors to the park and is considered to contribute to its setting allowing visitors views out over the park while being protected from the elements. The proposal would not impact on the character of the terrace and relates to ancillary structures which enhance the space for users.

#### Land use

29. The existing Class A3 restaurant extension, in land use terms, supports the function of the Central Activities Zone (CAZ), the District Town Centre and London's Strategic Cultural Area. Furthermore, it complies with the land use allocation for the main One Tower Bridge Development Site - 5P designation where a mixed scheme, including Class A uses, was sought. As such, no in principle issues are raised in terms of land use.

#### **Environmental impact assessment**

30. Not required for this scale of development

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

31. Saved Policy 3.2 of the Southwark Plan seeks to protect neighbouring amenities, including disturbance from noise. The commitment to avoiding amenity and environmental problems is reaffirmed in Strategic Policy 13 of the Core Strategy.
32. The terrace has been in use for many years without any objections relating to noise and disturbance from the use of the terrace. The property is located in an area characterised by a wide range of commercial and leisure uses, including restaurant and cafes with outdoor spill out space sitting alongside residential development. Indeed, a key feature of the One Tower Bridge Development is its mixed use nature comprising a variety of retail, cultural and commercial uses occupying the ground floor of the blocks with residential above. The Ivy cafe is prominently located adjacent to the main public entrance to the new theatre. In this urban context, the provision of furniture on this terrace is not likely to result in a loss of amenity to adjoining occupiers. Furthermore, the hours of operation for the restaurant (08:00 - 0:00 Monday to Saturday and 08:00 - 23:00 on Sunday) have already been approved pursuant to Condition 41 (reference 17/AP/0960) of the One Tower Bridge permission.

#### **Impact of adjoining and nearby uses on occupiers and users of proposed development**

33. No issues are raised given the site's location and urban context. The adjoining uses would be compatible with the use of the proposed extension. As such, they'd be no conflict with neighbouring occupiers in terms of land use.

#### **Transport issues**

34. The site is within a highly sustainable location in terms of proximity to all modes of public transport (PTAL 6a). If the furniture were not present there would be less covers however, it has been shown that the increased patrons to the restaurant have been easily accommodated in the local pedestrian / highway network. There are cycle stands within the vicinity of the restaurant unit. The proposal would not alter access arrangements to the restaurant which would continue to be via the main entrance which provides step-free access.

35. The proposal would have no impact on the servicing arrangements already in place for the restaurant. All servicing activities are undertaken from a dedicated service area within the One Tower Bridge Development and have already been approved pursuant to Condition 41 (reference 17/AP/0960) of the main permission.
36. The proposal occupies part of the stepped area to the front of Block 1. Whilst this stepped hard landscaped area, as originally laid out, could be used by the general public to sit or stand on it didn't form part of the main pedestrian routes to and from the Park. Therefore, this proposal would not impede pedestrian access or movement into or around the Park.
37. The planters delineate the area and do not hinder pedestrian movement or add to visual clutter.

### **Design and heritage matters**

38. Paragraph 124 of the NPPF 2019 requires that 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.' Saved Policies 3.12 and 3.13 of the Southward Plan and Strategic Policy 12 of the Core Strategy require that development achieves the highest possible standards of design.
39. The proposal concerns large umbrellas that are not removed during the night and a permanent porch structure. The Ivy Cafe is not within a conservation area and the closest listed building is the Grade II listed Bridge Master's House and the Former Lambeth College which is in use as a boutique hotel (the Lalit Hotel). Grade I listed Tower Bridge is nearby. As such, any proposal to extend or alter the appearance of units within this block must be considered very carefully in relation to its sensitive context.
40. Local representations have been received raising concerns about the impact of the proposal on the character and appearance of Potters Field Park MOL and Tower Bridge as well as the impact of the extension on the architectural integrity of the One Tower Bridge Development. These matters are considered below.
41. In considering the merits of this proposal, officers are mindful that the application site already has this open outdoor seating area as have other restaurant and bar uses in the area. Unlike the previous proposal for the construction of a covered terrace, the use of jumbrellas will provide some cover while maintaining an element of 'openness'. While the jumbrella's are relatively large and are not taken down when the Cafe is closed they are nonetheless capable of being removed. Unlike the previous proposal to extend over this external terrace it remains open and provides a suitable use and backdrop to the Park which doesn't detract from the openness of the Potters Field Park MOL or the heritage assets nearby.

### **Impact on trees**

42. No trees are impacted by the proposal.

### **Sustainable development implications**

43. No issues raised.

### **Other matters**

44. Details of the Ivy Cafe outdoor seating area have already been approved under permission reference 17/AP/1152. As such, officers are not raising any objection to the principle of this area being used as ancillary restaurant space.

### **Conclusion on planning issues**

45. The proposal would not involve the loss of Potters Field Park MOL based on the 'land swap' agreed as part of the One Tower Bridge Development. The necessary changes to the MOL boundary will be undertaken through the current review of Southwark's adopted local plan. Notwithstanding this, the proposal is considered acceptable in that the structures do not impact on the openness of the MOL and would not compromise the architectural integrity of the One Tower Bridge Development as well as the setting of Potters Field Park and nearby Tower Bridge. It is therefore recommended that planning permission is agreed.

### **Consultations**

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

### **Consultation replies**

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

### **Community impact statement / Equalities Assessment**

48. 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
    - 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
  - c) 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.
49. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
50. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Right.

The Council has given due regard to the above needs and rights where relevant or

engaged throughout the course of determining this application.

### Human rights implications

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

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/26-G Application file: 19/AP/1197 Southwark Local Development Framework and Development Plan Documents	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 3879 Council website: www.southwark.gov.uk

### APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Michele Sterry, Team Leader, Planning	
<b>Version</b>	Final	
<b>Dated</b>	19 November 2019	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		7 November 2019

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 15/05/2019

**Press notice date:** 27/06/2019

**Case officer site visit date:** n/a

**Neighbour consultation letters sent:** n/a

**Internal services consulted:**

n/a

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

n/a

**Neighbour and local groups consulted:**

n/a

**Re-consultation:** n/a

## APPENDIX 2

### Consultation responses received

#### Internal services

None

#### Statutory and non-statutory organisations

None

#### Neighbours and local groups

Tanner Place 54-58 Tanner Street SE1 3PH