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<b>Item No.</b> 7.4	<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/1198 for: Advertisement Consent		
	<b>Address:</b> THE IVY CAFÉ, POTTERS FIELD PARK, LONDON SE1 2SG		
	<b>Proposal:</b> The retention of signage to the 3 x 'jumbrellas', 1x awning 1x internally illuminated menu case, "The Ivy Tower Bridge Brasserie" green and gold vinyl sign, on each of main entrance doors at front elevation; 3x directional vinyl signs comprising green text and golden arrow, applied to doors on side elevation; 13x brass signs with 'The Ivy' applied to existing planters.		
<b>Ward(s) or groups affected:</b>	London Bridge & West Bermondsey		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b>	10/05/2019	<b>Application Expiry Date</b>	05/07/2019
<b>Earliest Decision Date</b>	20/07/2019		

## RECOMMENDATION

- Grant advertisement consent, subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

- 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 principal 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.
- 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.
- 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 Southward Plan Proposals Map) and fully included in the Draft New Southward 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.

- 1 Barrel awning over the entrance door with gold lettering on material with a height of 2.58 metres over ground floor level with a projection of 1.9 metres and non-illuminated (retrospective).
- Two vinyl signs on entrance doors with a height of 0.3 metres, width of 0.53 metres comprising of green text and non-illuminated.
- The display of vinyl signs on each of the 'Jumbrellas' with a height of 0.09 metres, width of 0.43 metres with letters to a height of 5 cm and not illuminated, situated on the cafes outside seating area.
- Three directional vinyl signs with 6 cm high lettering located on the shop front stating 'PLEASE USE RIVERSIDE ENTRANCE' and non illuminated.
- 13 planter signs in brass lettering measuring 6 cm in height and stating 'The Ivy' (retrospective)
- One internally illuminated menu box sign with a height of 0.6 metres, width of 0.5 metres with a bloc copper case and clear acrylic vision panel (Retrospective)

### **Planning history**

7. 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)

8. 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 Southward Plan (2007).

9. 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.
10. There is currently a retrospective application for signage which will be considered at the same time as this application, Reference Number 19/AP/1198.

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

11. 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**

12. The main issues to be considered in respect of this application are:
  - a) The impact of the signage on the visual amenity of the area
  - b) The impact of the signage on public safety

##### **Planning policy**

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

13. 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.
14. Chapter 12 of the NPPF sets out a range of guidance relating to good design. In particular, with regard to advertising, paragraph 132 states:

"The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

## Core Strategy 2011

15. Strategic policy 12 - Design and conservation  
Strategic policy 13 - High environmental standards

## Southwark Plan 2007 (July) - saved policies

16. 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). 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:

- 3.2 - Protection of amenity
- 3.16 - Conservation areas
- 3.18 - Setting of listed buildings, conservation areas and world heritage sites
- 3.23 - Outdoor advertisements and signage
- 5.2 - Transport impacts

## **Principle of development**

17. It is recognised that appropriate signage is essential to the economy and to retail use in particular. Saved policy 3.23 Outdoor advertisements and signage states that advertisement consent will be permitted for new signs provided they:
  - i) Do not harm amenity or compromise safety, including security; and
  - ii) Do not obscure highway sightlines and allow the free movement along the public highway by all its users, including people with disabilities especially the visually impaired; and
  - iii) Are designed (including size, type and any illumination) to be appropriate within the context of the site and to be an integral and unobtrusive part of the character and appearance of the site and surrounding area; and
  - iv) Do not cause light pollution

## **Summary of consultation responses**

18. One objection received on the following grounds:

Our grounds for objection are on a single aspect of the application, namely the installation of the entrance awning, adjacent planters and associated advertising (as per the attached photographs), which are on Potters Fields Park and therefore encroach on the MOL. This is in contravention of Policy 3.25 of the Saved Southward Plan Policies (2007) and Policy 7.17 of the London Plan.

19. Officers response - MOL issues have been considered in the linked application 19/AP/1197 and are not direct relevant when considering Advertisement consents.

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

20. The Town and Country Planning (Control of Advertisements) Regulations (2007) enables amenity and public safety to be considered in determining applications for advertisement consent. Paragraph 132 of the NPPF also provides guidance and states that 'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system

controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts

21. In terms of local policy, strategic policy 12 of the Core Strategy is relevant, and saved policy 3.23 of the Southward Plan sets out the Council's criteria for determining applications for determining applications for advertisement consent.

### **Impacts on public safety**

22. The signage is situated on the existing shopfront or on the outdoor seating area for the cafe and therefore does not obstruct the public highway. The Ivy Cafe is situated in a pedestrian area and therefore the signage will not distract vehicle users.

### **Impact on character and setting of a listed building and conservation area**

23. The Ivy Cafe is not situated within a conservation area but is close to listed buildings and the edge of conservation areas. In this case only the menu box is illuminated and the signage either advises the cafe or provides directions to the entrance door. The signs on the planter are slightly obscured by ivy. It is considered that the proposal does not impact on the setting of any listed buildings or conservations areas or the visual amenity of the area.

### **Other matters**

24. None

### **Consultations**

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

### **Consultation replies**

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

### **Conclusion on planning and other issues**

27. The proposal will not impact on public safety and will not harm the visual amenity of the area and therefore, planning permission is recommended.

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

28. 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.
29. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
30. The Council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
31. 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**

32. 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.
33. This application has the legitimate aim of providing signage. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/ADV/26-G  Application file: 19/AP/1198  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: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a>  Case officer telephone: 020 7525 5453  Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendations

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Michele Sterry, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	24 July 2019	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of 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