

Item Number: 6.1	Classification: OPEN	Date: 17 May 2011	Meeting Name: Walworth Community Council
Report title:	Development Management planning application: Application 11-AP-0195 for: Advertisement Consent Address: DRAPER HOUSE, ELEPHANT AND CASTLE, LONDON, SE1 6SX Proposal: Erection of an externally illuminated sign on the northern elevation of Draper House for a temporary period during refurbishment works		
Ward(s) or groups affected:	Newington		
From:	Head of Development Management		
Application Start Date 28/01/2011		Application Expiry Date 25/03/2011	

1 RECOMMENDATION

- 2 Grant advertisement consent

BACKGROUND INFORMATION

Site location and description

- 3 The application site relates to the northern elevation of Draper House, a 24 storey modernist tower block located within the Draper Estate and boarded by Newington Butts, Howell Walk, Hampton Street and Walworth Road. The building has a mixture of commercial uses at ground floor and residential units above.
- 4 The Strata building is now the dominant feature of the townscape, rising significantly above Draper House, however the latter continues to occupy a prominent and highly visible position at the southern end of the gyratory system. Its northern elevation is a particularly imposing feature within the town-scape. The building's entrance is situated at ground floor within the western elevation.
- 5 The surrounding area comprises a mix of commercial, office space, residential, places of worship, educational facilities and building types typical for a major town centre. Also, the site forms part of the setting for the grade II listed Metropolitan Tabernacle which is located approximately 125m to the north east.
- 6 The site is within the Central Activity Zone, Air Quality Management Area, Elephant and Castle opportunity area, and is a major town centre as identified in the proposals map 2011. Also, the application site is situated adjacent to the current Elephant & Castle (E&C) southern roundabout, which forms part of the Transport for London Road Network (TLRN).

Details of proposal

- 7 Advertisement Consent is sought to erect a shroud advertisement to the northern

elevation of Draper House for temporary period up to 01/06/2012. The advertisement would replicate advertisement consent granted by appeal in 2007 and would comprise a PVC mesh shroud affixed to scaffolding that will be in place during the course of refurbishing Draper House.

- 8 The shroud will measure 40m in height and 19m in width and will be set down from the roof parapet by 12m and up 20m from ground level. The advertisement will be illuminated by static floodlighting situated to both sides of the adverts and spaced at 5m intervals. The proposed illuminance levels will not exceed 400cd/m².

Planning history

- 9 04-CO-007: Planning permission granted 04-CO-0071 for the erection and installation of six colour projection lights including brackets, wiring and associated works in connection with the illumination of the northern face of the building.
- 10 06-CO-0039: Granted planning permission 03/10/2006 for the External/communal decorations, window renewal in timber, private balcony repairs, external brickwork/concrete repairs and roof repairs
- 11 06-CO-0074: Granted planning permission 16/01/07 for the installation of a 3.1m. high telecommunications aerial on roof plant structure on top of the building
- 12 07-AP-0159: Advertisement consent was refused 16/03/07 for the erection of a temporary shroud advertisement externally illuminated by floodlights placed at 5 metre centres along the vertical sides of the advertisement, the total shroud advertisement measuring 72 metres in height and 22 metres in width and located on the elephant and castle elevation.
- 13 07-AP-0732: Advertisement Consent was allowed at appeal APP/A5840/H/07/1201898 dated 26-11-2007 for the display of an illuminated temporary scaffold shroud banner with advert measuring 40 metres in height by 19 metres in width and 20 metres from the ground on the north facing elevation (facing the roundabout). The inspector found the advertisement would not be detrimental to the interests of amenity or public safety. In particular the inspector considered the proposed shroud would not have a detrimental impact on visual amenity due to the large existing townscape buildings, the need for scaffolding and safety netting, and given the advertisement only occupied a proportion of the overall shroud.
- 14 10-AP-1172: Advertisement consent was refused 09/08/2010 and dismissed at appeal dated 21/12/2010 (Ref:APP/A5840/H/10/2135621) for the erection of a temporary shroud advertisement that measures, in total, 66m in height and 22m in width and is illuminated by static floodlighting. The inspector found no material harm in relation to highway safety, however concluded the proposed advertisement would be materially harmful to (visual) amenity.

Relevant advertisements applications relating to nearby sites.

- 15 Advertisement consent (LPA Ref: 09-AP-2861) was refused by the Council on the 10/03/2010 for the display of 1 externally illuminated banner sign attached to the main eastern elevation 40 metres long and 5 metres high; 1 externally illuminated banner sign attached along the side of the building leading to the entrance (facing north), 24 metres long and 5 metres high; and 1 externally illuminated banner sign attached under the tower and facing east towards the roundabout, 40 metres long and 5 metres high at the London College of Communication. The proposed banners would display contemporary photography and graphic design images connected with the teaching of the college. The reason for refusal was:

- 16
- The proposed banners, by virtue of the sizes, materials, location and height, will be harmful to the appearance of the host building and the visual amenities of the area in general and fail to preserve or enhance the character and setting of the nearby and adjoining Grade II listed buildings. The proposal is thereby contrary to Policies 3.2 'Protection of Amenity', 3.15 'Conservation of the historic environment', 3.18 'Setting of listed buildings, conservation areas and world heritage sites' and 3.23 'Outdoor Advertisements and Signage' of the Southwark Plan 2007.
- 17 Advertisement consent (LPA Ref: 08-AP-1435) was refused on the 08/01/2008 by the local planning authority for the temporary (2 year) display of 3 no. internally illuminated advertisement display panels including: 1 no. 10m x 5m panel, 1 no. 3m x 4.5 m panel and 1 no. 6m x 3m panel (scrolling) at the Elephant and Castle shopping Centre. The reason for refusal was:
- 18
- Due to the number, size, siting and appearance of the signs, the proposal would result in harm to the visual quality and amenities of the area contrary to policies 3.13 (Urban Design) and 3.23 (Outdoor Advertisements and Signage) of the Southwark Plan (UDP) 2007.
- 19 The Council's decision was appealed, ref. APP/A5840/H/08/2086850, and a split decision arrived at by the Inspector. The Inspector concluded the internally illuminated advertisement panel measuring 3m x 4.5m and the scrolling advertisement measuring 6.1m x 3m should be allowed having an acceptable impact on visual amenity. However, the inspector considered the largest advertisement measuring 10m x 5m would dominate views from the west, and be out of proportion to the host building. Further, it was considered this advert would likely have a detrimental impact to occupiers. Thus, this element of the appeal was dismissed.
- 20 Advertisement consent (LPA Ref: 07-AP-2532) was refused on the 08/01/2008 for the retention of an internally illuminated, free standing display panel at land adjacent to the railway arch at 108 New Kent Road, London, SE1 6TU. The reason for refusal was:
- 21
- Due to its size, siting and illumination the sign results in visual intrusion and a loss of amenities for the occupiers of neighbouring dwellings. It is also discordant with the predominantly residential nature of this side of New Kent Road immediately east of the railway. For these reasons the sign is harmful to amenities and thereby contrary to Policy 3.23 'Outdoor Advertisements and Signage' of the Southwark Plan (UDP) 2007.
- 22 The Council's decision was appealed, and subsequently dismissed, ref. APP/A5840/H/08/1202707. The inspector considered the panel provided a colourful and commercial aspect that appeared out of place within the neutral setting. Further, its close position to the road, its height, bulk and size and internal illumination, was considered intrusive within the street scene.
- 23 Two advertisement consent applications were refused in (LPA Ref: 04-AP-2199 & 05-AP-0014) in February and April 2005 for advertising boards to be mounted on the Elephant and Castle Shopping Centre. The proposed advertisement boards measured 18mx4m and 7mx5m and were refused on visual amenity grounds. The reasons for refusal given were:
- 24
- The advertisements are visually intrusive and have a detrimental impact on the

visual amenity of the area, thereby contravening policies E.3.1 'Protection of Amenity' and E.2.6 'Advertisement Hoardings and Panels' in the adopted Southwark UDP (1995) and policies 3.2 'Protection of Amenity' and 3.23 'Outdoor Advertisements' in the Revised Deposit Draft Southwark UDP (March 2004).

- 25
- The advertisement, by reason of its excessive size, elevated position, and illumination, is visually intrusive and has a detrimental impact on the visual amenity of the area. , thereby contravening policies E.3.1 'Protection of Amenity' and E.2.6 'Advertisement Hoardings and Panels' in the adopted Southwark UDP (1995) and policies 3.2 'Protection of Amenity' and 3.23 'Outdoor Advertisements' in the Revised Deposit Draft Southwark UDP (February 2005).

- 26
- The Council's decisions for both these application were appealed (Appeal Ref. APP/A5840/H/05/1178357 & 1180550) and heard together at a Hearing held on 09 August 2005. In essence, the Inspector considered the two advertising hoardings failed to integrate satisfactorily to the building and would obscure its architectural features. Also, the panel proposed for the northern elevation was considered too large and aggressive to fit comfortably within the elevation. As such the appeal was dismissed.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 27 The main issues to be considered in respect of this application are:
- a. The impact on the amenity of the area (including upon neighbouring residential occupiers and the setting of the Grade II listed Building).
 - b. The impact of the signage on the safety of pedestrian and vehicular traffic.

Planning policy

- 28 Saved Southwark Plan 2007 (July)
Policy 3.2 - Protection of amenity.
Policy 3.12 - Quality in design.
Policy 3.15 - Conservation of the historic environment.
Policy 3.18 - Setting of listed buildings, conservation areas and world heritage sites.
Policy 3.23 - Outdoor Advertisement and Signage.
- 29 Core Strategy (2011)
Strategic Policy 12 - Design and Conservation
Strategic Policy 13 - High Environmental Standards
- 30 London Plan 2008 consolidated with alterations since 2004
Policy 4B.1 'Design principles for a compact city'
Policy 4B.8 'Respect local context and communities'
Policy 4B.11 'London's built heritage'
Policy 4B.12 'Heritage conservation'
- 31 Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]
PPG19-Outdoor advertisements and signage and associated annexure to Communities and Local Government Circular 03/2007.
PPS5 – Planning for the Historic Environment.

Principle of development

- 32 The principle of a temporary shroud advertisement is considered acceptable at this location provided it would not harm amenity, compromise safety, and is designed (including size, type and any illumination) to be appropriate within the context of the site including the setting of the grade II listed building.
- 33 Also, the principle of an advertisement at this location, measuring 40 metres in height by 19 metres in width, was established in 2007 as Advertisement Consent allowed via appeal, reference APP/A5840/H/07/1201898. The inspector found an advertisement of this scale would not be detrimental to the interests of amenity or public safety. In particular the inspector considered the proposed shroud would not have a detrimental impact on visual amenity due to the large existing townscape buildings, the need for scaffolding and safety netting for the refurbishment, and given the advertisement only occupied a proportion of the overall shroud. Further, no impact on the listed building was identified.

Impact on amenity

- 34 The proposal would cover the northern elevation of Draper House and openings that allow light into the communal landings. Whilst there may be some loss of light into these communal areas, this would be as much a consequence of the screening required for the refurbishment as the proposed shroud. As the shroud will be in place for a temporary period until 01/06/2012 while Draper House is refurbished, and as these communal areas appear permanently lit, it is not considered to significantly impact resident's amenity through diminution of light.
- 35 Indeed, the Inspector in 2007 considered via appeal (reference APP/A5840/H/07/1201898) that as some form of safety net would be required to execute building's refurbishment, the shroud advertisement would not significantly harm resident's amenity in terms of loss of light of light to communal areas for a temporary period.
- 36 Representations were received on this application raising concerns regarding the potential for light pollution into Strata, and reflection of light from Strata back towards Draper House. The lighting will be situated both sides of the advertisement at 5m intervals with a proposed illuminance level of 400cd/m². It is noted that the proposed illuminance level of 400cd/m² meets the maximum permitted limit of luminance for advertisements over 10m² as detailed within the Town & Country Planning (Control of Advertisements) Regulations 2007. Also, the 400cd/m² luminance level will be restricted by condition in order to minimise any negative impacts arising from the illumination in terms of light spillage or light pollution.

- 37 The inspector in the 2010 appeal (Ref: APP/A5840/H/10/2135621) acknowledged that potential light spillage and consequent harm to residential amenity can be mitigated via condition. As such, neighbour concerns have further been addressed by a condition that requires the illumination to be turned off between the hours of 11pm-7.00am, 7 days a week. This measure ensures that light spillage would not occur during late night hours and is thus considered sufficient to safeguard neighbour's and resident's amenity.

Visual amenity and setting of listed building

- 38 The townscape around Draper House is a mix of commercial, office space, residential, places of worship and educational facilities typical for a major town centre. The busy area also has a mix of building heights and styles including substantial buildings such as the Strata and Draper House. Although the Strata building is now the dominant feature of the townscape, rising significantly above Draper House, the latter continues to occupy a prominent and highly visible position at the southern end of the gyratory system. Its northern elevation is a particularly imposing feature at the southern end of

the gyratory.

- 39 The advertisement would occupy a substantial portion of this elevation being 40m in height and 19m in width and will have a visual impact within the townscape. However, it would not shroud the entire elevation being set down 12m from the roof parapet and up 20m from ground level, and despite the large scale of advert would appear comfortably accommodated within the scale of the northern elevation. The proposal matches the 2007 advertisement in scale and location, and at the time was considered acceptable by an Inspector for a temporary period during refurbishment works. Indeed, the Inspector considered an advertisement of this size would provide an interesting alternative vista of colour and interest to the townscape.
- 40 It is accepted that scaffolding and netting would be required to screen the development site during refurbishment works and would be of a substantial scale given the building size. In light of this, where a single block tones would predominate, the idea of a shroud covering part of the northern elevation would be in keeping with the eclectic townscape and would provide, for limited period, a visually striking feature of interest to passers-by. The advertisement image itself however is not assessed as part of the application. Rather it is its size and means of illumination that is assessed. Nevertheless, previous Inspectors considered that the townscape with large buildings and wide roads could absorb the scale of advertisement without it disproportionately dominating the townscape.
- 41 The site forms part of the setting for the grade II listed Metropolitan Tabernacle which is located approximately 125m to the north east. The proposed advertisement would be apparent in some views of the Tabernacle from the north, however the backdrop to these views would, in any case, be a block coloured screen during the period of refurbishment. While the advertisement would likely be of bright colours and illuminated to attract attention this is not considered an unacceptable impact given the temporary nature of the proposal and screening required. Accordingly, the proposal is considered acceptable for a temporary period.
- 42 An Inspector considered the larger shroud at 66m in height and 22m width advocated in the previous application and refused advertisement consent at appeal (Ref:APP/A5840/H/10/2135621) would harm the setting of the listed Tabernacle when viewed from certain perspectives, despite the separation distance. However, the Inspector noted that that the previous Inspector in 2007 did not raise this as an objection to the smaller advertisement which matches the scale and position the current display.
- 43 As the current proposal matches the 2007 consent, identified as acceptable by an Inspector, and as the advertisement will be in-situ for a temporary period, the proposal would not have a significant or lasting impact on the grade II listed building, and its setting in the context of this proposal is considered to be preserved.

Highway Safety

- 44 Concerns have been raised via the consultation process regarding the advertisement acting as a distraction to drivers and pedestrians at this busy junction. It is noted the configuration of the southern roundabout adjacent to Draper House has recently changed. Highway works have just introduced a revised road layout with traffic lights and pedestrian crossings in place of the roundabout. Traffic now has to halt when approaching junctions given the new traffic lights and pedestrian crossing(s).
- 45 The southern section of the gyratory is heavily trafficked and the proposed advertisement would be clearly visible to road users approaching from the northern roundabout. However, the substantial size or illumination of the advertisement is not considered to be unduly distracting to drivers or other road users at or approaching

the junction and the new signals, taking account of the relative positions of the signal heads and the advertisement on the elevation beyond them. The advertisement would be static, the illumination would be fixed. Traffic is now relatively slow and it is considered that there would be sufficient forward visibility to ensure that there was no sudden surprise.

- 46 The area forms part of the Transport for London Road Network (TLRN) and following consultation Transport for London (TfL) raised no concern or objection to the proposal. Further, the Council's Transport Planning team have no objection and Inspectors in both the 2007 and 2010 appeals concluded large illuminated shrouds of this type would not have a materially harmful effect on highway safety.
- 47 The proposal is in accordance with clause ii of policy 3.23 which states that advertisements should not obscure highway sight lines and should allow free movement along the public highway. Moreover, there is no intermittent light source proposed, and illumination will be restricted to 400cd/m² by condition.
- 48 Overall, despite concerns being raised by residents, it is not considered that the advertisement is likely to be so distracting or so confusing, that it creates a hazard to, or endangers people in the vicinity who are taking reasonable care.

Other matters

Refurbishment benefits

- 49 Consultation responses raised concerns regarding the refurbishment of the building and that the monies raised by the proposed advertisement will not be channelled back to benefit residents. Whilst, it is understood from information submitted in support of the application that the proposal will utilize the scaffolding and safety wrap to benefit the Council, the monetary implications of this scheme are not a planning matter and are not assessed as part of this application.

50 Misleading drawings

Issues were raised via consultation regarding the misleading nature of the drawings, particularly with regard to the width as being shown as wide as the building where the scaffolding will need to be taken into consideration. The drawings submitted stipulate the advertisement will be 19m wide which is less than the overall width of the building and is clearly annotated on submitted drawings. The drawings are not considered to result in confusion or uncertainty as to the advertisement proposed and a site visit has informed Officers of the current situation.

51 Other issues

Other responses from neighbours following consultation raised issues requiring clarification as to the provision and payment for the electricity, assurances that the refurbishment won't be delayed or extended by the advert and that the proposal lowers the moral tone of the environment. These issues are not planning considerations for this advertisement consent application and are not considered within this assessment.

Section 106

- 52 A section 106 agreement is not required for this application.

53 Conclusion on planning issues

For the reasons given above, it is concluded the proposed externally illuminated shroud advertisement would not be detrimental to the interests of amenity, the setting of the listed building or public safety. The advertisement will be displayed for a temporary period at a location that would require safety netting and scaffolding in any case. Also, conditions have been applied that require the illumination to be switched off during the hours 23:00-07:00 and limited to 400cd/m² to safeguard amenity. In light

of this, and on balance, the application is being recommended for approval.

Community impact statement

54 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

55 a) The impact on local people is set out above.

Consultations

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

Consultation replies

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

Human rights implications

58 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.

59 This application has the legitimate aim of erecting a shroud advertisement. 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.

60 SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

61 N/A

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/ADV/1541-C Application file: 11-AP-0195 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5449 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice Head of Development Control	
Report Author	David Lane, Planning Officer	
Version	Final	
Dated	19 April 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
Date final report sent to Community Council Team		6 May 2011

Consultation undertaken

Site notice date:

09/02/2011

Press notice date:

10/02/2011

Case officer site visit date:

09/02/2011

Neighbour consultation letters sent:

09/02/2010

Internal services consulted:

Conservation and Design Team
Transport Planning
Elephant and Castle special projects

Statutory and non-statutory organisations consulted:

Transport for London

Neighbours and local groups consulted:

Please see attached neighbour consultee list.

Re-consultation:

N/A

Consultation responses received

Internal services

Design and Conservation:

Included within the main report.

Transport Planning:

Transport DC has no objections to this application. However, we would look for the applicant to ensure that the maximum level of luminance is 400 candelas per square metre; as this is the permitted limit of luminance for adverts of this size as detailed within the Town & Country Planning (Control of Advertisements) Regulations 2007.

Elephant and Castle special projects:

No reply received.

Statutory and non-statutory organisations

Transport for London (TFL):

With regard to the application TFL offers the following comments:

- 1) The site of the proposed advertisement is on the Elephant and Castle roundabout, which forms part of the Transport for London Road Network.
- 2) 2) If the nature and size of the advertising is to be altered, Tfl would need to be consulted before any changes can be implemented.
- 3) Illumination for the advertisement must be below the limit set out in the Institute of Lighting Engineers (ILE) technical note number 5 'The brightness of illuminated advertisement'
- 4) The proposed advertisement must not have any intermittent light source, moving feature animation or exposed cold cathode tubing.
- 5) All vehicles associated with the erection and maintenance of the advertisement must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.

Subject to the above restrictions being met the proposal as it stands would not result in an unacceptable impact to the Transport for London Road Network (TLRN).

Neighbours and local groups

5 replies received objecting to the application:

119 Draper House-

- Objects strongly to the application
- The advertisement will be act as a distraction to pedestrians and motorists that could cause accidents particularly as the junction is busy and the layout recently changed.
- Please don't allow this to happen.

130 Draper House-

- Loss of Light. The shroud would cover communal areas therefore ensure the mesh is as transparent as possible.
- The drawings are misleading as the width is shown only as wide as the building where the scaffolding should be taken into account.
- Drawing misleading as the shroud is wider than the building it covers, therefore would overlap the glazed balconies.
- Light Pollution caused by reflection of light from Strata. Hours of illumination are excessive and should be limited to 8am-10pm.

- Take the advertisements pattern and colour into consideration to avoid more light reflection.
- Ensure refurbishment of Draper House will not be delayed or extension by the advert.
- Ensure that scaffolding will not be erected earlier or stay longer than is required.
- Clarify where electricity is taken from and who pays for it?
- A section 106 agreement should be drawn up to ensure Draper House benefits directly from the income generation by the advertisement.
- It is not correct that the revenue created by the advertisement will help cover the refurbishment costs. The revenue will simply flow into the Council's bank account without any direct benefit to the residents of Draper House.
- Is not excited about the prospect of living behind a large advert banner and voices strongest objection that residents won't benefit from the advert which will probably be the largest of its kind in central London.

Metropolitan Tabernacle:

- Objects to the proposal as the size of proposed display would adversely affect the environment of the listed building.
- The content of the advertising of the advertising may well lower the moral tone of the neighbourhood which is currently subject to major regeneration investment and international interest.
- The size and scale of the proposed advertisement would present a safety hazard as it would be likely to distract motorists approaching the junction with Draper House.

Flat 201, 201 Walworth Road:

- Concerned that the advertisement would shine into the flat affecting the bedrooms and quality of sleep. As an elderly person with a disability is concerned that health can be affected if disturbed with no sleep. Urges the Council to take this seriously.

No address provided, although a former tenant and current owner of a flat at Draper House:

- The advert would cause visual pollution in an already untidy environment.
- Distraction to motorists
- Defacing the appearance of the building
- This is a building that people live in not bill board for commercial gain of others. Temporary or not.
- A low canvas cover could be fine to cover up building works, what's the problem with that?