

Item No. 6.1	Classification: Open	Date: 8 March 2012	Meeting Name: Bermondsey Community Council
Report title:	Development Management planning application: Application 11-AP-3507 for: Advertisement Consent Address: ASK ITALIAN, 34 SHAD THAMES, LONDON, SE1 2YG Proposal: Continued display of two illuminated menu boxes to front elevation and one externally illuminated projecting sign and an internally illuminated menu box to rear elevation.		
Ward(s) or groups affected:	Riverside		
From:	Head of Development Management		
Application Start Date 24 October 2011		Application Expiry Date 19 December 2011	

RECOMMENDATIONS

- 1 That a split decision be issued:
 - i) Grant advertisement consent for the continued display of the three illuminated menu boxes, two to front elevation and one to the rear elevation.
 - ii) Refuse advertisement consent for the continued display of an externally illuminated projecting sign at the rear of the building and refer to the Head of Development Management to consider if any enforcement action should be taken.

BACKGROUND INFORMATION

- 2 This application is referred to Bermondsey Community Council owing to the number of objections received.

Site location and description

- 3 The application site is located on the north side of Shad Thames, with a frontage to the river. Specifically the application relates to a ground floor unit, currently used as a restaurant (Ask Italian), of a 9-storey building. The adjacent ground floor unit is occupied by All Bar One and there are flats above. Both of the restaurants have outdoor seating facing the Thames.
- 4 The site is subject to the following designations on the Proposals Map (2011):
 - Thames special policy area;
 - Air quality management area;
 - Strategic cultural area;
 - Archaeological priority zone;

- Tower Bridge Conservation Area.

Details of proposal

- 5 Advertisement consent is sought for the continued display the following signs:
- 6 Three internally illuminated menu-boxes, two of which are at the front of the building and one which is attached to the rear wall. Those at the front measure 327mm wide x 554mm high x 50mm deep and are mounted on posts. The menu box attached to the rear elevation of the building measures 327mm wide x 554mm high x 57mm deep.
- 7 One externally illuminated projecting sign to rear elevation which measures 900mm wide x 1200mm high x 50mm deep and is mounted 3m above ground level.

Fascia signs

- 8 The plans also show two non-illuminated fascia signs, one to the front and one to the side elevation of the building and these are already in place. These are considered to benefit from deemed consent under Class 5 the Town and Country Planning (Control of Advertisements) Regulations (2007) and as such do not require advertisement consent. The reasons for this are as follows:
 - They do not have any letters, figures or symbols over 0.75 of a metre in height (the letters would be 0.45m high), or 0.3 of a metre in height if they are in any Area of Special Control of Advertisements (not applicable);
 - They do not have their highest part at more than 4.6m above ground level (the front sign is 2.7m above ground level at its highest part and the sign to the side 3.3m);
 - They do not have their highest part above the level of the bottom of the first floor window in the wall where the advertisements are;
 - They are displayed on walls containing a shop window.

Planning history

- 9 11-AP-2287 - Use of highway for tables, chairs and jumbrella as an extension to existing outdoor seating area for restaurant - UNDER CONSIDERATION (recommendation for refusal owing to concerns regarding amenity and design).
- 10 08AP1245 - Extension to existing outdoor seating area by an additional 50.5sqm along front of building (river side). Planning permission was REFUSED in August 2008 for the following reasons:

1) The proposed extension to the outdoor seating area would cause significant harm to the amenity of adjoining and nearby residential occupiers, by way of increased noise and disturbance and loss of privacy. The proposal is therefore contrary to Policy 3.2 'Protection of Amenity' of The Southwark Plan UDP (2007).

2) The extended dining area would become a highly visible and dominant element within the townscape, spilling past the buildings boundaries into the walkway, to the detriment of the character and appearance of the streetscape and surrounding Tower Bridge Conservation Area and obstructing views of a World Heritage Site contrary to Policies 3.12 'Quality in Design', 3.13 'Urban Design', 3.16 'Conservation Areas' and 3.18 'Setting of Listed Buildings, Conservation Areas and World Heritage Sites' of The Southwark Plan UDP (2007).

- 11 03-AP-0931 - The retention of 2 x hanging double-sided internally and externally illuminated projecting signs, 2 internally illuminated x menu box signs (Fixed) and the installation of 2 x free-standing 'ASK' menu signs - Advertisement consent was GRANTED in August 2003.
- 12 99-AP-1839 - Display of 300mm x 350mm neon sign within window under canopy. Advertisement consent was GRANTED in December 1999.
- 13 99-AP-1609 - Retention of two free-standing columns measuring 200cm high by 65cm wide and two projecting box signs measuring 60cm in depth and width and 80cm in height. Advertisement consent was REFUSED in December 1999 for the following reasons:

1) The cube signs are obtrusive in this location by virtue of their shape, size and illumination, and are visible for almost the entire northern leg of Shad Thames. This is detrimental to the visual amenity enjoyed by users of the area. They are out of character with the generally subdued signage used elsewhere in the Tower Bridge Conservation Area. This is contrary to both Policy E.4.3 (Proposals Affecting Conservation Areas) and Policy E.3.1 (Protection of amenity) of the Southwark Unitary Development Plan.

2) The free-standing signs, by reason of their size, location, internal illumination and fixed nature add clutter to the riverside, and are prominent and out of place. They reduce the visual amenity enjoyed by users of the Thames walkway, and are out of character with the Tower Bridge Conservation Area, which has noticeably understated signage. This is contrary to both Policy E.4.3 (Proposals Affecting Conservation Areas) and Policy E.3.1 (Protection of amenity) of the Southwark Unitary Development Plan.

Planning history of adjoining sites

- 14 None of relevance.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 15 The main issues to be considered in respect of this application are:

- a) amenity;
- b) public safety

Planning policy

Core Strategy 2011

- 16 Strategic policy 12 - Design and conservation
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 17 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

Tower Bridge Conservation Area Appraisal (July 2003)

London Plan 2011

- 18 None relevant.

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 19 PPS5 - Planning for the historic environment
PPG19 - Outdoor advertisement control

Amenity

- 20 Saved policy 3.23 of the Southwark Plan part iii) requires outdoor advertisements and signage to be 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 the surrounding area.

Visual amenity

- 21 The site is in a sensitive location, forming part of the Tower Bridge Conservation Area and close to Butlers Wharf, a grade II listed building which is at the rear of the site. Shad Thames is characterised by large brick warehouses on a narrow street, with those on the northern side having frontages to the Thames walkway. They generally have commercial uses on the ground floor with residential above.
- 22 The menu boxes are relatively discrete with a limited amount of illumination. Although internal illumination is generally discouraged in conservation areas, given the limited size of the menu boxes and because the illumination is only really visible when reading the menu, they are not considered to be harmful to the visual amenity of the area. Similar menu boxes are displayed at All Bar One which adjoins the site, and the Browns Restaurant further east along the walkway. As such it is not considered that they have resulted in any loss of visual amenity to the area.
- 23 There are concerns however, regarding the projecting sign which is displayed at the rear of the building. There are other projecting signs along the rear of the properties on Shad Thames therefore there would be no objections in principle, but those which are displayed on the neighbouring buildings are generally smaller and displayed at a lower level.
- 24 The projecting sign is considered to be overly large and mounted too high on the building. Those displayed on the neighbouring buildings are generally at fascia level whilst the sign at the application site is mounted higher, venturing towards the first floor residential component of the building. Each application is assessed on its own merits, but the projecting sign, owing to its size and height above ground level is considered to be harmful to the appearance of the building, the character and appearance of this part of the Tower Bridge Conservation Area and the setting of Butlers Wharf. It fails to take into account the sensitive nature of the site or the appearance of the building and is considered to be harmful to the visual amenities of the streetscene. It is noted that the existing plans submitted with the application show a very similar projecting sign having formerly been displayed at the rear of the building, and the applicant has submitted a photograph showing two projecting signs which were displayed at the rear of the building, having been granted advertisement consent in 2003 (reference:03-AP-0931). Whilst they were also large and at a high level, they were at least in a dark colour which better reflects the appearance of the building and the character of the street, and it is not considered that the presence of

those signs prior to this application is justification for the harm caused to the visual amenities of the area.

Neighbour amenity

- 25 Parts i) and iv) of saved policy 3.23 seek to ensure that advertisements do not harm amenity or cause light pollution and an objector has specifically raised light pollution as a concern.
- 26 The Council has no specific standard with regard to light output from advertisements. The application has been reviewed by the Council's Environmental Protection Team however, which has advised that the illuminated menu boxes owing to their limited size would not result in any loss of amenity. There were concerns that there could be light pollution from the projecting sign given its size and proximity to first floor residential accommodation, but this sign uses existing external illumination which only illuminates the bottom section of the sign therefore no objections are raised in this regard.

Public safety

- 27 Part ii) of saved policy 3.23 requires that advertisements do not obscure highway sightliness and allow the free movement along the public highway by all its users, including people with disabilities, especially the visually impaired.
- 28 There are no objections in this regard; the menu boxes are located within the external seating area and on the rear wall and are not causing any obstruction to highway users. Concerns have been raised that the projecting sign could cause harm to highway safety on account of vehicles knocking into it, but Transport Planning has confirmed that because there is more than 2.5m between the bottom of the sign and ground level, there would be no harm to highway safety.

Other matters

- 29 There are no other matters arising from the proposal.

Conclusion

- 30 There are no objections with regard to the continued display of the internally illuminated menu boxes as these have not resulted in any loss of amenity or harm to public safety. It is therefore recommended that advertisement consent be granted for this element of the proposals.
- 31 There are concerns however, that the projecting sign, owing to its size and height is harmful to the visual amenities of the building, the character and appearance of the conservation area and the setting of the grade II listed Butlers Wharf. It is therefore recommended that advertisement consent be refused for the continued display of the projecting sign, and that the matter be referred to the Head of Development Management to consider in regard to any enforcement action.

Community impact statement

- 32 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.

- a) The impact on local people is set out above.
- b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.
- c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 34 Representations have been received from three properties, objecting to the application on the following grounds:
- Impact upon the character and historic heritage of the area;
 - There is already ample signage on the building;
 - There is considerable noise associated with bars and restaurants in the area, with problems with refuse and fly-tipping;
 - The number of signs appears excessive and existing signs on the building should be removed.

Human rights implications

- 35 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.
- 36 This application has the legitimate aim of retaining an advertisement display. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/ADV/242-30 Application file: 11-AP-3507 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 5410 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 Management	
Report Author	Victoria Lewis, Senior Planning Officer	
Version	Final	
Dated	10 February 2012	
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 Leisure	No	No
Date final report sent to Constitutional Team	24 February 2012	

Consultation undertaken

Site notice date: 30/11/2011

Press notice date: 30/11/2011

Case officer site visit date: 10/02/2012

Neighbour consultation letters sent: 01/11/2011

Internal services consulted:

Transport Planning Surgery
Environmental Protection Team Surgery

Statutory and non-statutory organisations consulted: None

Neighbours and local groups consulted:

01/11/2011	415 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	412 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	511 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	416 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	315 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	312 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	411 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	316 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	615 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	612 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	711 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	616 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	515 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	512 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	611 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	516 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	709 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	708 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	111 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	710 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	705 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	703 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	707 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	706 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	215 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	212 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	311 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	216 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	115 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	112 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	211 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	116 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	712 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	20 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	19 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	22 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	21 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	16 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	15 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	18 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	17 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	117 SPICE QUAY HEIGHTS 32 SHAD THAMES LONDON SE1 2YL
01/11/2011	27A SHAD THAMES LONDON SE1 2XZ
01/11/2011	24 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	23 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	34A SHAD THAMES LONDON SE1 2YG
01/11/2011	25 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW
01/11/2011	4 WHEAT WHARF 27 SHAD THAMES LONDON SE1 2YW

Re-consultation: Not required.

Consultation responses received

Internal services

Transport Planning Surgery

- 1 Advised that a clearance of 2.5m between ground level and the bottom of a projecting sign is generally required in order to ensure no harm to highway safety. With 3m clearance, no objections are raised to the projecting sign.

Environmental Protection Surgery

- 2 Advised that the Council has no standards with regard to light output from advertisements, but given their size and location no adverse impacts are anticipated from the illuminated menu-boxes. There could be a concern regarding the projecting sign owing to its size and position, but this could be addressed by a planning condition limiting light output from the sign.

Statutory and non-statutory organisations N/A.

Neighbours and local groups

25 Wheat Wharf, 27 Shad Thames

- 3 Object to the application on the following grounds:
 - The character and historical heritage of the area will be further diminished by further advertising given the prevalence of period buildings in what is essentially a residential street.
 - There is ample signage already, and lit neon signs (if that is the case) will also reflect light to the flats opposite and are totally unnecessary.
 - Pedestrian flow for the restaurants should be long the waterfront, and further signage at the rear is detrimental to the amenities of the area, and the historical significance. There is no pedestrian access to these restaurants at the rear anyway.
 - There is already significant noise from pedestrians exiting local bars and restaurants on the waterfront, as well as overflowing rubbish bins left out by these restaurants (especially Ask Italian) which has led to rubbish strewn over the street (health hazard) and considerable and regular fly tipping on the corner of Shad Thames and Mcguire Street, directly behind Ask Italian.

211 Tea Trade Wharf, 26 Shad Thames

- 4 Object to certain aspects of the application:
 - Object to the proposed sign for Ask on the wall opposite the Design Museum (one of two sign A's). It is not appropriate or necessary in that particular position and would significantly intrude in a small uncluttered area which it is inappropriate to commercialise - response - these signs benefit from deemed consent under Class 5 of the Town and Country Planning (Control of Advertisement) Regulations (2007) and as such do not require consent.
 - Object to the sign B proposed to project from the wall in Shad Thames because the

width of 900mm is excessive and would make it probably the widest overhead sign along Shad Thames. At that width and in that position the sign would be a danger for commercial vehicles and any nearby pedestrians hit by the sign or parts of it which were brought down by such a vehicle.

- I presume that all existing signs will be removed. If that is not true, I object to any existing signs remaining in place.

122 Spice Quay Heights, Shad Thames

5 Object to the proposal on the following grounds:

- This is a conservation area where, thankfully, advertising is restricted on this and surrounding buildings, particularly facing the river and Tower Bridge;

- The proposed letters above ASK on the brick surface facing the river would spoil the appearance of a fine building which is also residential - response - these signs benefit from deemed consent under Class 5 of the Town and Country Planning (Control of Advertisement) Regulations (2007) and as such do not require consent.

- Six signs seems too many.

- I write as a supporter of the blend of business and residential communities.