

Item No.	Classification: OPEN	Date: 04/10/2016	Meeting Name: DELEGATED
Report title:	Development Management planning application: Application 16/AP/3101 for: Advertisement Consent Address: IN FRONT OF UNIT 1 (BLUE INC), RYE LANE, LONDON, SE15 5DW Proposal: Replacement of the existing advertisement structure with a double freestanding Forum Structure, featuring a Digital 84" screen on both sides. The replacement structure is to be positioned approximately 2 metres to the west of and oriented differently to the existing advertisement structure		
Ward(s) or groups affected:	The Lane		
From:	Patrick Cronin		
Application Start Date 11/08/2016		Application Expiry Date 06/10/2016	
Earliest Decision Date 10/09/2016			

RECOMMENDATION

- 1 That advertisement consent be granted.

Site location and description

- 2 Location on relationship to road The proposed site is an area of pavement directly to the front (west) of Unit 1 Rye Lane (which is currently occupied by 'Blue Inc' at ground floor level)
- 3 Character of surroundings Predominantly commercial, with residential uses on the upper floors of some of the buildings in the vicinity.
- 4 Borough Road or TfL route? At the junction of a TfL route and a Borough Road.
- 5 Within 50 metres of a junction? YES. Adjacent to the junction of Rye Lane and Peckham High Street.
- 6 In conservation area? YES. Within the Rye Lane Peckham Conservation Area
- 7 Affects the setting of nearby designated heritage assets? NO. There is one Grade II listed building approximately 30 metres from the application site at no. 58 Peckham High Street
- 8 Any other designations YES. Within the Peckham and Nunhead Area Action Plan zone.

Details of proposal

- | | | |
|----|---|--|
| 9 | Is the proposal a replacement of an existing advertisement? | While the proposed advertisement location would be located approximately 2 metres away from the existing advertisement and oriented differently, the application form states that the existing advertisement structure will be removed and a new advertisement structure will be instated "within the footprint of the existing advertising asset". The development description also confirms that the proposed structure would directly replace the existing structure. It is considered, therefore, that the proposed structure <u>would</u> be a replacement of the existing advertisement structure. |
| 10 | Dimensions of structure | 1.34 metres (w) x 2.93 metres (h) x 0.26 metres (d) |
| 11 | Dimensions of screen | 1.00 metres (w) x 1.84 metres (h) |
| 12 | Materials of structure | Steel and aluminium |
| 13 | Materials of screen | Toughened glass |
| 14 | Illuminance level | 2500 cd/m |
| 15 | Illumination method | Internal illumination |
| 16 | Would a clear 1.5 metre wide footway be maintained? | YES |
| 17 | Would a clear 1.8 metre wide footway be maintained? | YES |
| 18 | Period for which consent is sought | 01/11/2016 - 01/11/2021 |

Relevant planning history

- 19 The following planning history exists for the application site:

Application reference no.: 11/AP/3364
Application type: Advertisement Consent 9(ADV)

"1 x free-standing, internally-illuminated 6-Sheet Advertising Panel. The Panel will display 3 x scrolling advertising posters on one side and a further advertising poster on its reverse side"

Decision date: 02/12/2011
Decision: **Granted (GRA)**

N.B. This consent was granted subsequent to the designation of the Peckham Rye Lane Conservation Area in October 2011. The Case Officer's Report justifies the recommended grant of advertisement consent on the basis of the amount of pre-existing illumination and advertisement in this particular part of the conservation area.

- 20 The following relevant planning history exists for nearby sites:

1-2 Central Buildings, 66 Peckham High Street, London, SE15 5DP

Application reference no.: 14/AP/2287
Application type: Advertisement Consent (ADV)

"Replacement of existing internally illuminated 6m wide x 3m high 'light box' with internally illuminated 'LED screen' of 4.9m by 2.4m"

Decision date: 07/11/2014
Decision: **Granted (GRA)**

1-2 Central Buildings, 66 Peckham High Street, London, SE15 5DP

Application reference no.: 15/AP/1421
Application type: Advertisement Consent (ADV)

"Replacement of existing internally illuminated 6m wide x 3m high 'light box' with internally illuminated led screen of the same size"

Decision date: 10/06/2015
Decision: **Granted (GRA)**

N.B. Both 15/AP/1421 and 14/AP/2287 sought and were granted consent for high level internally-illuminated advertisements of large surface area. In both cases, it was reasoned that illumination and advertisements feature commonly in this part of the Conservation Area and therefore the signage would be not be out-of-character with the immediate environs.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 21 The main issues to be considered in respect of this application are:
- a) Impact on amenity of adjoining occupiers and the local area;
 - b) Impact on public and highway safety;
 - c) Design quality (where it is considered that there would be an appreciable impact on a building or the surroundings)

Planning policy

22 National Planning Policy Framework (NPPF)

The National planning policy framework (NPPF) was published in March 2012 and establishes the Government's strategy for delivering sustainable development. It is a material consideration in the determination of planning applications.

Section 7 of the NPPF sets out a range of guidance relating to good design. In particular, with regard to advertising, paragraph 67 states:

"Poorly placed adverts can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and orientation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

23 The London Plan 2016

Policy 7.8 - Designated Heritage Assets and Archaeology

24 Core Strategy 2011

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

25 Southwark Plan 2007 (July) - saved policies

Policy 3.2 - Protection of Amenity
Policy 3.12 - Quality in Design
Policy 3.13 - Urban Design
Policy 3.15 - Conservation of the Historic Environment
Policy 3.16 - Conservation Areas
Policy 3.23 - Outdoor Advertisements and Signage
Policy 5.2 - Transport Impacts

Rye Lane Peckham Conservation Area Appraisal (2011)
Peckham and Nunhead Area Action Plan (2014)

26 The Town and Country Planning (Control of Advertisements) Regulations (2007)

Other relevant supplementary guidance

27 Rye Lane Peckham Conservation Area Management Plan (2014)

Principle of development

25 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

26 Total Number of representations: **7**

In favour: 0

Against: **7**

Neutral: 0

27 Of the concerns raised by the representations from members of the public, the following matters constitute material planning considerations.

- Perceived risk to highway and pedestrian safety, particularly given the high pedestrian flows in this location;
- Contravention of the Peckham and Nunhead Area Action Plan;
- Harmful impact on the character and appearance of Rye Lane and the wider conservation area;
- Perceived potential for the structure to facilitate crime.

- 28 Where considered relevant to the application, the above material planning considerations have been addressed in the subsequent parts of this report.

Impact on Amenity of Neighbouring Occupiers

- 28 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 67 of the NPPF also provides guidance and states that 'poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'.
- 29 The application site occupies a small area of pavement on the eastern side of Rye Lane and the southern side of Peckham High Street. There are no residential units in the vicinity at ground floor level. Therefore, the proposed advertisement would not be within the direct sightline of any nearby habitable room windows.
- 30 For this reason, there is no risk of nearby residences being subject to undue amenity harm by way of light pollution, restricted outlook, loss of daylight or infringed privacy. Furthermore, there is nothing to suggest that the proposed advertisement would compromise safety or security for nearby occupiers.

Impact(s) on Public and Highway Safety

Public/pedestrian safety

- 31 The proposed freestanding forum structure would occupy some of the footway. Southwark Council's Highways department and the Transport Planning team would expect any intervention on a public footway to maintain, at the very least, a clear 1.5 metre wide section of the footway. The positioning of the proposed structure is such that a clear 1.5 metre wide section of footway would be achieved, and thus the impact on pedestrian safety would be acceptable.

Highway safety

- 32 As the application site fronts onto a TfL route, Transport for London was consulted on the application. Their comments were as follows:
- *The application site is located adjacent to the A202 Peckham High Street, which forms part of the Transport for London Road Network (TLRN). TfL and LB Southwark are also progressing a joint scheme to improve pedestrian safety and the urban realm in the Rye Lane area.*
 - *Although not specifically stated in the application, it appears that the proposed structure is a direct replacement for an existing advertising board, in the same location and on the same orientation.*
 - *On this basis, TfL do not object to the application provided the following conditions are imposed:*
 - *The intensity of the illumination of the sign shall not exceed 600cd/m;*
 - *The sign shall not display any moving, or apparently moving, images;*
 - *The display shall not change more than once every 10 seconds;*
- Any sequential change between advertisements will take place over a period no greater than one second.*

- 33 If this recommendation is upheld and it is resolved to grant consent, a condition of this wording should be attached to the Decision Notice in the interests of maintaining highway safety.

Design Matters

- 34 The application site falls within the Peckham Rye Lane Conservation Area and thereby forms part of an Area of Special Control of Advertisements. In discussing the purpose of a conservation area designation, the applicable Conservation Area Appraisal states that "It is... the character of an area, rather than individual buildings, that such a designation seeks to preserve or enhance".
- 36 The Conservation Area Appraisal seeks to guard against the introduction of unduly conspicuous and inappropriately-designed and illuminated advertisements that would compound the existing harm caused by undesirable fascia signage on commercial units within the area. In line with the Appraisal, the Local Planning Authority will strongly resist advertisement consent applications within the Peckham Rye Lane Conservation Area which seek to introduce new standalone internally-illuminated advertisements within the public realm.
- 37 It is recognised that the proposed advertisement, while not forming part of a shop frontage, would feature within views along Rye Lane and Peckham High Street, appearing as a conspicuous, standalone element prominently positioned on the pavement and visible to a good degree within the streetscene. It would also incorporate a screen of relatively large surface area that would be internally-illuminated, which again is considered undesirable by the Conservation Area Appraisal.
- 38 However, it is proposed as part of the advertisement consent to replace and upgrade a structure that currently exists in this location, albeit slightly further to the north and a little closer to the highway. As such, no *additional* advertisement would be introduced to the vicinity. It is considered, therefore, that no additional harm would be caused to the designated heritage asset beyond that which is currently inflicted by the existing advertisement. In fact, in comparison with the existing advertisement screen and structure, the proposal would be of a smaller scale and thus it would not be unreasonable to argue that there may be a consequential enhancement to the visual amenity of the Conservation Area.
- 39 In this particular part of the Conservation Area, around the junction of Peckham High Street and Rye Lane, as well as the existing free-standing internally-illuminated advertising board there is a high-level, large-scale and visually-prominent internally-illuminated LED screen (given consent in 2014) attached to the side elevation of no. 66 Peckham High Street. Thus, internally-illuminated advertisements, are not uncommon within this specific part of the Peckham Rye Lane Conservation. Against this context, and given that the application proposes to replace and upgrade an existing structure rather than introduce an additional structure to the footway, it is considered that the character and appearance of the Conservation Area would be consequently preserved.
- 40 Due to the proposed structure being a replacement of the existing structure, the total number of internally-illuminated advertisements in this specific location would remain unchanged. As such, there is no risk of visual ham being inflicted as a result of an accumulation of advertisements.
- 41 Taking the matters set out above into account together, it is considered that it would not be defensible to refuse 16/AP/3101 on the grounds of visual amenity impact.

Other matters

- 42 The Peckham and Nunhead Area Action Plan seeks to reduce existing street clutter. The Rye Lane Peckham Conservation Area Management Plan (2014) —a document which supports the Area Action Plan— echoes this aim, setting out an initiative to "remove obstructions such as advertising boards, planters, displays of goods which impede pedestrian and traffic flows." As 16/AP/3101 proposes a replacement structure of proportions no greater than the existing structure, it is not considered that the application would create an obstruction any more detrimental to pedestrian movement than that which presently exists.
- 43 It is not considered that the proposed advertisement would facilitate crime.

Community impact statement

- 44 The impacts of this application have been assessed as part of the application process with regard to local people in respect of the "protected characteristics", as set out in the Equality Act 2010, the Council's Community Impact Statement and Southwark Council's approach to equality: delivering a fairer future for all, being age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (a man or a woman), and sexual orientation.
- 45 In assessing this application, the Council has consulted those most likely to be affected as part of the application process and considered these protected characteristics when material to this proposal.

Human rights implications

- 46 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.
- 47 This application has the legitimate aim of providing 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.

Conclusion

- 48 The proposed advertisement would be housed in a structure that would replace an existing advertisement structure, albeit positioned in a slightly different location, and thus would not inflict any additional harm upon the visual amenity of this particular part of the Rye Lane Conservation Area. The application would, therefore, preserve the character and appearance of the Peckham Rye Lane Conservation Area.
- 49 Furthermore, the structure housing the advertisement would not introduce an obstruction to pedestrians greater than that caused by the existing advertisement. As such, it is considered that the application is in accordance with the aims of the Peckham and Nunhead Area Action Plan.
- 50 The proposal therefore complies with: paragraph 67 and Section 7 of the National Planning Policy Framework (2012); Policy 7.8 ('Designated Heritage Assets') of the London Plan 2016; Strategic Policies 12 ('Design and Conservation') and 13 ('High Environmental Standards') of the Core Strategy 2011; Saved Policies 3.2 ('Protection of Amenity'), 3.12 ('Quality in Design'), 3.13 ('Urban Design'), 3.15 ('Conservation of the Historic Environment'), 3.16 ('Conservation Areas'), 3.23 ('Outdoor

Advertisements and Signage') and 5.2 ('Transport Impacts') of the Southwark Plan (2007); the Town and Country Planning (Control of Advertisements) Regulations (2007); the Rye Lane Peckham Conservation Area Appraisal; and the Peckham and Nunhead Area Action Plan.

- 51 With no remaining material planning considerations indicating against the proposal, it is recommended that advertisement consent be granted.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/ADV/GEN Application file: 16/AP/3101 Southwark Local Development Framework and Development Plan Documents	Chief Executive's 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 5535 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Simon Bevan - Director of Planning		
Report Author	Patrick Cronin - Development Management		
Version	Final		
Dated	04/10/2016		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic director, finance & corporate services	No	No	
Strategic director, environment and leisure	No	No	
Strategic director, housing and community services	No	No	
Director of regeneration	No	No	
Date final report sent to Constitutional / Community Council / Scrutiny Team			

APPENDIX 1

Consultation undertaken

Site notice date: 18/08/2016

Press notice date: 18/08/2016

Case officer site visit date: 18/08/2016

Neighbour consultation letters sent: n/a

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

Transport for London (referable & non-referable app notifications and pre-apps)

Neighbour and local groups consulted:

25 Fielding Street London se17 3he
60 Nutbrook Street London SE15 4LE
4a Cheltenham Road Peckham SE15 3AQ

33 Highshore Road London SE15 5AF
207 Bellenden Road Peckham SE15 4DG
Flat 41 Pilgrim'S Cloisters 116 Sedgmoor Place se5 7rq
18 Richland House Goldsmith Road SE15 5SZ

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Flat 41 Pilgrim'S Cloisters 116 Sedgmoor Place se5 7rq
18 Richland House Goldsmith Road SE15 5SZ
207 Bellenden Road Peckham SE15 4DG
25 Fielding Street London se17 3he
33 Highshore Road London SE15 5AF
4a Cheltenham Road Peckham SE15 3AQ
60 Nutbrook Street London SE15 4LE