

<b>Committee:</b> Development	<b>Date:</b> 25 June 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Advertisement Consent
<b>Case Officer:</b> Adrian Walker	<b>Ref No:</b> PA/14/00128
	<b>Ward:</b> Weavers

## 1. APPLICATION DETAILS

<b>Location:</b>	97-99 Sclater Street, London, E1 6HR
<b>Existing Use:</b>	Cinema (D2)
<b>Proposal:</b>	Internally illuminated display signage to advertise the Cinema premises.
<b>Drawing Nos/Documents:</b>	13-486-P-001 13-486-P-021 13-486-P-121 13-486-P-402 13-486-P-403
<b>Applicant:</b>	Close-Up Film Centre
<b>Historic Building:</b>	No
<b>Conservation Area:</b>	Fournier Street/Brick Lane

## 2. EXECUTIVE SUMMARY

- 2.1 The pair of host buildings are believed to date from the late 1800s. The buildings have an attractive brick frontage. Each of the two buildings current has its own shop front with corresponding signage zone above. Period detailing, including attractive console brackets remain. The site is located in the Fournier Street / Brick Lane Conservation Area. The application seeks Advertisement Consent for new signage associated with a new cinema opening at ground floor level.
- 2.2 On balance Officers consider that the proposals are not sympathetic to the traditional shop front detailing of the ground floor of the host building. Officers consider that the vertical up riser part of the signage is overly prominent. Officers recommend refusal for the reasons given below.

## 3. RECOMMENDATION

- 3.1 That the Committee resolve to **REFUSE** Advertisement Consent.
- 3.2 Reason for refusal:-

The up-riser component of the signage is located at first floor level on the host building which makes it appear unduly prominent. This part of the signage detracts from the uncluttered appearance of the upper floors of the building and the terrace of which it forms a part. The horizontal component of the signage has a boxy form that runs across the pair of buildings removing the delineation of two discrete shop fronts with signage zones and traditional features such as console brackets.

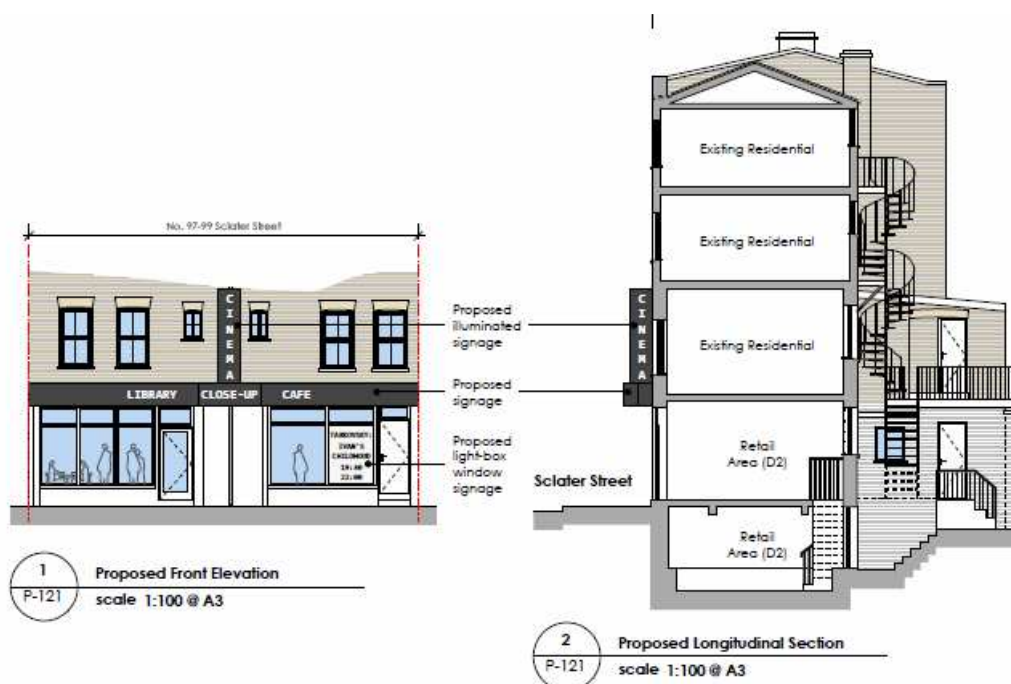
The signage has an unacceptable impact on the visual amenity of the area and detracts from the character and appearance of the Fournier Street / Brick Lane Conservation Area. The proposal is contrary to Policy DM23 of the Adopted Managing Development Document (2013).

#### 4. PROPOSAL AND LOCATION DETAILS

##### Proposal:

- 4.1. The proposal involves the installation of internally illuminated signage. The signage is to be constructed of black PPC aluminium casing with cut-outs to take white translucent lettering at a luminance level of 500.000 cd/m. The horizontal part of the signage is 10.6m long and 600mm high. It projects a maximum of 800mm forward of the building, and is a minimum of 2.7 metres above the pavement. The 'Close-Up' lettering would be internally illuminated. The upriser part of the signage would be 2.5m high (giving a total height to the signage from top to bottom of 3.1m), the upriser would be 600mm wide, and would project by 545mm. The 'Cinema' lettering on all three sides would be illuminated.

4.2



##### Site and Surroundings:

- 4.3 The application site is a four-storey with basement mid-terraced property located on the northern side of Sclater Street. The surrounding terrace is mainly commercial at ground floor level with residential above.
- 4.4 The application site is located within the Fournier Street/Brick Lane conservation area. The impact of the proposal on the Conservation Area is discussed under main issues. The site is approximately 30 metres from the Grade II Listed Braitewaite Viaduct. The site is sufficiently far from the viaduct to ensure that the scheme has no impact on the setting of this heritage asset.



4.5 Site (behind scaffold) and terrace of properties along Sclater Street.



4.6 Front elevation of the buildings.

**Planning History:**

- 4.7 **PA/13/01781** -Change of Use of Existing B1 Space to D2 Class XVII (Cinemas, Music & Concert Halls) and structural alterations to form new cinema and retail unit. Permitted 07/10/2013

## 5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

**Government Planning Policy Guidance/Statements:**

National Planning Policy Framework  
National Planning Policy Guidance

**Core Strategy Development Plan Document 2025 (adopted September 2010):**

SP09 - Creating attractive and safe streets and spaces

**Managing Development Document (Adopted 2013):**

DM23 Streets and Public Realm

**Supplementary Planning Guidance:**

Fournier Street/Brick Lane Conservation Area Appraisal

## 6. CONSULTATION RESPONSE

- 6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

- 6.2 The following were consulted regarding the application:

6.3 **LBTH Transportation & Highways**

*The sign projects over the public highway (footway) on Sclater Street hence in accordance with section 177 & 178 of the Highways Act 1980, the applicant is required to apply for a projection licence prior to installation of the signage. (Contact Officer: Martin Waugh on 02073646752). Highways have no objection in principle subject to the above condition*

## 7. LOCAL REPRESENTATION

- 7.1 A total of 46 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. A site notice was also displayed and the application was advertised in East End Life. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 257      Objecting: 1      Supporting: 256  
No of petitions received: 0

- 7.2 The following issues were raised in support of the proposal;

- Simple/Classic Design
- Distinguishable from regular shops
- Establishing a wider cultural landmark
- The existing illuminated advertisements along Brick Lane

*Officer Comment: These points will be addressed in the material planning*

*considerations section of the report*

7.3 The following issue was raised in objection to the proposal;

- Disturbance created by the illuminated advertisement situated at a high level shining into nearby residential windows

*Officer Comment: These points will be addressed in the material planning considerations section of the report*

## **8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The majority of applications for Advertisement Consent are dealt with by Officers under delegated Authority. In this case the application has been referred to committee as a large number of letters in support of the scheme have been received contrary to the officers' recommendation for refusal. This follows the requirements set out in the Council's constitution.

8.2 The committee must exercise its powers under the Advertisement Regulations in the interests of amenity and public safety, taking into account –

- (a) The provisions of the development plan, so far as they are material; and
- (b) other relevant matters

8.3 As the site is located within the Fournier Street/Brick Lane Conservation Area Members must pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

8.4 Policy DM23 of the adopted Managing Developing Document (2013) deals with advertisements. At paragraph 23.16 this policy states '*Advertisements should not obscure historic and architectural features, they should not be located above ground floor level (this includes adverts as part of screens for vacant sites or building sites) and there should be no more than one hanging sign per building*'.

### **Amenity:**

8.5 The amenity impact of the advert primarily relates to its impact on the visual amenity of the area. The pair of host buildings are believed to date from the late 1800s. The buildings have an attractive brick frontage. Each of the two buildings currently has its own shop front with corresponding signage zone above. Period detailing, including attractive console brackets remain. The site is located in the Fournier Street / Brick Lane Conservation Area.

8.6 Last year the Authority granted planning permission for the ground floor of the building to be converted to a cinema. At this time no changes were proposed to the front elevation. The upper floors are in residential use.

8.7 The signage comprises a horizontal element which spans the two units, and a vertical up riser component.

8.8 At fascia level the proposed signage runs across the two units, and would involve the removal of the existing discrete signage zones for each shopfront and the central console bracket. The signage has a boxy profile that projects 800mm beyond the front elevation. By removing the traditional divides between shopfronts and the

console brackets the signage is not considered sympathetic to the historic character of the host buildings. In this respect the signage is seen as having a detrimental impact on the visual amenity of the area.

- 8.9 The vertical up-riser component of the signage is designed to make the premises more visible from Brick Lane to East and Bethnal Green Road to the West. At paragraph 23.16 policy DM23 notes that signage should not normally be located above ground floor level. The wider terrace of which the application site forms a part does not currently have any higher level signage. The terrace has a simple and uncluttered appearance. The up-riser part of the signage appears overly prominent in views along the terrace and as such is considered to detract from the visual amenity of the area.
- 8.10 Many representations have been received in support from the members of Close Up Cinema who are going to be occupying the building. The representations note that high level signage is often associated with cinemas and that this signage has a '*clean and classic design*'. The applicant has stressed that the business needs a presence that can be seen from both Brick Lane to the east and towards Bethnal Green Road to the west.
- 8.11 Officers are sympathetic to the need for businesses to attract customers. However, it is considered that other forms of advertising at fascia level (including projecting signs) could achieve the same ends without the adverse impacts associated with the current scheme. Whilst Cinemas typically have large and prominent signs, it is noted that this building was not originally designed as a cinema. Signage that better respects the architectural form of the original shopfronts is likely to be more appropriate. Officers appreciate that care has been taken with the design of the signage and that it would unify the pair of buildings giving them a greater presence on the street. However, this is only one of several businesses along the street. Though each application is judged on its own merits, care must also be taken in terms of consistency of decision making. It could be difficult to allow very prominent signage on this building and then refuse other examples that may also come forward.
- 8.12 The Applicant has also drawn attention to the large number of high level signs along Brick Lane. Officers accept this, but would note that these signs are typically old and pre-date the current policy context. In the majority of cases these signs do not benefit from advertisement consent, and have become immune from enforcement action with the passing of time. Where new high level signage is proposed along Brick Lane the Council will apply current policy and such signage would typically be refused. Officers also note that Scalter Street does not currently have any high level signs and therefore has a different character to Brick Lane.
- 8.13 One representation was received from a nearby resident in regards to the illumination of the high level sign creating a visual disturbance late in the night due to light shining into residential windows. Though Officers have concerns about the prominence of the advertisement, if this was found to be acceptable the level of luminance of the signage in itself is unlikely to cause any significant amenity impacts.
- 8.14 On balance Officers consider that the proposed signage is unacceptable for the reasons given in the recommendation.

**Public Safety:**

- 8.15 The main public safety issues to consider in the case of this advertisement are the impacts on highway and pedestrian safety.

- 8.16 At its lowest point the bottom of the signage is located 2.7m above the footway. This is considered sufficient to ensure that it will not obstruct pedestrian movement. The illumination would be static, which would ensure the signage would not be distracting to drivers.
- 8.17 The Council's Highways Department have raised no objections to the proposal. The signage would be acceptable in terms of public safety.

## **9.0 Other Planning Issues:**

9.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is not considered that this application raises any equalities issues.

## **10.0 Conclusions**

10.1 All other relevant policies and considerations have been taken into account. Advertisement Consent should be **REFUSED** for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

## **11.0 Site Map**



Planning Application Site Map  
Planning Application Reference: PA/14/00128



- Planning Application Site Boundary
- Consultation Area
- Locally Listed Buildings
- Statutory Listed Buildings
- Land Parcel Address



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. © Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288