

<b>Committee:</b> Development Committee	<b>Date:</b>	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Advertisement Consent Application
<b>Case Officer:</b> Hannah Murphy	<b>Ref No:</b> PA/15/03393
	<b>Ward:</b> Island Gardens

1. **APPLICATION DETAILS**

<b>Location:</b>	188 Westferry Road, London, E14 3RY
<b>Existing Use:</b>	The two large warehouse buildings are used as a self-storage facility with a reception area. The courtyard towards the rear of the site is used as a helipad.
<b>Proposal:</b>	Installation of 5 fascia signs: <ul style="list-style-type: none"> <li>• Front gate (0.4 x 1.4 metres);</li> <li>• Internal gate (1.7 x 0.7 metres);</li> <li>• 3x Rear elevation by helipad (1.5 x 1.5; 1.5 x 1.5 &amp; 1.7 x 0.7 metres).</li> </ul>
<b>Drawing and documents:</b>	L01192/001A; L01192/002; L01192/003A; L01192/5; L01192/006; L01192/007.
<b>Applicant:</b>	Falcon Heliport
<b>Ownership:</b>	Vanguard Holdings
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers an advertisement consent application for the removal of 7 existing fascia signs and the erection of five non-illuminated fascia signs. The signs include one on the front gate, three on the rear elevation of the building and one on an internal gate.
- 2.2. A total of 68 representations were received in objection to this proposal. The objections can be summarised as concerns over: potential increase in helicopter movements, noise, safety, traffic, air pollutants, dirt and grit and potential contamination.
- 2.3. Under the Town and Country Planning (Control of Advertisement) Regulations 2007, a local planning authority shall 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) any other relevant factors.
- 2.4. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
- 2.5. Factors relevant to public safety include—
  - the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
  - whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

In this instance, officers believe that the proposal is acceptable for the following reasons:

- The proposal will not result in any unacceptable impacts in terms of design, amenity and road safety; and
- The objections raised do not include any material planning matters with regards to considering Advertisement Consent applications.

## 3. RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** advertisement consent subject to conditions.
- 3.2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

### 3.3. Conditions

1. Five year time limit
2. Development to be built in accordance with approved plans
3. No intermittent or flashing lighting to be used

## 4. PROPOSAL AND LOCATION DETAILS

### Site and Surroundings

- 4.1. The site is located on the south western tip of the Isle of Dogs and is bounded by River Thames to the west and Westferry Road to the east.
- 4.2. The site is surrounded by residential developments including Ferguson Wharf Estate, located directly south of the site, and Cyclops Wharf, located directly north of the site, comprises of 180 apartments and 24 mews style houses.
- 4.3. The application site contains two large warehouses used as a self-storage facility and reception area. Towards the rear of the site, adjacent to Thames River is a helipad with two landing spaces.
- 4.4. A hardstanding area capable of accommodating four parking spaces, is located towards the south-west of the site. This area adjoins Ferguson Wharf Estate to the south and east and River Thames to the west.
- 4.5. The site is not listed and does not fall within a conservation area.
- 4.6. The site does not have any site allocations, however falls within the Flood Risk Zone 3 and is identified as an area of Potential Contamination.

### Proposal

- 4.7. The proposal is for the removal of 8 fascia signs (7 on the rear elevation and one on internal gate) and the erection of five new non-illuminated fascia signs including:
  - 3x rear elevation (1.5 x 1.5; 1.5 x 1.5 & 1.7 x 0.7 metres)
  - Front gate (0.4 x 1.4m); and
  - Internal gate (1.7 x 0.7m)

The proposed signs reflect the branding of the new management company taking over the site.

## 5. RELEVANT PLANNING HISTORY

- 5.1. PA/15/03392 – planning application is currently being considered for the ‘construction of new entranceway and balcony’.
- 5.2. PA/06/00329 – Advertisement Consent **granted** for the ‘retention of 10 illuminated signs and 6 non-illuminated signs (on street and riverside elevations of warehouses)’ on 19 May 2006.

- 5.3. PA/01/00604 – application **withdrawn** for ‘erection of 12 three storey 6 bedroom houses and a 4 storey block containing 8 two bedroom flats’.
- 5.4. PA/01/00550 – application **withdrawn** for ‘demolition of the existing industrial sheds and ancillary office and the erection of new buildings including a part 7 and part 11 storey tower facing the River Thames, a 5 storey block facing Westferry Road plus associated landscaping and its use as 128 residential units with basement parking, 2 restaurants (Class A3) and 2 ground floor retail shops (Class A1)’.
- 5.5. PA/01/00549 – application **withdrawn** for ‘demolition of the existing industrial sheds and ancillary office and the erection of new buildings including a part 7 and part 11 storey tower facing the River Thames, a 7 storey block facing Westferry Road plus associated landscaping and its use as 117 residential units with basement parking, 2 restaurants (Class A3) and 2 ground floor retail shops (Class A1) - Revised application 18/1/02 (PA/01/00545)’.
- 5.6. PA/00/00545 – application **withdrawn** for ‘demolition of vacant industrial sheds and erection of building up to 17 storeys comprising 185 residential units with 145 car parking spaces’.

## **6. POLICY FRAMEWORK**

- 6.1. 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:

- 6.2. **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)  
National Planning Practice Guidance (March 2014)

- 6.3. **The London Plan – Consolidated with Alterations since 2011 (March 2015)**

7.4: Local Character

- 6.4. **Site Designations**

N/A

- 6.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

SP09: Creating Attractive and Safe Streets and Spaces  
SP10: Creating Distinct and Durable Places

- 6.6. **Managing Development Document (adopted April 2013) (MDD)**

DM23: Streets and the Public Realm  
DM25: Amenity

- 6.7. **Other Relevant Documents**

N/A

## **7. CONSULTATION RESPONSES**

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

7.2. The following were consulted regarding the application:

### **Internal Consultees**

#### **7.3. Highways and Transportation**

Highways requires further information on how the proposals will impact on operations the site and associated trip generation. The applicant should supply information including expected number of services to and from the helipad and also whether they intend to use the site for vehicle drop off and pick up activity. The applicant has also failed to identify on the plans where cycle parking for staff and customers will be located on site.

### **External Consultees**

#### **7.4. Transport for London**

##### **Proposed development**

7.5. The proposed development as stated on the application form is: "Signage for Falcon Heliport to be erected and small alteration to existing building to provide terminal facility for passengers and crew on the Thames side of the building. New entrance to be formed in existing Elevation".

7.6. However, the drawings indicate that a new helicopter landing pad is proposed: the proposed drawings show new markings for two landing pads, whereas there is just one landing pad on the existing drawing. We seek clarification on whether both pads will be in use and whether there will be an uplift in trips, in line with London Plan Policy 6.6.

##### **Road safety and infrastructure protection**

7.7. We have a duty to protect TfL infrastructure and London's road users. We request details of how the proposed development will affect helicopter usage of the site, including any changes to quantity of flights, helicopter routing and/or aircraft type.

##### **Car Parking**

7.8. The proposed layout drawing shows four car parking spaces adjacent to the helicopter landing area. We request details of any changes to parking at the site.

##### **Trip generation**

7.9. We request details of the additional trips that the development will generate, as well as details of vehicle routing to the site.

7.10. In addition we request information on how the development will affect the servicing of the site.

## **Public Representations**

- 7.11. A total of 256 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 68 letters of representation were received in objection to this proposal.

### **A summary of the objections received**

#### Increase in helicopter movements

- 7.12. Concerns have been raised by objectors that the proposed alterations are to accommodate an anticipated increase in helicopter movements. Objectors raise a number of issues associated with an increase in helicopter movements including noise, safety, grit and dirt, air quality and traffic impacts.

#### Noise nuisance

- 7.13. Whilst some objectors have indicated that the existing level of noise from the helipad is manageable, others have suggested that the existing noise level is disruptive. Objectors largely agree that any increases in helicopter movements would have a detrimental impact in terms of noise.

#### Safety

- 7.14. Objectors have noted the large number of recreational river users and residents in the area and raised concerns about public safety with regards to helicopters taking off and landing.

#### Traffic

- 7.15. Objectors have raised concerns about the potential for increases in traffic associated with any potential increases in helicopter movements. Objectors have also questioned the sustainability of using helicopters for transport given the Council's commitment to providing sustainable transport modes.

#### Pollution

- 7.16. Objectors have raised concerns about the stench of the combusted fuel and grit and dirt blowing across to the residential apartments located on both sides of the helipad.

#### Contamination

- 7.17. Objectors note that Ferguson Wharf was subject to contamination prior to its redevelopment in the mid-1990s. Objectors highlight the potential for contamination within the site.

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1. When making a decision about whether to grant advertisement consent, the Council is restricted to considering the effects on amenity and public safety. The 2007 Control of Advertisement regulations 3(i) states an LPA should take development plan policies in so far as they are material.

8.2. The proposal is for the removal of 8 fascia signs (7 on the rear elevation and one on internal gate) and the erection of five new non-illuminated fascia signs including:

- 3x rear elevation (1.5 x 1.5; 1.5 x 1.5 & 1.7 x 0.7 metres)
- Front gate (0.4 x 1.4m); and
- Internal gate (1.7 x 0.7m)

8.3. Figure 1 shows the existing rear elevation fronting the River Thames and identifies the signs that are to be removed.



Figure 1 Existing Rear Elevation

8.4. Figure 2 shows the location of the new signs. The new entrance door and raised balcony form part of the associated full planning application (ref: PA/15/03392).

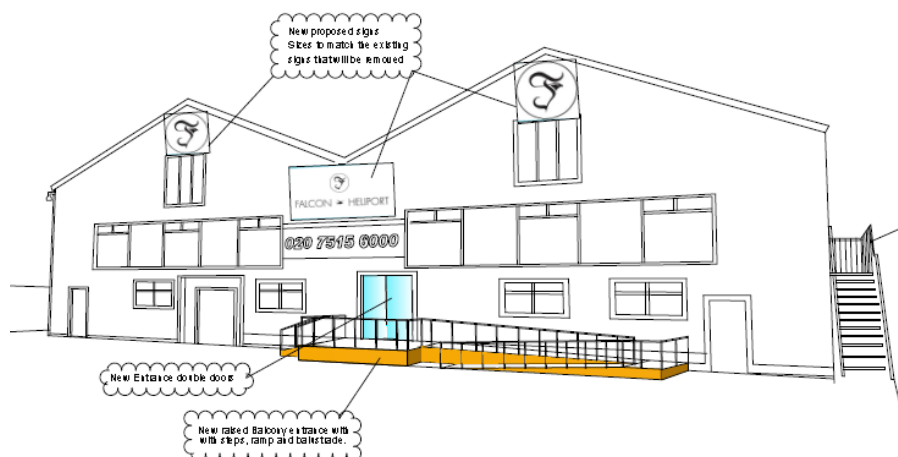


Figure 2 Proposed Rear Elevation



- 8.5. In addition, to the signs on the rear elevation, two more signs are proposed to the front. These are functional signs advertising the companies brand and are shown within the following images.



Figure 3 Proposed Front Gate Signage



Figure 4 Proposed Internal Gate Signage

### Design and Visual Amenity

- 8.6. Paragraph 67 of the NPPF states:  
*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.*

- 8.7. In terms of amenity, Policy DM23 of the Managing Development Document (2013) requires advertisements (i) not to harm the character, appearance and visual amenity of the site and surrounding area and (ii) not to intrude into the outlook of nearby residents.
- 8.8. The only proposed sign visible from Westferry Road will be a non-illuminated fascia sign on the front entranceway with an area of 54cm<sup>2</sup>. The sign will be white with the words 'Falcon Heliport' in a black font.
- 8.9. Given that the three advertisements proposed on the rear elevation and on the internal gate will replace existing advertisement signs and that they will not be visible from Westferry Road, it is not envisaged that they will have any unacceptable impacts in terms of design and visual amenity. The signs are relatively insignificant and with the removal of the existing poorly placed advertisements on the rear elevation, help create a more uniform rear elevation facing the River Thames.
- 8.10. For the above reasons, the proposal would therefore accord with Policies SP10 of the Core Strategy (2010) and DM23 of the Managing Development Document (2013). These policies seek to ensure that advertisements are acceptable in respect of size, scale, proportion, colour and design to the host building and do not have an adverse impact on the visual amenity and character of the Borough.

### **Public Safety**

- 8.11. In terms of safety, MDD Policy DM23 states that signage should not have an adverse impact on public or highway safety.
- 8.12. The proposed signage would not be unduly distracting or confusing to highway users.
- 8.13. Whilst it is noted that some residents raised concerns around public safety in terms of the use of the site as a helipad, there have been no concerns raised about any public safety impacts relating from the proposed signage, which is the matter to be considered within the advertisement application.
- 8.14. Furthermore, both Transport for London and LBTH Transport & Highways have been consulted and neither raised any objections to the proposed signage. Whilst Transport for London have raised queries over the servicing, and potential car parking spaces within the site, these matters are not relevant to the consideration of advertisement consent.
- 8.15. Overall, it is considered the signage therefore accords with policy DM23 of the Managing Development Document (2013) which seeks to safeguard the safeguard residential amenity and public and highway safety.

## 9. HUMAN RIGHTS CONSIDERATIONS

- 9.1. In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-
- 9.2. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to be relevant including:
  - Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public's interest (Convention Article 8); and
  - Peaceful enjoyment of possession (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole"
- 9.3. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.4. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 9.5. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.6. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.7. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.8. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

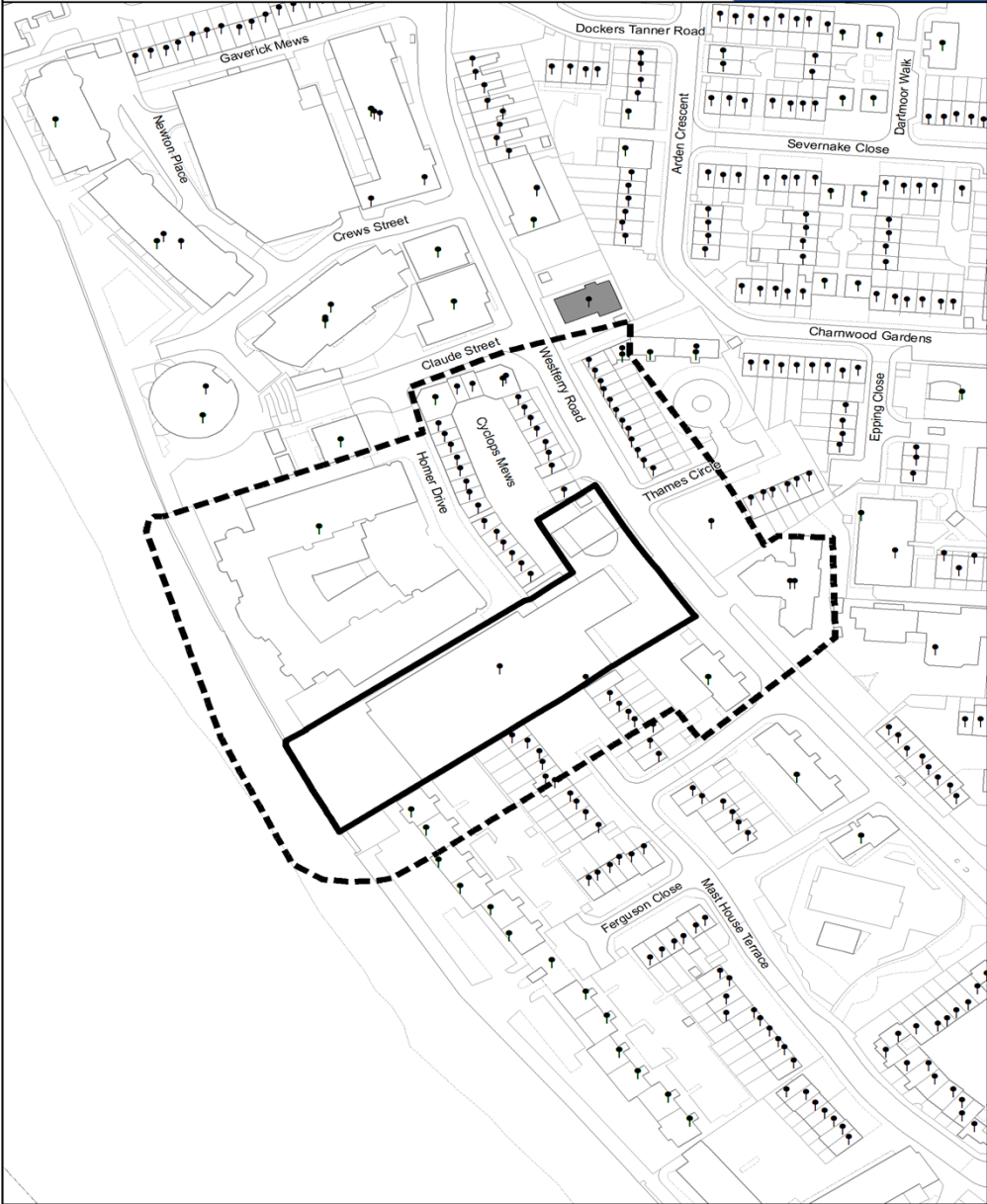
## **10. CONCLUSION**







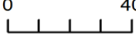
- 10.1. For the reasons set out earlier in this report and with regards to relevant planning policies, the proposal will not give rise to any undue amenity issues to neighbours nor impact adversely on the visual appearance of the premises and the surrounding area; furthermore, the proposal does not give rise to any public / highway safety concerns. Therefore in the absence of other negative material planning considerations, the retrospective application is recommended for approval.

## **11. RECOMMENDATION**

- 11.1. All other relevant policies and considerations have been taken into account. Advertisement Consent should be **approved** for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map  
PA/15/03393



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	
	Consultation Area		Statutory Listed Buildings	0      40 m		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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