



PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Community Wealth Building Department

PLANNING SUB COMMITTEE B

Date: 22 March 2022

| | |
|--------------------------|--|
| Application number | P2021/2923/ADV |
| Application type | Advertisement Consent |
| Ward | Caledonian |
| Listed building | n/a |
| Conservation area | n/a |
| Development Plan Context | Kings Cross and Pentonville Road Core Strategy Key Area; Vale Royal/Brewery Road Local Industrial Site (LSIS); Article 4 Direction B1a to C3 (LSIS); Article 4 Direction A1-A2 (Rest of Borough); Local View from Dartmouth Park Hill; |
| Licensing Implications | n/a |
| Site Address | 196-228 York Way, London, N7 9AX |
| Proposal | Advertisement consent for the installation of 7x no. internally illuminated signs |

| | |
|--------------|---|
| Case Officer | Simon Roberts |
| Applicant | c/o Agent |
| Agent | DWD Property and Planning Consultants LLP |

1. RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

- Subject to the conditions set out in **Appendix 1**;

2. SITE LOCATION

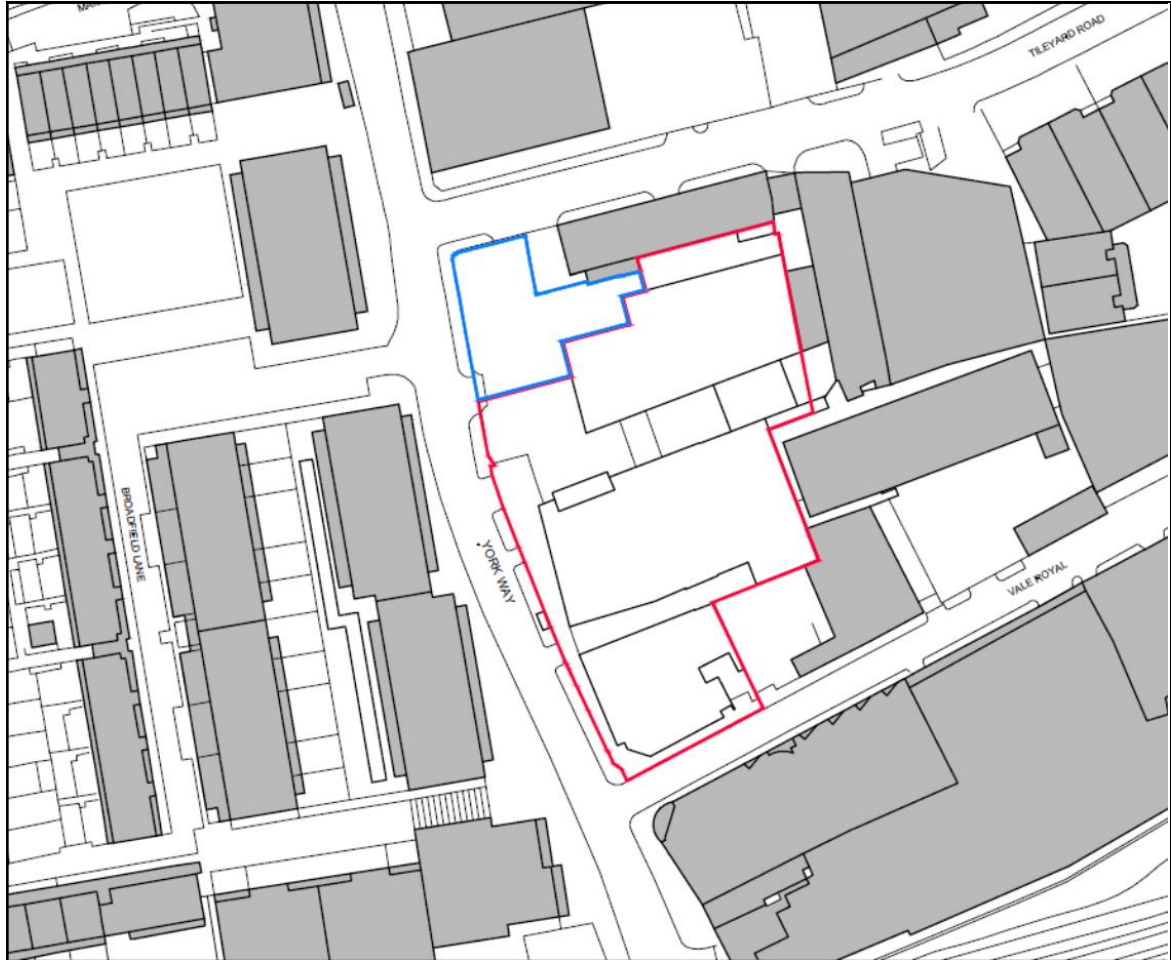


Figure 1: Site Location Plan (outlined in red)

3. SUMMARY

- 3.1. Advertisement Consent is sought for 7x internally illuminated signs, differing in size to one another, to the western and southern elevations of the building currently under construction.
- 3.2. The proposal has been amended during the course of the application, with revision to the luminance level of the advertisements to the York Way elevation, being reduced from 600 candelas per sqm to 300 candelas per sqm.
- 3.3. The proposed advertisements are considered acceptable in regard to design and appearance, impact upon neighbouring amenity and public safety. As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions.

4. SITE AND SURROUNDINGS

- 4.1. The application site is a corner plot located to the east side of York Way and the north side of Vale Royal. The site has been cleared of a variety of pre-existing buildings in order to construct an extant planning permission (P2019/3410/FUL) for a part 3 to part 5 storey building plus double basement to provide for a self-storage floorspace facility and flexible office floorspace.
- 4.2. The site is bordered on three sides by industrial buildings and York Way to the west forming the borough's boundary with Camden. To the west of the site, across York Way and in the London Borough of Camden, is the Maiden Lane Estate. The eastern half of the estate faces the development site and comprises blocks of 20 storeys (Block A), 7 storeys (Blocks D & E) and 6 storeys (Block H). To the south lies a 7 to 9 storey commercial building (the Fitzpatrick Building).
- 4.3. The site is not located within a conservation area nor are any of the buildings on site listed. Further, the site is not adjacent to any conservation areas or listed building curtilages. There is a local view from Dartmouth Park Hill which passes over the site (although the proposal is not tall enough to encroach into that view).
- 4.4. The site is located within the Kings Cross and Pentonville Road Core Strategy Key Area and the Vale Royal/Brewery Road Local Industrial Site (LSIS).



Figure 2: The approved western elevation under P2019/3410/FUL

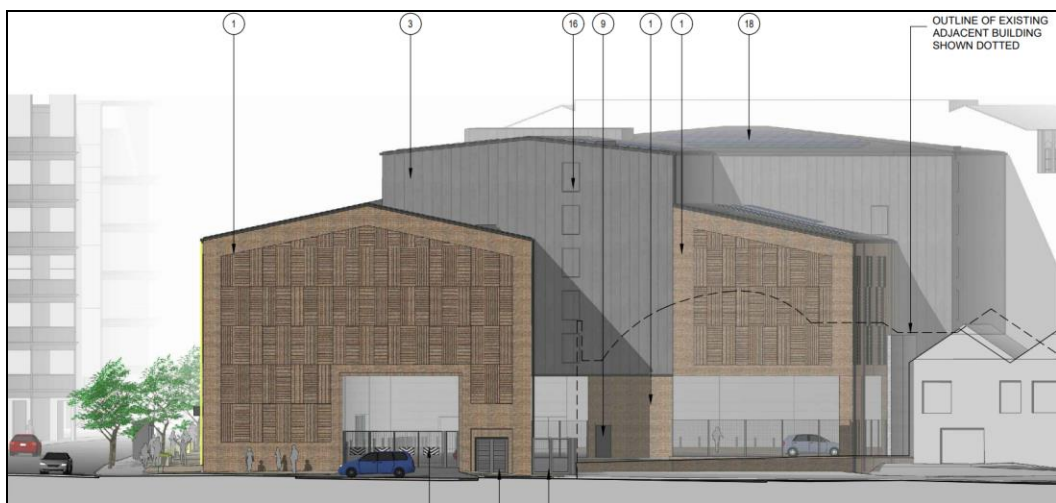


Figure 3: The approved western elevation under P2019/3410/FUL

5. PROPOSAL (IN DETAIL)

5.1. Advertisement consent is sought for the display of the following:

York Way elevation

Sign 01 (Fascia) – Dimensions: 3000mm (H) x 3000mm (W) x 100mm (D) and would be positioned 5.8m from ground level. It would be internally illuminated (static of <300cd per m²) and would be made of vinyl sheet in black with yellow and red lettering.

Sign 02 (Fascia) – Dimensions: 1300mm (H) x 6500mm (W) x 100mm (D) and would be positioned 6.0m from ground level. It would be internally illuminated (static of <300cd per m²) and would be made of vinyl sheet in black with yellow and red lettering.

Sign 03 (Fascia) – Dimensions: 1300mm (H) x 6500mm (W) x 100mm (D) and would be positioned 6.3m from ground level. It would be internally illuminated (static of <300cd per m²) and would be made of vinyl sheet in black with yellow and red lettering.

Sign 04 (Fascia) – Dimensions: 450mm (H) x 2430mm (W) x 100mm (D) and would be positioned 2.4m from ground level directly above the main entrance of the self-storage facility part of the building. It would be internally illuminated (static of <300cd per m²) and would be made of vinyl sheet in white with red lettering.

Sign 05 (Fascia) – Dimensions: 305mm (H) x 2000mm (W) x 100mm (D) and would be positioned 3.2m from ground level above the main entrance of the flexi offices. It would be internally illuminated (static of <300cd per m²) and would be made of vinyl sheet in black with red and white lettering.



Figure 4: Proposed York Way elevation

Vale Royal elevation

Sign 06 (Fascia) – Dimensions: 3000mm (H) x 3000mm (W) x 100mm (D) and would be positioned 10.6m from ground level. It would be internally illuminated (static of <600cd per m²) and would be made of vinyl sheet in black with yellow and red lettering.

Sign 07 (Fascia) – Dimensions: 600mm (H) x 3600mm (W) x 100mm (D) and would be positioned 3.3m from ground level. It would be internally illuminated (static of <600cd per m²) and would be made of vinyl sheet in white with red lettering.

5.2. As shown above, 5 of the 7 advertisement signs will be located upon the York Way elevation whilst the remaining 2 advertisement signs will be located upon the Vale Road elevation.



Figure 5: Proposed Vale Royal elevation

Revisions to the scheme

5.3. It should be noted that the application has been subject to revision since the original submission date in October 2021. In this respect, discussions were held between the applicant and Officers following the expiry of the public consultation, in particular with a view to addressing outstanding concerns relating to the impact of the proposed advertisements on neighbouring residential amenity. A summary of the revisions to the proposal are as follows:

- Reduction in illuminance of the 5x advertisements to the York Way elevation, from 600 candelas per sqm to 300 candelas per sqm;

6. RELEVANT PLANNING HISTORY:

PLANNING APPLICATIONS:

6.1 P2019/3410/FUL: for “Demolition of the existing buildings and the erection of a part 3 to part 5 storey building plus double basement to provide for a total of 8,268sqm (GIA) of self-storage floorspace (Use Class B8) and 687sqm (GIA) of flexible office floorspace (Use Class B1a) along with associated access arrangements, car and cycle parking, servicing and plant area, refuse storage and ancillary works” – Granted with conditions and a s106 legal agreement on 19/01/2021.

Neighbouring relevant applications

14 - 22 Vale Royal & 184 York Way, London (Access Self Storage):

6.2 P2021/3535/ADV: “Display of 2 no. internally illuminated fascia signs and 1 no. internally illuminated projecting sign on north and south elevations” – Refused 27 January 2022.

6.3 P2021/1972/ADV: “Display of internally illuminated fascia signs to west elevation and two internally illuminated totem displays” – Approved with Conditions 25/10/2021.

7 CONSULTATION

Public Consultation

- 7.1 Letters were sent to 209 adjoining/nearby properties on 15 November 2021. The consultation period expired on 09 December 2021.
- 7.2 At the time of the writing this report, **14** representations were received on the application. The points raised within the representation are summarised as follows:

Neighbouring Residential Amenity

- The signs would illuminate neighbouring dwellings during the night, residents would be unable to sleep due to the artificial light;
- The proposal amounts to light pollution;
- Invasion of privacy to neighbouring residents;

Design and appearance

- The proposed adverts/signs are unsightly and lower the tone of the Kings Cross area, failing to 'fit in' with the style of the area or road;
- Less objection to smaller non-illuminated signs;

External Consultees

- 7.3 None.

Internal Consultees

- 7.4 **Environmental Health Officer** – No objection subject to the maximum luminance level of the York Way elevation signs to a maximum of 300cd/m² and the illuminance is switched off during night-time hours (11pm – 7am).

8 RELEVANT POLICIES

- 8.1 Islington Council Planning Committee, in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.);
- 8.2 National Planning Policy Framework (NPPF) 2021, Paragraph 11(c) states: "*at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...*"
- 8.3 At paragraph 8 the NPPF states: that sustainable development has three objectives: economic, social and environmental role. Further, at paragraph 9, the NPPF states that: "*these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which*

every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 In considering the application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law;
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 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. 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.

Development Plan

- 8.9 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 (ICS) and Development Management Policies 2013 (DM). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Emerging Policies

Draft new Islington Local Plan

- 8.10 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation Draft of the new Local Plan. Submission took place on 12 February 2020. As part of the examination consultation on pre-hearing modifications took place between 19

March and 9 May 2021. The Matters and Issues have now been published and hearings took place from 13 September to 5 October 2021.

8.11 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

8.12 The following policies are considered relevant to the site and this application:

- SP3 Vale Royal/Brewery Road Locally Significant Industrial Site
- DH6 Advertisements

Draft Site Allocations

8.13 The Site Allocations document includes the LSIS, and within this the application site referred to as the Fayers Site. It states that any development should protect the existing uses and seek to intensify industrial uses. **Allocation VR1** – 202-228 York Way, 22-23 Tileyard Road, 196-200 York Way.

Designations

8.14 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013:

- Kings Cross and Pentonville Road Core Strategy Key Area;
- Vale Royal/Brewery Road Local Industrial Site (LSIS);
- Article 4 Direction B1a to C3 (LSIS);
- Article 4 Direction A1-A2 (Rest of Borough);
- Local View from Dartmouth Park Hill;

Supplementary Planning Guidance (SPG) / Document (SPD)

8.15 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

9 ASSESSMENT

9.1 The Advert Regulations, National Planning Policy Framework's guidance and Planning Practice Guidance make it clear that advertisements should be subject to control only in the interest of amenity and public safety.

9.2 As set out in the Regulations, when deciding applications for advertisements the council can have regard to considerations of amenity and public safety, as well as the Control of Advertisements Regulations. These factors relevant to amenity include the general characteristics of the locality, including presence of any feature of historic, architectural or cultural features, consideration should be given to whether it is in scale and in keeping with these features.

9.3 In this context, the development plan policies referred to have been treated as material considerations.

Design and Appearance

- 9.4 Policy CS9 of the Islington Core Strategy 2011 and Policy DM2.1 of the Islington Development Management Policies (DM) 2013 accord with the National Planning Framework (NPPF) in seeking to sustain and enhance Islington's built environment.
- 9.5 Policy DM2.6 states that advertisement should be of high quality and sensitive to the visual appearance in relation to siting (including the building or structure on which it is to be sited) and the surrounding street scene especially in the case of listed building and conservation areas.
- 9.6 Islington's Urban Design Guide (2017) provides advice on fascia's, signage/advertising and lighting at paragraphs 5.218 - 5.222. It states that signage should "*be of an appropriate size and not dominate a shopfront or building*".
- 9.7 The proposed signage would be located within both elevations along York Way and Vale Royal, with the majority (5/6) of them on the York Way elevation, which is the principal elevation. The proposed advertisements would feature the occupier's name and logo (Big Yellow Self Storage).
- 9.8 Having considered the design and scale of the proposed external signage and its method of illumination, it is considered the proposed signage would not be unduly prominent, nor would it have a negative impact on the host building or area.

Neighbouring Residential Amenity

- 9.9 A number of the objections relate to the impact caused by the illumination of the signs.
- 9.10 Following the submission of revised plans, the brightness of the signage to the York Way elevation has been reduced from 600cd/m² as originally proposed, to 300cd/m². A condition would be attached upon approval for the illuminance of any illuminated adverts on the York Way elevation to be at 300cd/m² and should be switched off during night time hours, to ensure the amenity of occupiers is maintained.
- 9.11 A number of objections also relate to the perceived loss of privacy, increased sense of enclosure and loss of outlook to neighbouring residents from the advertisements. Given the proposed advertisements are to be fixed level with the York Way elevation at a projection of 100mm, it is not considered that they would give rise to a loss of outlook and increased sense of enclosure to neighbouring residents.
- 9.12 The proposed advertisements are not considered to negatively impact on the amenity of the occupiers of adjoining or neighbouring properties due to the separation distance (of at least 18metres over the highway of York Way) between the host building and the nearest neighbouring dwellings. Therefore, in this context, the proposed signage is considered to not cause visual harm to the surrounding area/neighbouring properties. Overall, the proposed signage is considered to be acceptable in accordance with policies DM2.1 and DM2.6 of the Islington Development Management Policies 2013.

Public Safety

- 9.13 The proposed signage would not cause harm to pedestrian or highway safety given they are affixed to the elevations of the building at first floor level and above, to a minimal projection of 100mm and would not include a changing text, images or flashing.

10 SUMMARY AND CONCLUSION

- 10.1 The proposal is considered to be acceptable, subject to conditions, and would not result in harm to the character or appearance of the local area nor adversely impact on neighbour amenity. It would also not cause harm to pedestrian or highway safety.
- 10.2 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 - RECOMMENDATIONS

RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following:

List of Conditions:

| | |
|----------|--|
| 1 | STANDARD ADVERTISEMENT CONDITION (COMPLIANCE) |
| | <p>Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</p> <p>Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p> <p>No advertisement is to be displayed without permission of the owner of the site or any other people with an interest in the site entitled to grant permission.</p> <p>No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).</p> |
| 2 | ADVERTISEMENT ILLUMINATION INTENSITY (COMPLIANCE) |
| | <p>The advertisement display(s) shall be statically illuminated and the illumination shall not exceed a maximum steady brightness of 300 candelas per square metre to the advertisements (Signs 1, 2, 3, 4 and 5) on the York Way elevation, and shall not be illuminated during night time hours (2300 - 0700).</p> <p>The advertisement display(s) shall be statically illuminated and the illumination shall not exceed a maximum steady brightness of 600 candelas per square metre to the advertisements (Signs 6 and 7) on the Vale Royal elevation, and shall not be illuminated during night time hours (2300 - 0700).</p> <p>The advertisement displays shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of visual amenity and highway safety.</p> |

List of Informatives:

| | |
|----------|---|
| 1 | <p>This consent relates solely to Advert Consent. Should it become necessary to make alterations to the consented scheme in order to comply with other legislation, such as Building Regulations, a further consent may be required. Such a consent should be sought and obtained prior to the relevant works being undertaken.</p> |
|----------|---|

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

National Guidance

The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

| | |
|--|---|
| A) The London Plan 2021 - Spatial Development Strategy for Greater London | |
| 3. Design Policy D4 Delivering good design Policy D8 Public Realm 6. Economy Policy E6 Locally Significant Industrial Sites | 7. Heritage and Culture Policy HC1 Heritage conservation and growth 10. Transport Policy T4 Assessing and mitigating transport impacts |
| B) Islington Core Strategy 2011 | |
| Spatial Strategy Policy CS6 Kings Cross | Strategic Policies Policy CS8 Enhancing Islington's character Policy CS9 Protecting and Enhancing Islington's Built and Historic Environment |
| C) Development Management Policies 2013 | |
| 2. Design and Heritage Policy DM2.1 Design Policy DM2.3 Heritage Policy DM2.4 Protected views | 8. Transport Policy DM8.2 Managing transport impacts |

Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011 and Development Management Policies 2013:

- Kings Cross and Pentonville Road Core Strategy Key Area;
- Vale Royal/Brewery Road Local Industrial Site (LSIS);
- Article 4 Direction B1a to C3 (LSIS);
- Article 4 Direction A1-A2 (Rest of Borough);
- Local View from Dartmouth Park Hill;

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan:

Urban Design Guide (2017)

London Plan:

n/a