

# LONDON BOROUGH OF ENFIELD

## PLANNING COMMITTEE

Date: 21st June 2022

**Report of**

Head of Planning

**Contact Officer:**

Andy Higham  
David Gittens  
Ishita Sheth

**Ward:**

Town

**Ref:** 22/00836/ADV

**Category:** Advertisement

**LOCATION:** Plaza And Fountain Island The Town London EN1

**PROPOSAL:** Installation of 1 part externally and part internally illuminated café sign to café unit.

**Applicant Name & Address:**

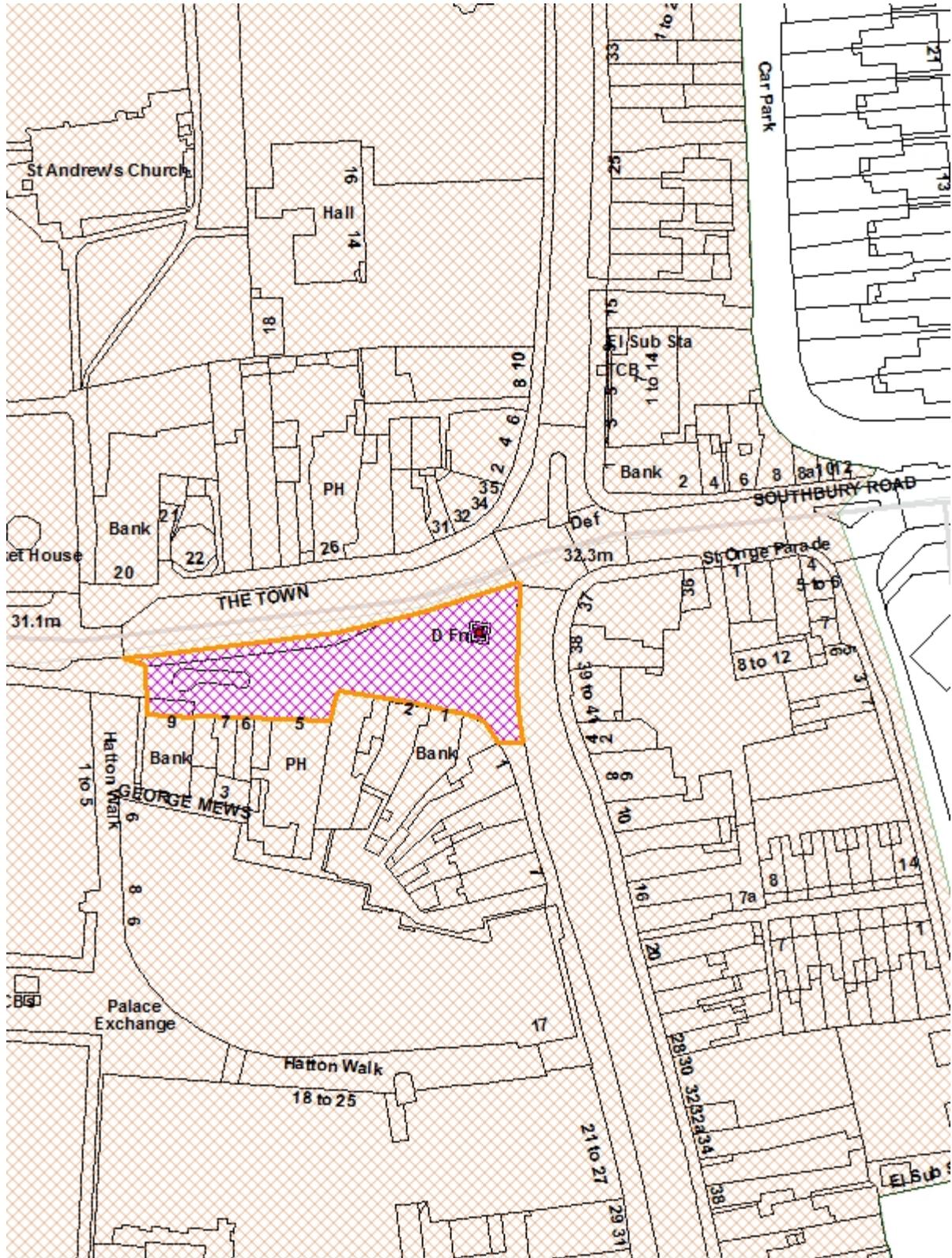
Miss Corina Tuna  
Jan Kattein Architects  
277 New North Road  
London  
N1 7AA  
United Kingdom

**Agent Name & Address:**

N/A

**RECOMMENDATION:**

1. That the Head of Development Management be authorised to GRANT advertisement consent subject to conditions.
2. That the Head of Development Management/Planning Decisions Manager be granted delegated authority to agree the final wording of the conditions to cover the matters in the Recommendation section of this report.



## **1. Note for Members**

- 1.1 The application is reported to Planning Committee for determination in accordance with the scheme of delegation because the application site is Council owned and the applicant is commissioned by the Council to submit the planning application.

## **2. Executive Summary**

- 2.1 The application proposes the installation of 1 internally illuminated café sign to the proposed café unit/food-serving trailer. Whilst the advertisement will be placed on the proposed food-serving trailer within a loading bay on the Highway, this should be seen in the context of the wider application for the Fountain Island Plaza which is reported elsewhere on this agenda.
- 2.2 The proposed advertisement does not result in any harm to the character and appearance of the Enfield Town Centre or the Conservation Area. It is considered to be of an appropriate size in relation to the food trailer upon which it will be located. Furthermore, it has been recognised that it will not result in any detrimental impact upon neighbouring amenity or public safety.
- 2.3 The proposed signage is supported as it is considered appropriate and broadly in accordance with relevant National and Regional Policy, Core Strategy and Development Management policies. It would also support the objective of promoting the viability and vitality of Enfield town centre.

## **3.0 Recommendation**

- 3.1 That advertisement consent be granted subject to the following conditions:
1. Development in accordance with approved drawings and documents
  2. The development is to adhere with Standards Conditions outlined in Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
  3. The maximum steady brightness of the illumination of the advertisements shall not exceed 200 candelas per square metre.
  4. The illumination of the sign(s) hereby approved shall not at any time be intermittent.
  5. No advertisement shall be displayed so as to obscure or hinder the interpretation of any road traffic sign, or otherwise to render hazardous the use of any highway.
- 3.2 That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the Recommendation section of this report

## **4. Site and Surroundings**

- 4.1 4.1 The site is situated in in Enfield Town which is designated as a Major Town Centre. It is located at the junction between London Road, Silver Street, Southbury Road and The Town. Fountain Island is a strategically important public space situated to the front of HSBC / Nandos and extending westwards to Natwest Bank.
- 4.2 The area is paved and is used as a public pedestrian access route. The space accommodates the fountain, cycle hoops, benches, trees, bins and lamp posts. The plot of land is visible from both Church Street and London Road. The Fountain Island is a strategically important public space at the heart of the town centre the southern side of Church Street.

- 4.3 The site is located within the Enfield Town Conservation Area. There are a number of other identified heritage assets within the immediate vicinity of the site including Listed and Locally Listed buildings. The space is framed by terraces of fine historic buildings including two grade II listed board clad cottages at no. 3 and 4 the Town and the grade 2 listed Old Vestry Office at no. 22 The Town on the opposite side of the street.
- 4.4 The site is well connected in terms of public transport and has a Public Transport Accessibility Level (PTAL) rating of 6a ('excellent'). The site is within walking distance of both Enfield Chase and Enfield Town railway stations and there are numerous bus routes along Church Street.
- 4.5 This particular application relates to the loading bay on the northern side of the Fountain Island Plaza where a food trailer is proposed to be located.

## **5.0 Proposal**

- 5.1 The application seeks advertisement consent for signage that is proposed to be sited on top of the proposed food kiosk trailer sited in the existing loading bay area. The trailer is to be used by Bonito Cafe as a serving point.
- 5.2 The proposed illuminated signage attached to the roof of the trailer would have a maximum height of 1m, a width of some 3.6m and located some 2.6m from the ground level. It would comprise individual metal formed letters ('BONITO') and arrow, with acrylic surface & letters to front of arrow. The colour of text is proposed to be 'Green' for the individual lettering and 'red' text on 'yellow' background for arrow. The metal formed letters are proposed with static LED festoon bulb illuminations and the powder-coated formed metal arrow is proposed with LED internally illuminated acrylic front surface. The proposed luminance level for the signage is 200cd/m<sup>2</sup>.

## **6.0 Relevant Planning Decisions**

- 6.1 None

## **7.0. Consultation**

### Public Consultation

- 7.1 Initial consultation on the application involved notification letters being sent to 40 neighbouring properties on 24.03.2022. A press notice was published in the Enfield Independent on 30.3.2022 and two site notices were also erected at the site on 24.05.2022.
- 7.2 No comments have been received in respect of the advertisement application. Any additional comments received will be reported at the Planning Committee meeting.

### Statutory and non-statutory consultees

#### Traffic and Transportation:

- 7.3 No objection raised

## **8. Relevant Policy**

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the Committee have regard to the provisions of the development plan so far as material to the application: and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

### The London Plan 2021

- 8.2 The London Plan is the overall strategic plan for London setting out an integrated economic, environmental, transport and social framework for the development of London for the next 20-25 years. The following policies of the London Plan are considered particularly relevant:

Policy D8 Public realm  
Policy HC1 Heritage conservation and growth

### Local Plan - Overview

- 8.3 Enfield's Local Plan comprises the Core Strategy, Development Management Document, Policies Map and various Area Action Plans as well as other supporting policy documents. Together with the London Plan, it forms the statutory development policies for the Borough and sets out planning policies to steer development according to the level it aligns with the NPPF. Whilst many of the policies do align with the NPPF and the London Plan, it is noted that these documents do in places supersede the Local Plan in terms of some detail and as such the proposal is reviewed against the most relevant and up-to-date policies within the Development Plan.

### Core Strategy

- 8.4 The Core Strategy was adopted in November 2010 and sets out a spatial planning framework for the development of the Borough through to 2025. The document provides the broad strategy for the scale and distribution of development and supporting infrastructure, with the intention of guiding patterns of development and ensuring development within the Borough is sustainable.

CP 30 Maintaining and improving the quality of the built and open environment  
CP 31 Built and landscape heritage

### Development Management Document

- 8.5 The Council's Development Management Document (DMD) provides further detail and standard based policies by which planning applications should be determined. Policies in the DMD support the delivery of the Core Strategy.
- 8.6 The following local plan Development Management Document policies are considered particularly relevant:

DMD 37 Achieving High Quality and Design-Led Development  
DMD 41 Advertisements  
DMD 44 Conserving and Enhancing Heritage Assets

## Enfield Local Plan (Reg 18) 2021

- 8.7 Enfield Local Plan Reg 18 Preferred Approach was approved for consultation on 9th June 2021. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for several sites. It is Enfield's Emerging Local Plan.
- 8.8 The Local Plan remains the statutory development plan for Enfield until such stage as the replacement plan is adopted and as such applications should Page 105 continue to be determined in accordance with the Local Plan. Little weight shall be afforded to the Draft Enfield Local plan (Reg 18), while noting that account needs to be taken of emerging policies and draft site proposals in accordance with paragraph 48 of the NPPF.
- 8.9 As the emerging Local Plan progresses through the plan-making process the draft policies within it will gain increasing weight but at this stage it has relatively little weight in the decision-making process.
- 8.10 The Institute of Lighting Professionals, Professional Lighting Guide 05, The Brightness of Illuminated Advertisements

### 8.11 Other Material Considerations

National Planning Policy Framework 2021

National Planning Practice Guidance

## 9. **Analysis**

- 9.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 seek to establish that planning decisions are taken in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.2 Applications for advertisement consent can only be considered on the basis of amenity and public safety.
- 9.3 The terms 'amenity' and 'public safety' are not defined in legislation. It is therefore open to each planning authority (and the Secretary of State on appeal) to interpret what is meant by these expressions as they apply in particular cases. In practice, 'amenity' is usually understood to mean the effect upon visual and aural amenity in the immediate neighbourhood of displaying the advertisement, or using an advertisement site, where passers-by, or people living there, will be aware of the advertisement. So in assessing amenity, it would be appropriate to consider the local characteristics of the neighbourhood. It also means aural amenity, so any noise the advertisement makes will be taken into account before express consent is given.
- 9.4 'Public safety' means the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air. So, for this purpose, it would be appropriate to consider the likely effects of the advertisement in relation to such matters as the behaviour of drivers, possible confusion with any traffic sign or signal, or possible interference with a navigational light or aerial beacon. It has to be acknowledged in undertaking such an assessment that the purpose of the advertisement is to attract

people's attention. What matters therefore, is whether the advertisement, or the spot where it is to be sited, will be so distracting or so confusing that it creates a hazard for, or endangers, people who are taking reasonable care for their own and others' safety.

9.5 The main planning issues to consider therefore are as follows:

- Heritage, Character and Design Impact (Visual Amenity)
- Neighbouring Amenity
- Transportation (Public Safety)

#### **Heritage, Character and Design Impact (Visual Amenity)**

9.6 Policy DMD 41 requires advertisements to be of an appropriate size and type in relation to the premises and to the street scene. It also states that within the Area of Special Advert Control and within conservation areas, the size, siting and illumination of new advertisements must protect the special characteristics and overall visual amenity of the relevant designation. Adverts should not become visually dominant, nor result in unnecessary advertisement clutter and must be directly related to activities of the site on which they are displayed. In addition, Policy D8 of the London Plan (2021) seeks to ensure that lighting within the public realm is including for advertisements, should be carefully considered and well-designed in order to minimise intrusive lighting infrastructure and reduce light pollution.

9.7 Fountain Island Plaza is situated within the Enfield Town Conservation Area and is within the setting of a number of designated and non designated heritage assets. Consequently, the impact on visual amenity is more sensitive and will need careful consideration. Policy HC1 of the London Plan (2021) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

9.8 Policy DMD44 ("Conserving and Enhancing Heritage Assets") states that development which fails to conserve and enhance the special interest, significance or setting of a heritage asset will be refused. The design, materials and detailing of development affecting heritage assets or their setting should conserve the asset in a manner appropriate to its significance.

9.9 This is within the context of Core Strategy Policy CP30 ("Maintaining and improving the quality of the built and open environment") seeks to ensure that new developments are high quality and design-led, having regard to their context while Policy CP31 ("Built and Landscape Heritage") of the of the Core Strategy sets out a requirement that development should conserve and enhance designated and non-designated heritage assets. Furthermore, Policy DMD37 ("Achieving High Quality Design-Led Development") states that development that is not suitable for its intended function that is inappropriate to its context, or which fails to have appropriate regard to its surroundings, will be refused. However, it also recognised there is a degree of subjectivity in this assessment of acceptable design.

9.10 The proposed signage, which is to be illuminated by static led bulbs within the lettering would be attached to the roof of the trailer situated in the service layby. The "arrow" element is to be internally lit. Its purpose is to promote the business name. It is considered that the proposed size of the signage is proportionate in relation to the

trailer upon which it will be located. In addition, the individual letters present a minimal visual obstruction and preserve views onto the square from across the road.

- 9.11 In terms of the heritage statement, it comments that “the placement of the design elements has been carefully conceived to support the objective of animating the square whilst maintaining desire lines across the square. The food kiosk trailer is situated in an existing car parking bay on the carriageway. As such, it enhances the visual appeal of the townscape, compared to the previous use of the bay for car and van parking. The proposed use of the food kiosk trailer, associated signage and adjacent seating re-introduces an element of informal trading which will likely have characterised the use of the square historically.
- 9.12 The heritage statement concludes “The proposal makes a positive contribution to the townscape, using carefully placed and small scale interventions to re-establish the historic use of Fountain Island as a key civic square in Enfield Town.
- 9.13 Acknowledging also that the proposed use of the site is for an initial 3 year temporary period, it is considered that the proposed signage would not harm the character and appearance of the conservation area nor would it contribute to excessive visual clutter in the street scene. Therefore, the proposed signage would be acceptable in relation to Policy D8 and Policy HC1 of the London Plan 2021, CP 30 and CP 31 of the Enfield Core Strategy 2010, DMD 37, DMD 41 & DMD 44 of the Enfield Development Management Document 2014 and the National Planning Policy Framework 2021.

#### **Neighbouring Amenity (Residential Amenity)**

- 9.14 Policy DMD 41 resists development involving the installation of advertisements that are not: i) of an appropriate size and type in relation to the premises and to the street scene. The proposed digital displays will be static, and the letters will be externally illuminated, and the arrow aspect would be internally illuminated.
- 9.15 The proposed development is close to shops and other retail units within the town centre many of which exhibit a variety of advertisement and signage including illuminated signage. There is some residential accommodation at first and second floor levels in nearby premises but within the context of the town centre, the proposed signage will not give rise to conditions detrimental to residential amenity.
- 9.16 To safeguard standards of residential amenity and to ensure the signage continues to comply with regulation and guidance, conditions will be applied limiting the brightness and preventing the introduction of flashing lights

#### **Transportation (Public Safety)**

- 9.17 The Standing Advice from Traffic & Transportation is that advertisements and signage must not obstruct any sightlines or visibility or be in a position where they would be overly distracting to road users passing by; for example, advertisements which are located at decision making points for drivers and would be unduly distracting. The proposed signage would be located above the food trailer and would not interfere with vehicular, pedestrian or cycle traffic.
- 9.18 The proposed illumination of the signage is 200 candelas per metre squared (cd/m<sup>2</sup>), which is well below the maximum of 800 cd/m<sup>2</sup> for signs of their proposed size in an urban area as set out in by the Institute of Lighting Engineers in PLG05: The Brightness of Illuminated Advertisements. Furthermore, the illuminated side of the

signage would be located facing the Fountain Island. Hence the illumination of the advertisement would not dazzle or distract any vehicles on the public highway. A condition will be imposed to ensure illumination levels remain as proposed and remain fixed rather than flashing which could act as a distraction and cause harm to highway safety.

- 9.19 It is therefore concluded that the proposal would be acceptable in terms of transportation and public safety.

## **10. Community Infrastructure Levy (CIL)**

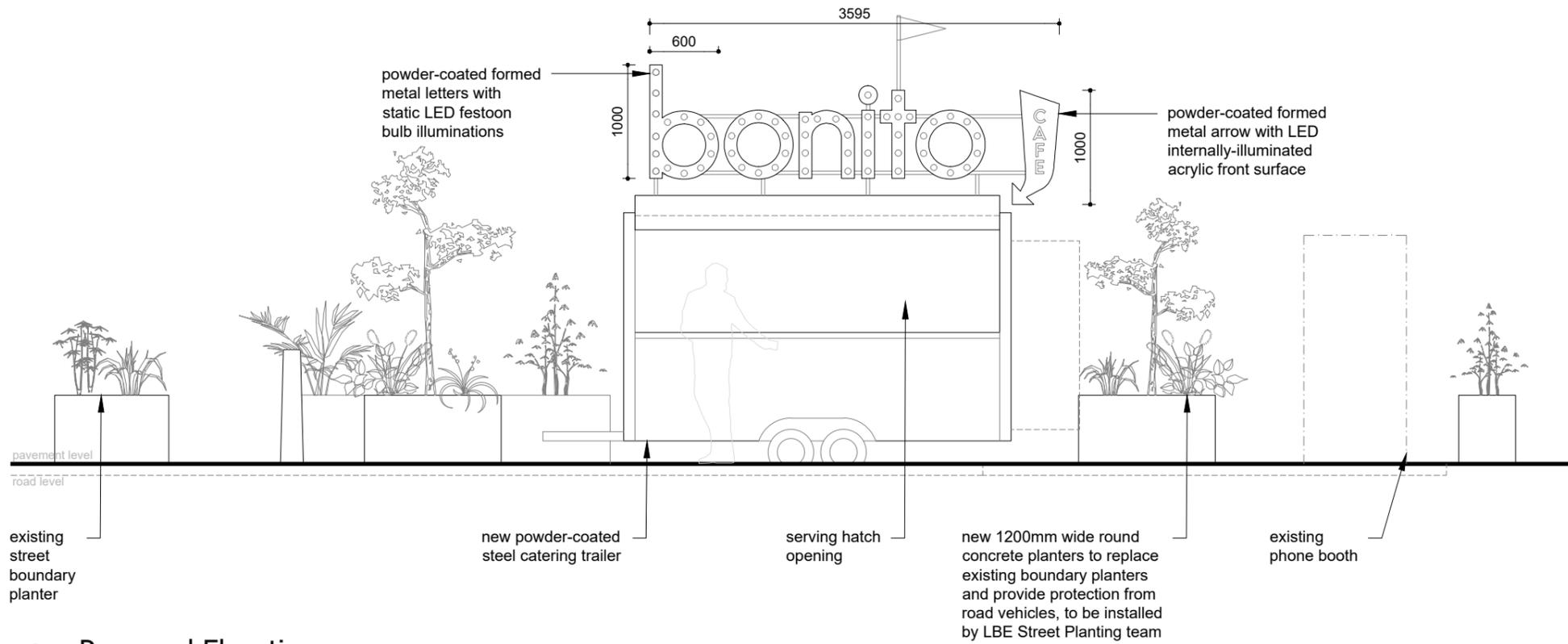
- 10.1 Applications for advertisement consent are not CIL liable.

## **11. Public Sector Equalities Duty**

- 11.1 Under the Public Sector Equalities Duty, an equalities impact assessment has been undertaken. It is considered the proposal would not disadvantage people who share one of the different nine protected characteristics as defined by the Equality Act 2010 compared to those who do not have those characteristics.

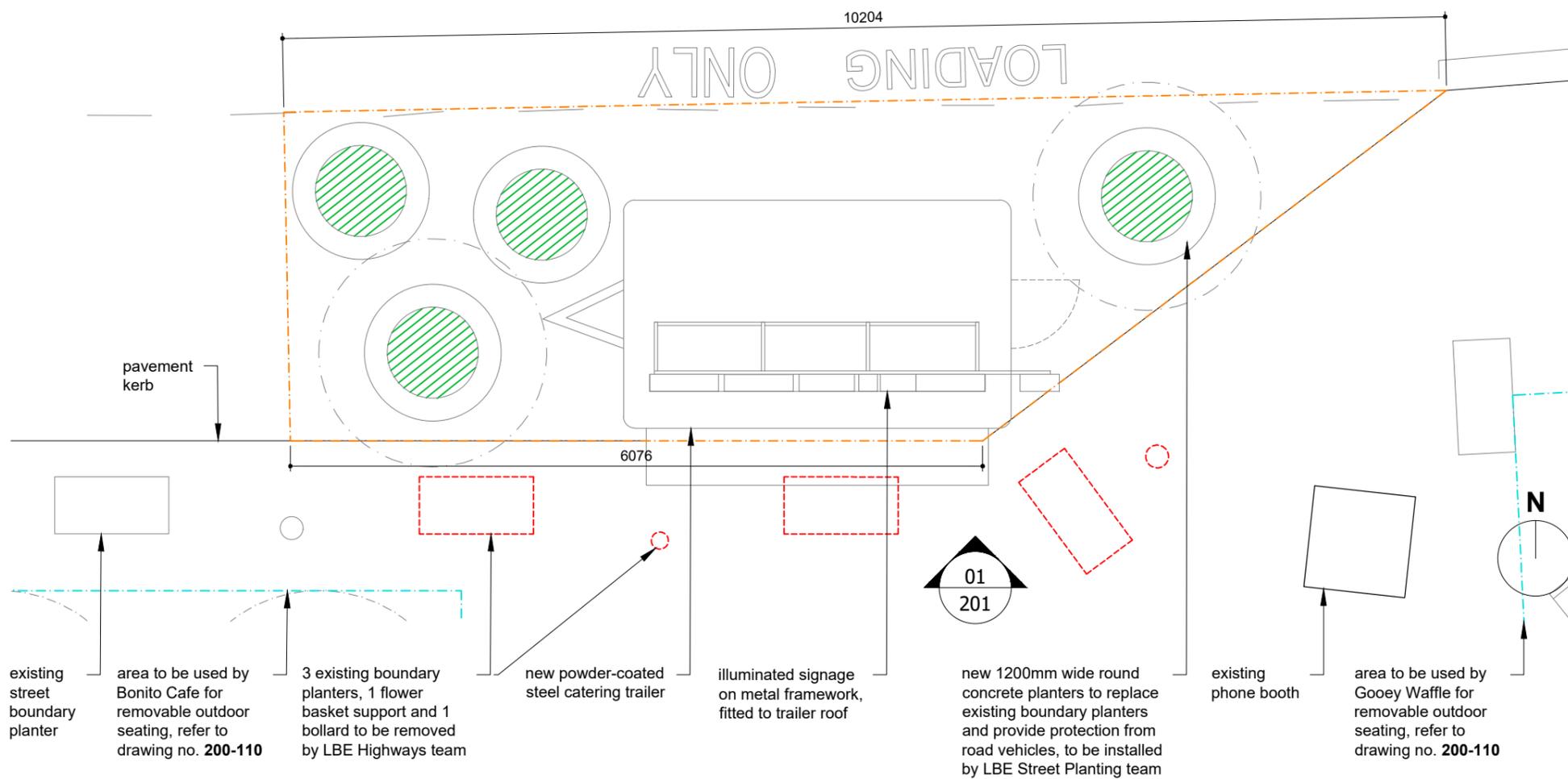
## **12. Conclusion**

- 10.1 Having regard to the above assessment, it is considered the proposal is acceptable for the following reasons:
- a. The proposed advertisement does not result in any harm to the character of the Enfield Town Centre or the special character and appearance of the Conservation Area. It is of an appropriate size in relation to the food trailer upon which it will be located and not result in any visual clutter within the street scene.
  - b. The proposed signage will not result in any detrimental impact upon neighbouring amenity or public safety.
  - c. The proposal would not cause any unacceptable harm upon highway safety or the flow of traffic in the locality.
- 10.2 The proposed signage having regard also to the mitigation secured by the recommended conditions, is therefore considered to be acceptable in relation to development plan policies for the reasons noted above.



01 Proposed Elevation

Scale: 1:50



02 Proposed Plan

Scale: 1:50

Client  
**Enfield Council**

Project name  
**Enfield Phase 2**

Project number  
**200**

Drawing name  
**Bonito Cafe Trailer - Pavement Elevation and Plan**

Drawing number  
**201**

Scale  
**1:50**

Revision  
**-**

Drawing status  
**Planning**

Page size  
**A3**

Date  
**18 02 2022**

Drawn by  
**CT**

Checked by  
**JK**

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Area boundary (24m<sup>2</sup>)

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7m<sup>2</sup> area to be used by Billy Hair for outdoor seating

52m<sup>2</sup> area to replace existing (previously used by The Art Town), licensed to Bonito Cafe for outdoor dining

24m<sup>2</sup> area at end of existing loading bay, to be used by Bonito Cafe as a serving point from catering trailer

Refer to drawing no. 220-201

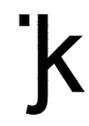
25m<sup>2</sup> area licensed to O'Neills for outdoor dining

12m<sup>2</sup> and 44m<sup>2</sup> areas licensed to Gooney Waffle for outdoor dining and seating

47m<sup>2</sup> area to replace existing, licensed to Nando's for outdoor dining

44m<sup>2</sup> area to replace existing (previously used by Bonito Cafe), to be used for supporting cultural activities

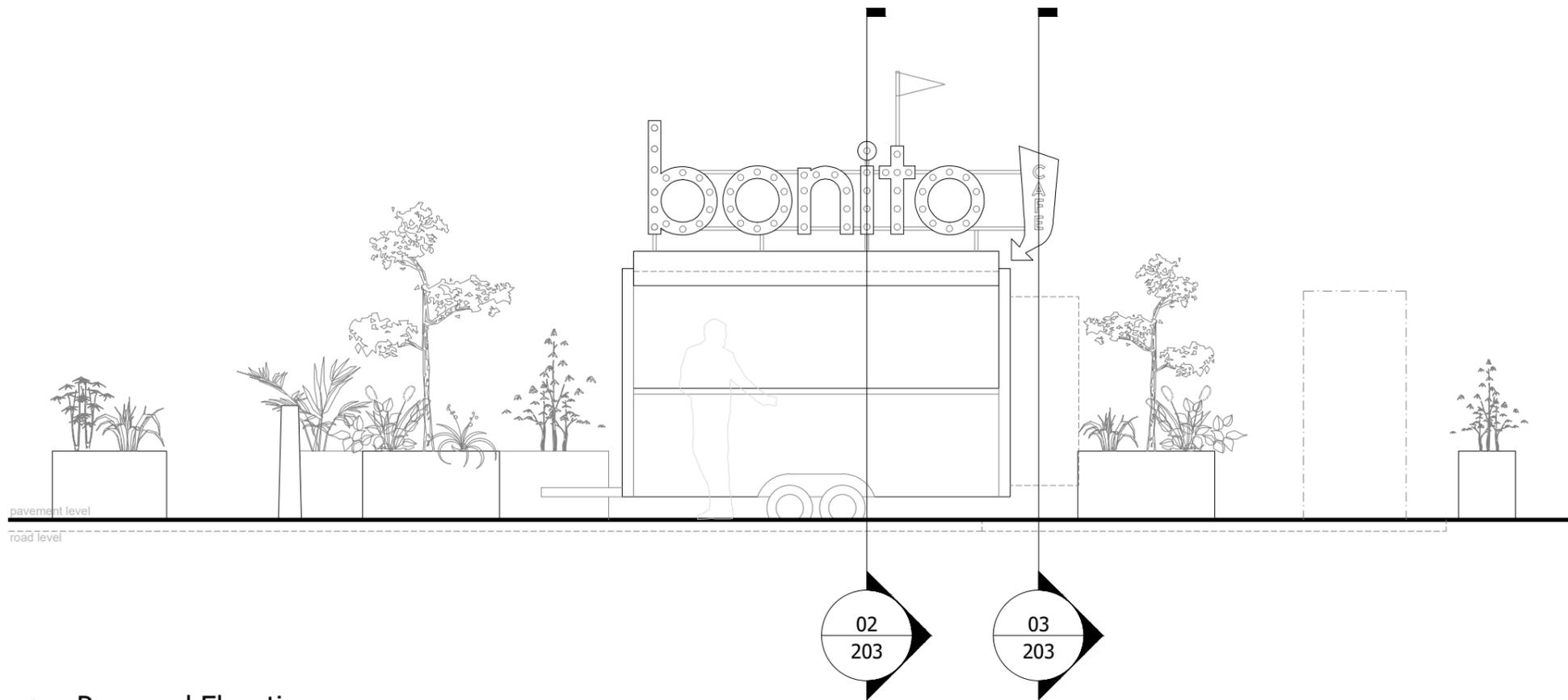
Refer to drawing no. 220-202



Client		
<b>Enfield Council</b>		
Project name	Project number	
<b>Enfield Phase 2</b>	<b>200</b>	
Drawing name		
<b>Fountain Island Proposed Plan</b>		
Drawing number	Scale	Revision
<b>110</b>	<b>1:200</b>	-
Drawing status	Page size	Date
<b>Planning</b>	<b>A1</b>	<b>18 02 2022</b>
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<b>CT</b>		<b>JK</b>

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- ▭ Fountain Island boundary (1,465 m<sup>2</sup>)
- ▭ Retained licensed business areas for outdoor removable street furniture
- ▭ New or adjusted business areas for outdoor removable street furniture
- ▭ Location of new stationary street furniture



01 Proposed Elevation

Scale: 1:50

Client  
**Enfield Council**

Project name  
**Enfield Phase 2**

Project number  
**200**

Drawing name  
**Bonito Cafe Trailer - Signage Details**

Drawing number  
**203**

Scale  
**1:50**

Revision  
**-**

Drawing status  
**Planning**

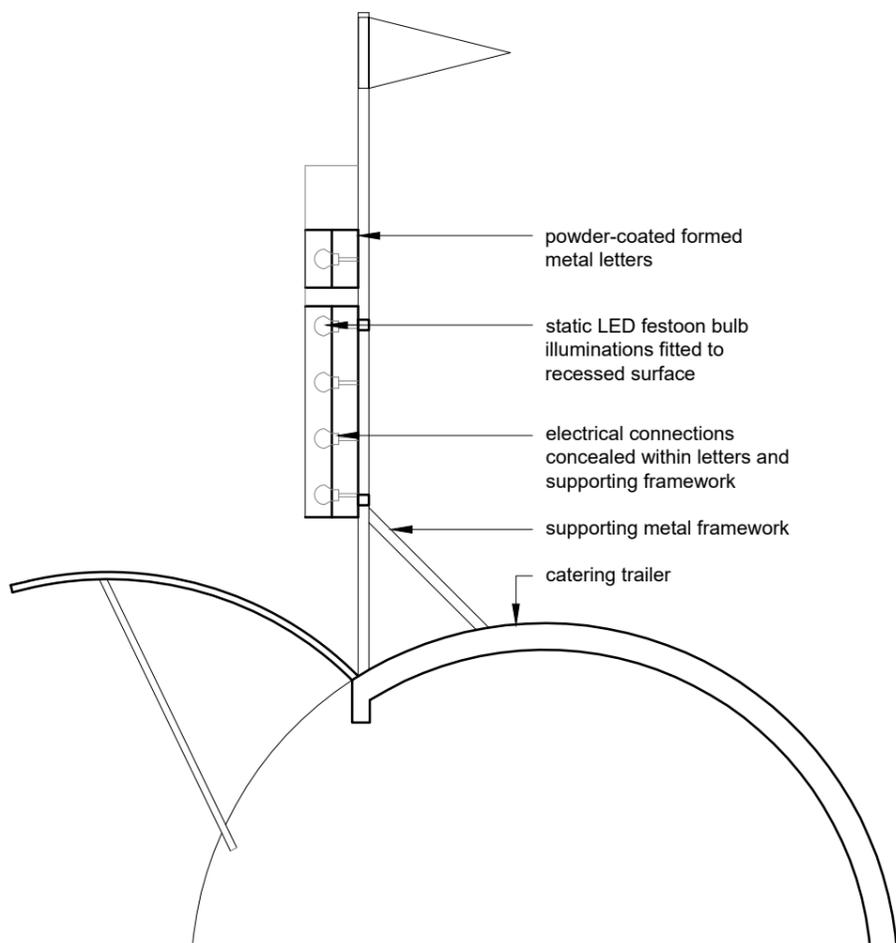
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Date  
**15 03 2022**

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**CT**

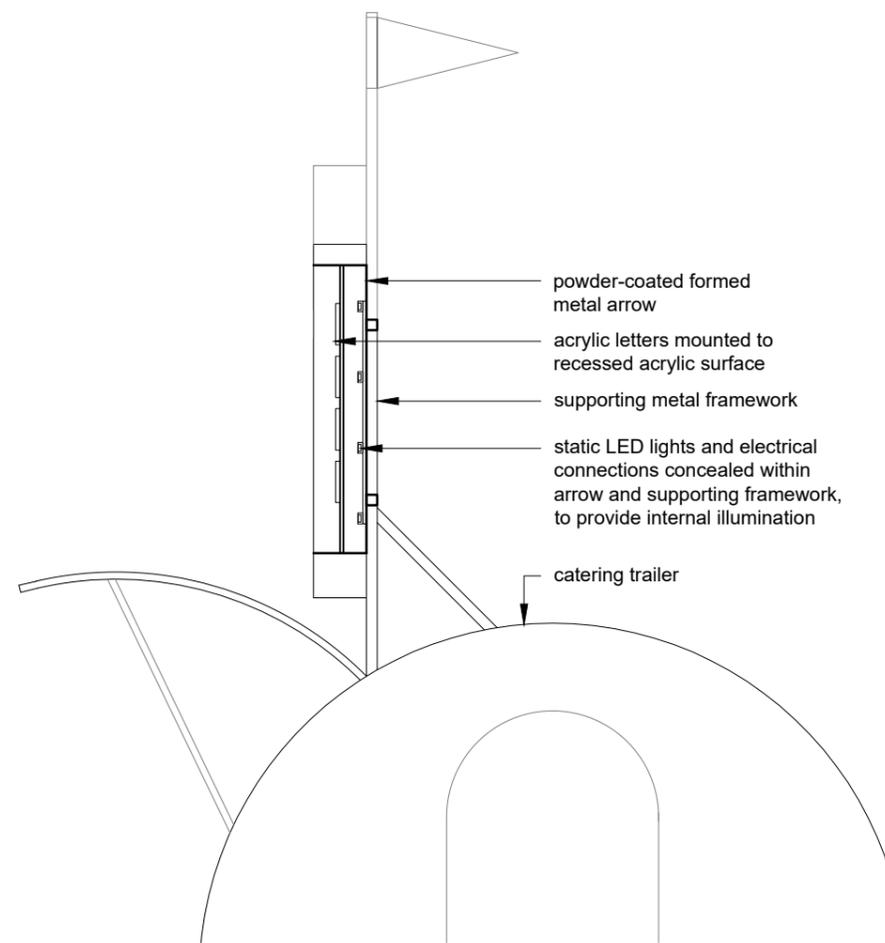
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02 Signage Section A

Scale: 1:20



03 Signage Section B

Scale: 1:20

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