

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 August 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved. Hyde Park	
Subject of Report	29 Spring Street, London, W2 1JA		
Proposal	<p>Application 1. Display of an internally illuminated fascia sign measuring 0.5m x 5.9m and an internally illuminated projecting sign measuring 0.6m x 0.6m.</p> <p>Application 2. Display of an internally illuminated box sign measuring 1.5m x 0.4m on the side elevation facing onto Conduit Place</p>		
Agent	N/A		
On behalf of	The Craft Beer Co (The Bear) Ltd		
Registered Number	Application 1. 23/01684/ADV Application 2. 23/01687/ADV	Date amended/ completed	10 May 2023
Date Application Received	14 March 2023		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Refuse Advertisement Consent – Harm to the visual amenity and character and appearance of the Bayswater Conservation Area.

2. SUMMARY & KEY CONSIDERATIONS

Express advertisement consent is sought for the retention of three internally illuminated advertisements, (fascia, projecting and box signs) at The Bear Public House.

Councillor Dimoldenberg supports the applications, but the South East Bayswater Residents

Association object to the illumination and garishness of the signs which they consider out of keeping with the neighbourhood.

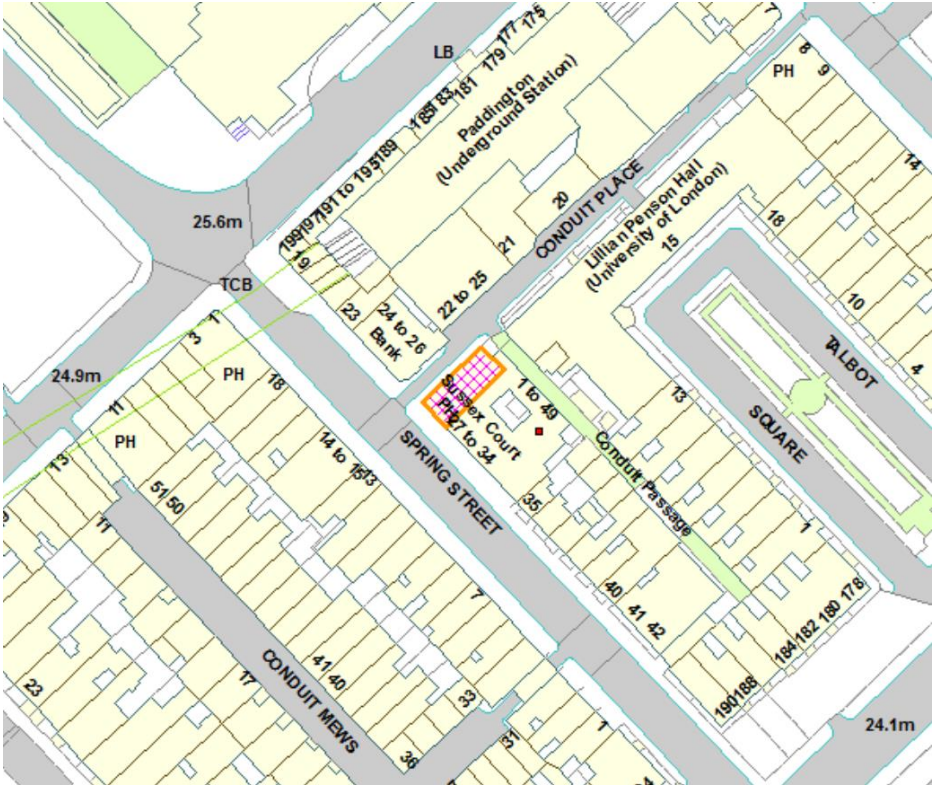
The majority of the advertisements in this locality within the conservation area are located above the shopfront window and comprise of fascia and projecting signs which are either externally illuminated or non-illuminated.

The key considerations in this case are:

- The acceptability of the advertisements on visual amenity and highway safety grounds.
- The impact of advertisements on the character and appearance of the Bayswater Conservation Area.

Given their number, method of illumination (internal illumination) and prominent location (advert on side elevation) they are considered unacceptable and harmful to the visual amenity of the area and detrimental impact on the character and appearance of the Bayswater Conservation Area and conflicts with policies 38, 39, 40 in Westminster's City Plan 2019 – 2040 (April 2021) and against the guidance contained within SPG Shopfront, Signs and Blinds (1993). As such, notwithstanding the support of Councillor Dimoldenberg, the applications are recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



29 Spring Street



5. CONSULTATIONS

5.1 Application Consultations

Application 1

COUNCILLOR DIMOLDENBERG

Supports the proposal.

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

Objection to the illumination and garishness of the sign is out of keeping with the neighbourhood.

PLANNING ENFORCEMENT TEAM

The application is the subject of an open planning enforcement case, where applicant has been advised to remove the signs or regularise with the submission of an advert application, but the existing signs are contentious. Action is held in abeyance pending determination of this case.

PRESS NOTICE/ SITE NOTICE:

Not required.

Application 2

COUNCILLOR DIMOLDENBERG

Supports the proposal.

SOUTH EAST BAYSWATER RESIDENT'S ASSOCIATION

Objection to the illumination and garishness of the sign is out of keeping with the neighbourhood.

PLANNING ENFORCEMENT TEAM

The application is the subject of an open planning enforcement case, where applicant has been advised to remove the signs or regularise with the submission of an ADV application, but the existing signs are contentious. Action is held in abeyance pending determination of this case.

PRESS NOTICE/ SITE NOTICE:

Not required.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

This application is a ground floor commercial unit “The Bear” in the north western corner of a large 1920-30’s residential block known as Sussex Court; the ground floor unit known as 29 Spring Street has a return frontage facing Conduit Place. The building is not listed, but lies in the Bayswater Conservation Area.

7.2 Recent Relevant History

29 Spring Street

On 21.07.2021 advert consent was granted for the display of externally illuminated fascia sign measuring 0.21m X 2.47m, externally illuminated hanging sign measuring 0.6m X 0.6m, internally illuminated other sign measuring 0.55m X 0.37m, non-illuminated other signs measuring 0.08m X 0.655m, 0.1m X 0.6m and 0.161m X 1.019m, 0.71m x 0.65m and 0.15m x 0.1m. Application ref no. 21/04618/ADV.

On 22.08.2017 advert consent was granted for the display of externally illuminated fascia sign measuring 0.40m x 7.00m. Application ref no. 17/06665/ADV.

On 19.04.2017 advert consent was granted for the display of externally illuminated fascia sign measuring 0.40m X 4.50, 0.80m X 0.50m and externally illuminated projecting sign measuring 0.80m X 0.50m X 0.03m. Application ref no. 17/01425/ADV.

24 Conduit Place

On 28/07/2022 advert consent was refused for display of two internally illuminated fascia signs measuring 0.83m x 8.18m and 1.46m x 1.68m and two internally illuminated projecting signs measuring 0.66m x 1.00m. Application ref no. 22/03564/ADV. These adverts are subject to an open enforcement case 22/76027/F.

21 Conduit Place

On 22/3/2012 advert consent was granted for the display of 1 x non-illuminated circular sign and 1 x non-illuminated sign applied to interior of glass above entrance door. Application ref no. 12/02395/ADV.

On 12/11/1990 advert consent was refused for the erection of illuminated static sign. Application ref no. 90/05439/ADV.

8. THE PROPOSAL

Application 1

The regularisation and display of existing 1 fascia sign measuring 5.9m length x 0.12m depth x 0.5m width located above the shopfront window and main entrance. Also, the display of existing 1 projecting sign measuring 0.6m length x 0.6m width x 0.15m depth. Both signs are internally illuminated and comprised of acrylic panels.

Application 2

The regularisation and display of existing 1 box sign measuring 1.5m height x 0.4m width x 0.06m in depth, the side is internally illuminated and comprised of acrylic panels.

9. DETAILED CONSIDERATIONS

9.1 Townscape, Design & Heritage Impact

Under Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulation 2007 the application for express consent is considered in the interest of amenity and public safety and to take into account the policies in the development plan.

The key legislative requirements in respect to designated heritage assets is Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 of the Westminster City Plan 2019-2040(April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. The Framework also says that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The development plan for Westminster consists of:

- Westminster's City Plan, adopted on 21st April 2021.
- The Mayor of London's London Plan (published 2021).

The relevant City Plan policies are:

Policy 38 (Design Principles) states:

New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods. All development will positively contribute to Westminster's townscape and streetscape, having regard to the character and appearance of the existing area, adjacent buildings and heritage assets, the spaces around and between them and the pattern and grain of existing streets, squares, mews and passageways.

Policy 39 (Westminster's Heritage) states:

Westminster's unique historic environment will be valued and celebrated for its contribution to the quality of life and character of the city. Public enjoyment of access to and awareness of the city's heritage will be promoted. Development must optimise the positive role of the historic environment in Westminster's townscape, economy and sustainability, and will:

- ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance.
- place heritage at the heart of place making and good growth, maintaining the unique character of our heritage assets and delivering high quality new buildings and spaces which enhance their settings.

Part K states that development will preserve or enhance the character and appearance of Westminster's conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

Policy 40 (Townscape and architecture) states:

Development will be sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape.

Policy 43 (Public Realm) states:

Development will contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design.

Part G states that signs and advertisements will make a positive contribution to amenity or public safety by being sensitively designed in terms of their size, location and degree of illumination, their impact on the building on which they are displayed, local context, street-scene and wider townscape.

Paragraph 43.16 states: Although they play a role in providing information, control of signs and advertisements is important as they can have significant impacts on the quality and appearance of the street scene and upon the building on which they are displayed. They may also affect amenity and public safety, including highway safety, and can damage the appearance of the streetscape and the architectural integrity of our built environment.

Policy HC 1 Heritage Conservation and Growth in the London Plan April 2021 sets out the strategic aims and the desirability of sustaining and enhancing the significance of London's heritage assets and historic environment, part C relates to development

proposals affecting heritage assets and their settings should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Detailed Design

The application site is a shop unit (occupied by The Bear Public House) located on a prominent corner on the east side of the street at the junction with Conduit Place. The shopfront forms part of the ground floor of a large substantial residential block known as Sussex Court located within the Bayswater Conservation Area.

Sussex Court is an attractive building of 6 storeys, faced in brickwork with stone clad ground floor and first floors, 3 bay wide bays, central window bay flanked by cantered bays, string course at 1st, 2nd and 4th and decorative parapet with taller central feature. The application site has an elegant stone clad shopfront, recessed windows and art deco inspired details to the lintels and pilasters with a deep stone canopy with corbel brackets.

The site is the subject of 3 previous applications for express consent to display fascia and projecting signs, all of which were externally illuminated. Previously a small menu box existed near the corner of the building facing Conduit Place, but this is not comparable to the large internally illuminated box sign in this proposal. The applications have been submitted following planning enforcement investigation.

Spring Street is a one-way street with vehicles entering the road from the south at the junction with Sussex Gardens. The street is commercial in character with a number of ground floor shop units. The advertisements are typically externally illuminated fascia and projecting signs .

In stark contrast, Conduit Place is a quiet, subdued narrow service street comprised of a mixture of mews buildings and the rear elevations of buildings facing Talbot Square. There is limited commercial activity and whilst there are existing internally illuminated adverts at 24 Conduit Place they do not benefit from express consent as they were refused in 2022 and are the subject of enforcement investigation.

The existing unauthorised signs proliferate and clutter the shopfront. The boxy form awkwardly relates to the attractive shop frontage, undermining the architectural features. The internal illuminated boxy signs comprise of acrylic panels and are prominently located. Especially the sign on Conduit Place where there are no other overt advertisements. The impact on Spring Street is at odds with the more subtle externally illuminated adverts in the conservation area. Therefore, given their number, method of illumination (internally illuminated) and prominent location (advert on side elevation) they are considered to harm the visual amenity of the area and the character and appearance of the Bayswater Conservation Area. Therefore, the proposal is contrary to policies 38, 39, 40, 43 of the adopted City Plan April 2021 and is recommended for refusal.

Highway Impact

The location, method of illumination and scale of the advertisements are not considered to cause substantial harm to drivers on this on-way street, entered from Sussex Gardens.

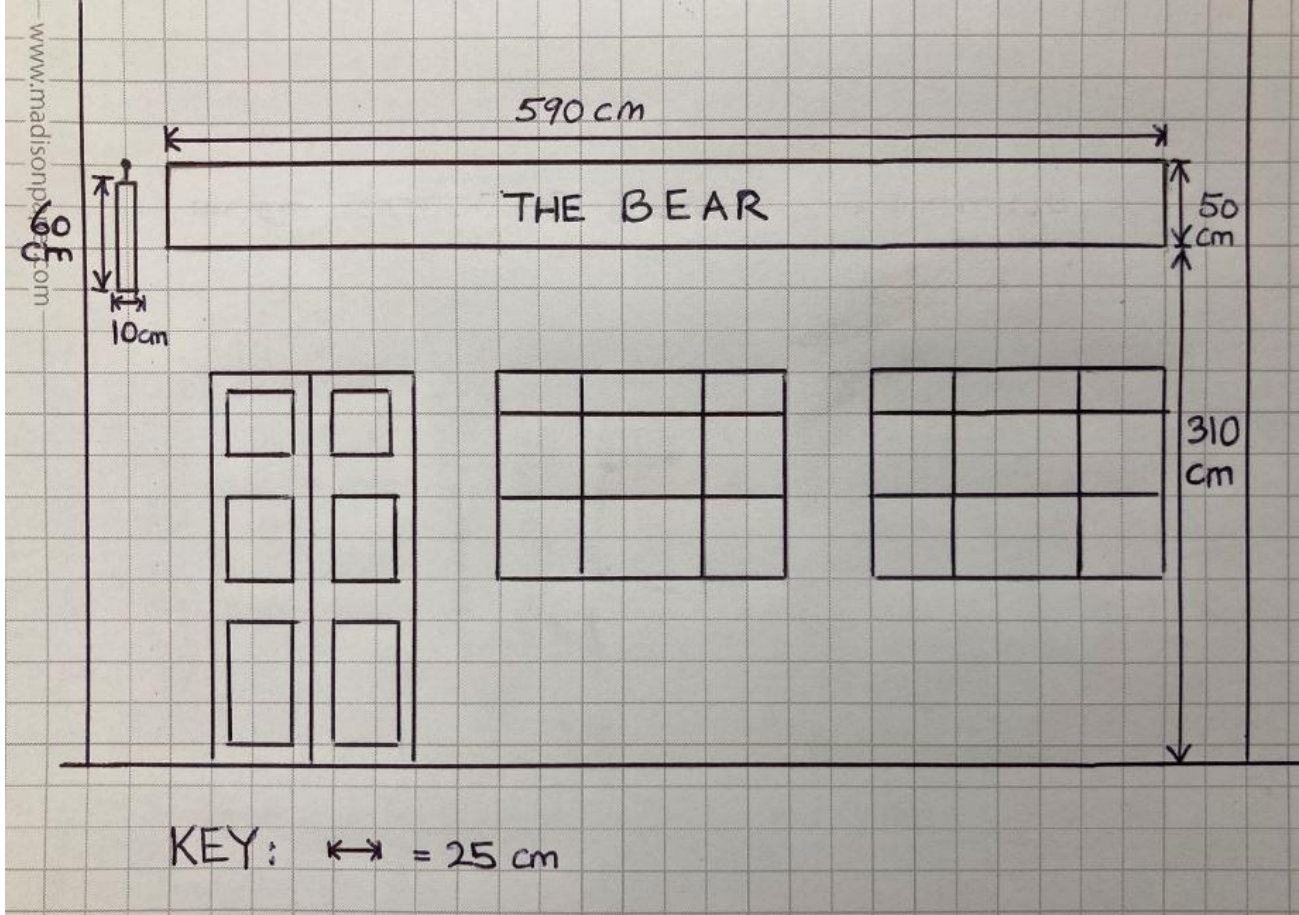
10. Conclusion

The proposals fail to accord with policies 38, 39, 40 and 43 of the City Plan 2019-2040 and are harmful to the visual amenity of the area and harm to the character and appearance of the Bayswater Conservation Area as a designated heritage asset. Therefore, the recommendation to refuse consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

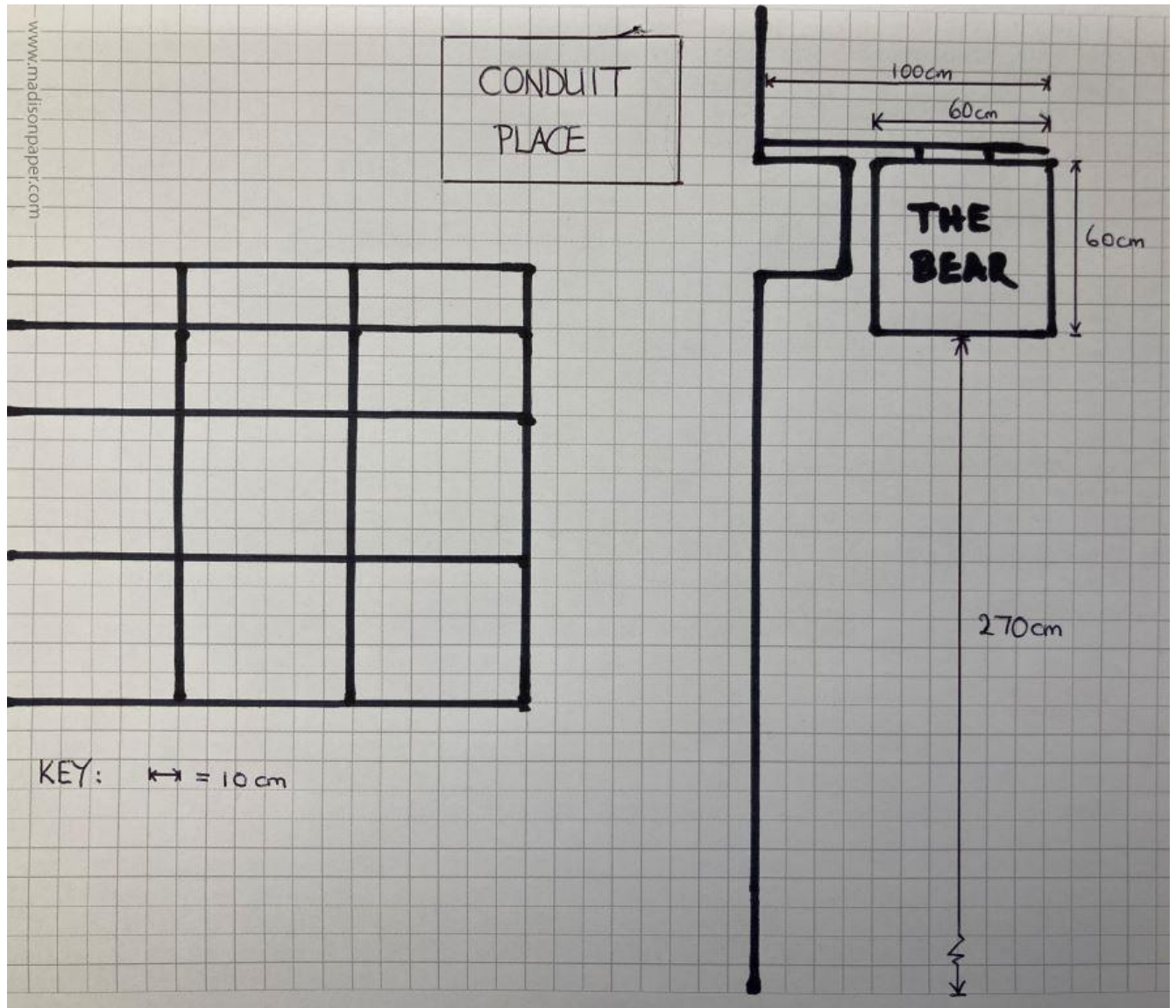
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

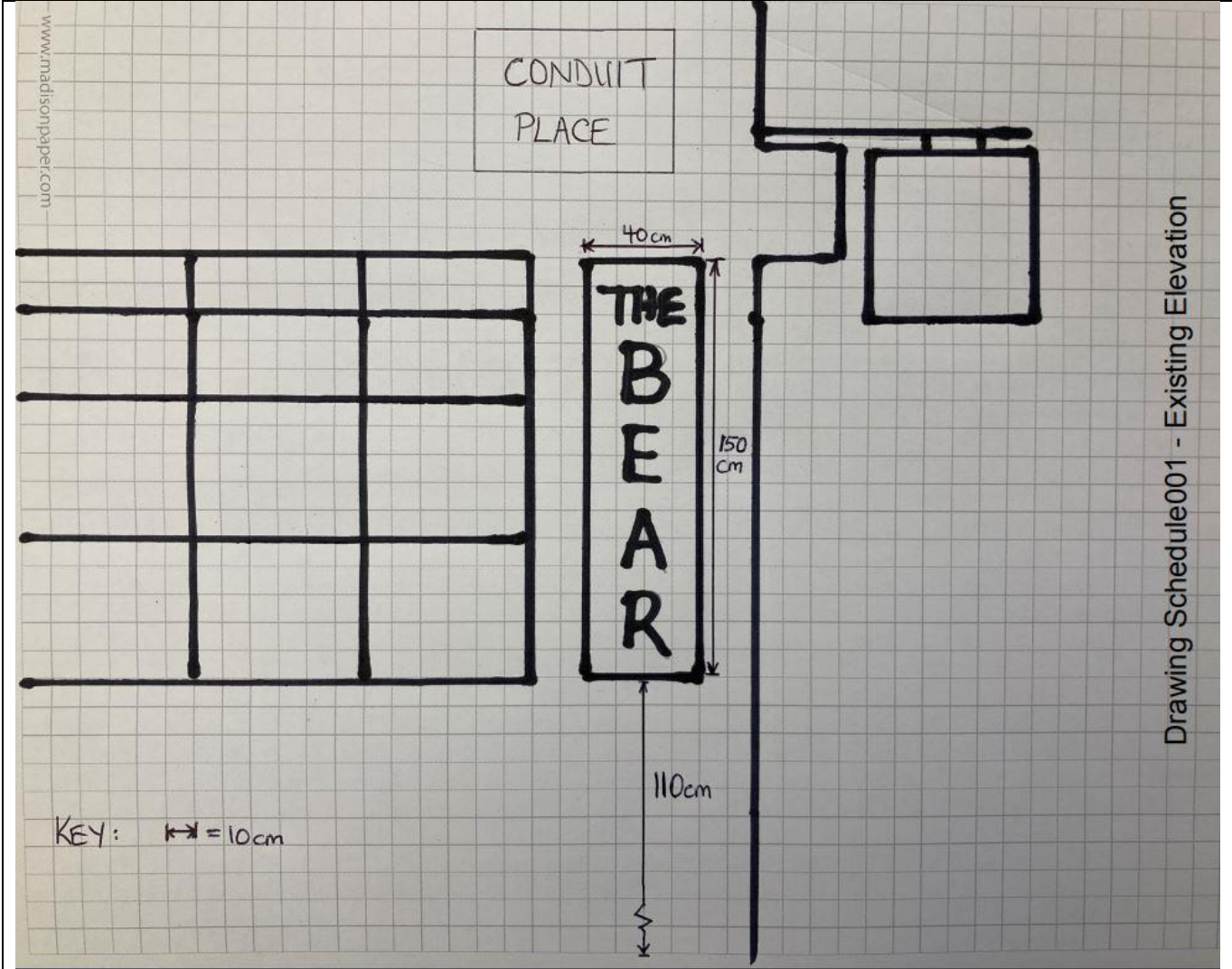
11. KEY DRAWINGS



Proposed elevation-Spring Street



Proposed projecting sign



Proposed elevation Conduit Place

DRAFT DECISION LETTER – 23/01684/ADV

Address: 29 Spring Street, London, W2 1JA

Proposal: Display of an internally illuminated fascia sign measuring 0.5m x 5.9m and an internally illuminated projecting sign measuring 0.6m x 0.6m.

Reference: 23/01684/ADV

Plan Nos: Site Location Plan, Photographs and Photomontages003 -Existing Elevation, Photographs and Photomontages002 -Existing Elevation, Drawing Schedule002- Existing Elevation and Drawing Schedule003 - Existing Elevation.

Case Officer: Shui-Fung Siu

Direct Tel. No. 020 7641
07866036318

Recommended Condition(s) and Reason(s)

- 1 Reason:
Because of the method of illumination and bulky box form, the internally illuminated fascia and projecting signs harm the appearance of the building and the appearance (amenity) of the area. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet Policies 38, 39, 40 and 43(G) of the City Plan 2019 - 2040 (April 2021).

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER – 23/01687/ADV

Address: 29 Spring Street, London, W2 1JA

Proposal: Display of an internally illuminated box sign measuring 1.5m x 0.4m on the side elevation facing onto Conduit Place

Reference: 23/01687/ADV

Plan Nos: Site Location Plan, Photographs and Photomontages001 - Existing Elevation, Drawing Schedule001 - Existing Elevation and Drawing Schedule004 - Light Box Cross Section.

Case Officer: Shui-Fung Siu **Direct Tel. No.** 020 7641
07866036318

Recommended Condition(s) and Reason(s)

1. Reason:
Because of its proliferation, location, method of illumination the internally illuminated advertisement on side elevation facing Conduit Passage has a harmful impact harm the appearance of the building and the appearance (amenity) of the area. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet Policies 38, 39, 40 and 43(G) of the City Plan 2019 - 2040 (April 2021).

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.