

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 19 March 2024	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Knightsbridge & Belgravia	
<b>Subject of Report</b>	<b>90 Brompton Road, London, SW3 1ER</b>		
<b>Proposal</b>	Display of seven internally illuminated window signs at first floor level measuring 74.5 cm x 188.5 cm; one internally illuminated fascia sign at ground floor level measuring 87 cm x 200 cm; and one internally illuminated projecting sign at ground floor level measuring 77.3 cm x 68.3 cm.		
<b>Agent</b>	Camberwell & Metropolitan		
<b>On behalf of</b>	KPHD Ltd		
<b>Registered Number</b>	23/08032/ADV	<b>Date amended/ completed</b>	12 December 2023
<b>Date Application Received</b>	20 November 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	No		
<b>Neighbourhood Plan</b>	Knightsbridge		

## 1. RECOMMENDATION

Grant conditional advertisement consent.

## 2. SUMMARY & KEY CONSIDERATIONS

This application seeks express advertisement consent for a series of internally illuminated signs at the ground floor entrance and in the windows of the first-floor level of 90 Brompton Road. 90 Brompton Road is a part of the wider mixed-use Princes Court on Brompton Road, which is directly opposite the grade II\* Harrods in the neighbouring Royal Borough of Kensington and Chelsea. Princes Court is not a listed building, nor is it located in a conservation area.

The key considerations in this case are:

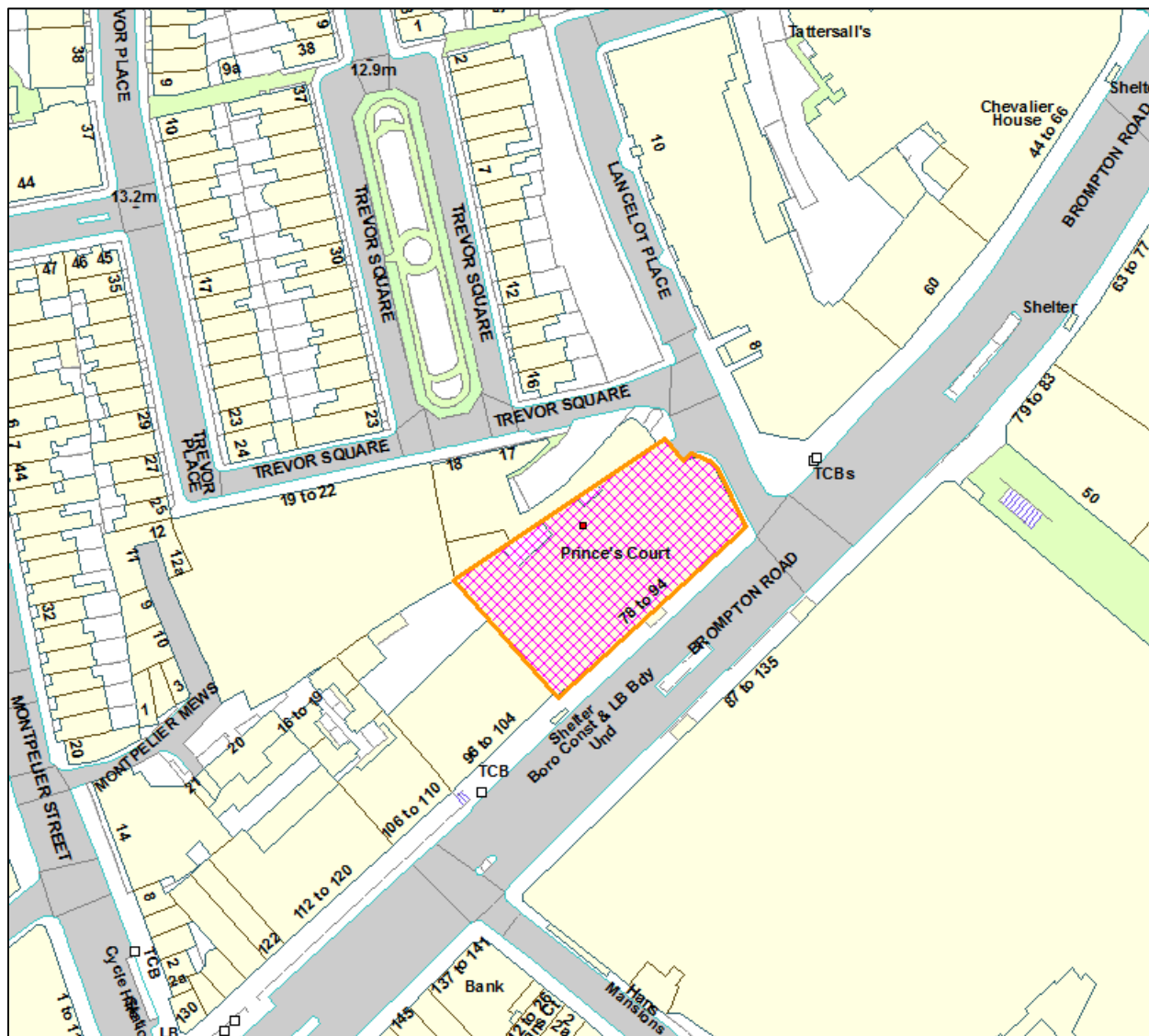
- The impacts of the proposed signs on the amenity of the area; and

- The impacts of the proposed signs on public safety.

Objections to this application have been received from the Knightsbridge Association and on behalf of nearby residents. The Knightsbridge Neighbourhood Forum has also commented on the proposal.

As set out in this report, subject to conditions to secure public safety, the proposed advertisements are considered to be acceptable in terms of amenity and public safety and to accord with the City Plan 2019-2040 (April 2021) and the Knightsbridge Neighbourhood Plan 2018-2037 (December 2018), so far as they are material.

## 3. LOCATION PLAN



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4. PHOTOGRAPHS



**The application site (Princes Court) as seen from the corner of Hans Crescent and Brompton Road**

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### KNIGHTSBRIDGE ASSOCIATION:

Objection to first floor level illuminated signs. Their excessive number, size and repetitive arrangement, and the illuminated nature of the signs is considered to be detrimental to this overwhelmingly residential block of flats 78-94 Brompton Road, as well as being harmful to the street scene and immediate surrounds / the sites prominent position bordering both onto the WCC Knightsbridge and the RBKC Hans Town Conservation Areas.

#### KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Raise concerns on following grounds:

- This is a high profile site opposite the listed Harrods and in the Knightsbridge International Centre. It is important that any advertising is in keeping with the area;
- The likely health impact of bright', blue' and backlit/electronic light for advertising on people's sleep patterns and health and on the character of the area; and
- Piccadilly Circus-type electronic advertising is not consistent with the status of the Knightsbridge International Centre.

Object, unless the following conditions are attached:

1. Require that any advertising must not have a detrimental impact on the amenity or visual appearance of the building and that no signage or promotional features shall be placed on the pavement;
2. Permit only flat or unlit advertising at this site;
3. Premises to take steps to minimise energy use and maximise energy efficiency; and
4. Require a review and further council approval after 12 months and three years of any advertising consent.

#### ROYAL BOROUGH OF KENSINGTON & CHELSEA:

No objection.

#### TRANSPORT FOR LONDON:

No objection, subject to conditions.

#### HIGHWAYS PLANNING MANAGER:

Acceptable, subject to conditions.

#### OTHER REPRESENTATIONS RECEIVED:

1 objection received on behalf of residents of a nearby building. Their grounds of objection are:

- The proposals would have a detrimental impact on public health and the amenity of nearby residents due to the excessive number and illumination of the signage.
- The proposals are largely similar to application RN 22/05720/ADV, which was withdrawn because it was recommended for refusal by officers.
- The proposals have a negative impact on wider visual amenity through the unsympathetic impact on the character of the surrounding area. The proposals clearly represent excessive and illuminated approaches that are not in keeping

with the surrounding character and the existing building and historic advertising/signage approach.

- The obscuring of windows and views through to the units does not provide active frontages which is considered the prevailing character of the area and Brompton Road.

## **5.2 Applicant's Pre-Application Community Engagement**

While pre-application community engagement is always encouraged and advisable, the City Council does not expect any specific community engagement be carried out for proposed advertisements.

## **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) (December 2023) and should be afforded full weight in accordance with paragraph 225 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 Regulation 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), the City Council, as the local planning authority, shall exercise its powers to control advertisements in the interests of amenity and public safety, taking in to account the provisions of the development plan, so far as they are material, and any other relevant factors.

### **6.2 Neighbourhood Planning**

The Knightsbridge Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment.

It has been through independent examination and was supported by local residents in a referendum held on 18 October 2018. It was adopted on 11 December 2018. It therefore forms part of the development plan for Westminster for development within the Knightsbridge neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

### **6.3 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 (December 2023) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

This application site is the first floor level of Prince's Court and has a ground floor level entrance on to Brompton Road. The site was formerly a shop but now has planning permission authorising its use as an 'interactive museum'.

The site does not form part of a listed building and is not located in a conservation area. However, it is directly opposite Harrods, a grade II\* listed building, located in the neighbouring Royal Borough of Kensington and Chelsea.

### **7.2 Recent Relevant History**

23/00935/FULL - Dual/alternative use as either an 'interactive museum' (sui generis) or as commercial, business or service premises (Class E) for a temporary 10 year period.  
Application Permitted 28 November 2023

22/05720/ADV - Display of internally illuminated fascia sign measuring 0.54m x 1.69m, fascia sign measuring 0.54m x 1.69m, fascia sign measuring 0.655m x 1.77m, fascia sign measuring 0.655m x 1.77m, fascia sign measuring 0.545m x 1.815m, fascia sign measuring 0.545m x 1.815m, fascia sign measuring 2.08m x 2m.  
Application Withdrawn 12 October 2022

## **8. THE PROPOSAL**

This application seeks express advertisement consent to display: seven internally illuminated window signs at first floor level (six on the front of the building, one on the side), and a fascia sign and a projecting sign (both internally illuminated) above the entrance onto Brompton Road at ground floor level.

In addition to the above, the applicant intends to display six non-illuminated vinyl signs applied inside the glazing of the building at first floor level. These non-illuminated vinyl signs would benefit from deemed consent, pursuant to Regulation 6 and Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) and so no comment on their acceptability can be made here. They have been removed from the proposal accordingly.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Amenity**

*Legislative & Policy Context*

Regulation 3 of the Regulations clarifies that amenity, with respect to considering advertisements, includes (but is not limited to) the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Policy 38 of the City Plan 2019-2040 (April 2021) sets out that development will positively contribute to the townscape and streetscape having regard to the character and appearance of the existing area, adjacent buildings and heritage assets.

Policy 39 of the City Plan sets out that development will ensure heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance.

Policy 43 of the City Plan sets out that signs and advertisements will make a positive contribution to amenity 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.

Policy KBR2 of the Knightsbridge Neighbourhood Plan 2018-2037 (December 2018) sets out that signage to commercial premises should demonstrate high quality design and retain or enhance the character of the shopping frontage within which they are located. It also says that lighting should seek to highlight the character of the property and enhance the local setting.

Policy KBR8 of the Knightsbridge Neighbourhood Plan sets out that advertisements which require consent should not have a detrimental impact on the amenity of the area.

#### *Amenity Assessment*

The objections to this application focus on the number and illumination of the proposed signs. However, given the large size of the building, and the sizes of, and spacings between the first floor level illuminated signs, the proposed signs are considered to be respectful of the scale and architecture of the building on which they would be displayed.

Most buildings along Brompton Road have commercial uses at first floor level and in this context it is acceptable to have some limited signage above ground floor level to identify the premises, as is proposed here. Illuminated signage and lighting is a key part of the street scene on this shopping street of international importance and the proposed illuminated signs would not detract from this street scene or wider townscape.

While the application site is not listed or located in a conservation area, its side elevation is in the setting of the Knightsbridge Conservation Area and its frontage is in the setting of the grade II\* listed Harrods, and Hans Town Conservation Area in the neighbouring Royal Borough of Kensington & Chelsea. Due to their size and method of illumination it is not considered that the proposed signs would cause any harm to the setting of these heritage assets.

It is therefore assessed that the size, number, location, method of illumination and detailed design of the proposed signs are sympathetic to the host building and in-keeping with the streetscape of Brompton Road. The proposals would, therefore, be acceptable in terms of their impact on the amenity of the area and would accord with Policies 38, 39 and 43 of the City Plan and Policies KBR2 and KBR8 of the



Knightsbridge Neighbourhood Plan.

## 9.2 Public Safety

Regulation 3 of the Regulations clarifies that public safety, with respect to considering advertisements, includes (but is not limited to) the safety of persons using any highway.

Public safety is distinct public health, as raised in some objections to this application and by Policy KBR40 of the Knightsbridge Neighbourhood Plan, in that public health is a broader public policy matter seeking to prevent disease and prolong life in the wider population, whereas as public safety in respect of considering advertisement applications is a more limited consideration of whether the display of an advertisement might directly endanger the public e.g. by being confused with or obscuring a traffic signal or by blocking a footway such that pedestrians would have to step in to the carriageway etc.

Policy 43 of the City Plan sets out that signs and advertisements will make a positive contribution to public safety.

Policies KBR2 and KBR8 of the Knightsbridge Neighbourhood Plan both set out that advertisements should not be placed on the pavement or block pedestrian routes.

The Council's Highways Planning Manager and Transport for London (who are the highway authority for Brompton Road) have assessed the proposal and request conditions limiting the maximum illumination of the signs, that they are not flashing or intermittent, and that the footway and carriage way are not blocked during installation of the signs.

Subject to these conditions, the proposal would be acceptable in terms of public safety and would accord with Policy 43 of the City Plan and Policies KBR2 and KBR8 of the Knightsbridge Neighbourhood Plan.

## 9.3 Other Matters

The council can only use its powers to control advertisements in the interests of amenity and public safety and it should not limit or restrict the subject matter, content or design of what is to be displayed, pursuant to Regulation 3 of the 2007 Regulations.

Other matters, such as energy efficiency - as raised by the Knightsbridge Neighbourhood Forum - do not relate to amenity or public safety and so cannot be taken into consideration when assessing these proposals.

One of the comments on this application objected to the obscuring of the first floor level windows, claiming this fails to provide an active frontage. This cannot be sustained as an objection in respect of this application for advertisement consent because the obscuring of the first floor level windows does not itself constitute an advertisement requiring express advertisement consent and the need for the windows to be at least partly obscured is a necessary result of the authorised use as an 'interactive museum'.

Furthermore, obscured first or mezzanine floor levels are prevalent along Brompton Road, as can be seen at 70 Brompton Road (across Lancelot Place from the application site) or at Harrods (directly opposite from the application site).

The same comment also raised the provisions of Regulation 3(3) of the 2007 Regulations that allows local planning authorities to, if they think fit, disregard any advertisement that is being displayed when taking account of factors relevant to amenity. The above assessment of the proposed advertisements has had regard to this regulation and does not rely on either the advertisements that were previously displayed on the site or any other existing advertisements in the local area when finding the proposed advertisements to be acceptable in terms of their amenity impacts.

The request from the Knightsbridge Neighbourhood Forum for the consent to be reviewed after one and then three years is not considered to be reasonable in this context and this assessment considers the proposals as if they are to be displayed permanently.

The applicant intends to display non-illuminated vinyl signs on the inside of the first floor level windows between the windows hosting the illuminated signs seeking approval under this application. These non-illuminated signs were on the drawings originally submitted by the applicant. These non-illuminated signs benefit from deemed consent pursuant to Regulation 6 and Class 12 of Schedule 3 of the 2007 Regulations, meaning they can be displayed without the City Council's prior consent. For this reason, the applicant has now removed these signs from the proposal seeking consent under this application. Once these signs are being displayed, the City Council could take discontinuance action against these signs if it is considered that it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public, pursuant to Regulation 8 of the 2007 Regulations.

## 10. Conclusion

This report has considered the acceptability of the proposed advertisements in terms of their impacts on amenity and public safety, taking in to account the provisions of the development plan, so far as they are material, and all other relevant factors.

Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and the Knightsbridge Neighbourhood Plan 2018-2037. It is recommended that express advertisement consent is granted, subject the conditions listed at the end of this report, which are necessary to make the advertisements acceptable in terms of amenity and public safety.

(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: DAVID DORWARD BY EMAIL AT [ddoward@westminster.gov.uk](mailto:ddoward@westminster.gov.uk)

11. KEY DRAWINGS



BROMPTON ROAD



BROMPTON ROAD

Proposed Visualisations



BROMPTON ROAD

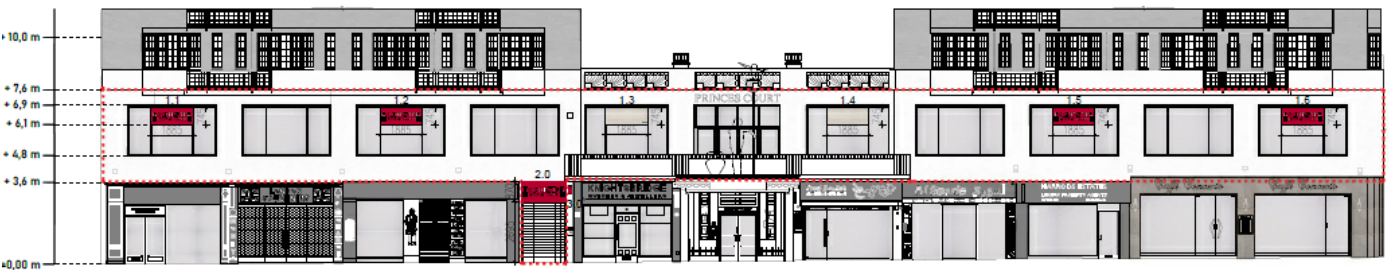


BROMPTON ROAD - LANCELOT PLACE

**Proposed Visualizations**



**Proposed Front (Brompton Road) Elevation**



**Pre-Existing Front (Brompton Road) Elevation**



**Proposed Side (Lancelot Place) Elevation**



**Pre-Existing Side (Lancelot Place) Elevation**

**DRAFT DECISION LETTER**

**Address:** 90 Brompton Road, London, SW3 1ER

**Proposal:** Display of seven internally illuminated window signs at first floor level measuring 74.5 cm x 188.5 cm; one internally illuminated fascia sign at ground floor level measuring 87 cm x 200 cm; and one internally illuminated projecting sign at ground floor level measuring 77.3 cm x 68.3 cm.

**Reference:** 23/08032/ADV

**Plan Nos:** B1 Location Plan; B8 Rev A Proposed Elevations; B9 Rev A Proposed Front Elevation (Left); B10 Rev A Proposed Front Elevation (Right); B11 Rev A Proposed Side Elevation; B12 Rev A Window Signs Details; B13 Rev A Fascia and Projecting Signs Details.

**Case Officer:** Max Leonardo

**Direct Tel. No.** 07817095744

**Recommended Condition(s) and Reason(s)****Standard Conditions:**

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to-
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

**Additional Conditions:**

1. The illumination of the advertisements must not be intermittent, flashing or any greater than 600 cd/m<sup>2</sup>.

Reason: In the interests of public safety in accordance with Policy 43(G) of the City Plan

2019-2040 (April 2021).

- 2 You must not block the footway or carriageway of A4 Brompton Road when installing or removing the advertisements. You must keep temporary obstructions during installation and removal to a minimum and not:
- (a) encroach on the clear space needed to provide safe passage for pedestrians; or,
  - (b) obstruct the flow of traffic on A4 Brompton Road.

Reason: In the interests of public safety in accordance with Policy 43(G) of the City Plan 2019-2040 (April 2021) and KBR2 and KBR8 of the Knightsbridge Neighbourhood Plan 2018-2037 (December 2018).

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.