

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 07/05/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	CA/24/01572	Agenda Item:	S49	
Address:	51-55 Cromwell Road, LONDON, SW7 2EH			
Proposal:	Temporary externally illuminated decorative scaffold shroud with an inset area for advertising, measuring 11 X 7 Metres			
Applicant:	BLOW UP MEDIA UK LTD			
Agent:	Mr Koscienc			
Properties notified:	Objections:	Support:	Comments:	Petition:
0	0	0	0	0
Conservation area: Queen's Gate				

1. Summary

- 1.1 The proposed shroud, given its temporary nature and location would be appropriate in the wider streetscape and would not harm the visual amenity in the area. The advertisement would not be positioned to impair sight lines for motorists, block traffic signals nor would it incorporate moving or digital images. As such the advertisement would not adversely affect highway safety. The proposed illumination of the temporary shrouding would not result in any undue impacts upon local highway conditions or specifically highway safety. The proposed shroud would therefore comply with policies CL3, CR4 and CT1 of the Local Plan 2019.
- 1.2 This application seeks consent for the continued display of the advertisements which were previously granted under ref. CA/22/07259, for a further seven months. There have not been any significant changes in policy since that consent was granted. The shroud would be in place until 14th September 2024 and this has been secured by recommended condition 6.

It is recommended the Committee grants planning permission with the conditions listed in Section 8 of this report.

2. Reason for committee consideration

- The Director considers it appropriate that the Committee determines the application.

3. The site and its surroundings

- 3.1 The application site comprises of nos. 51-55 Cromwell Road which are five storey buildings with lower-ground floor levels. The site is situated on the southern side of Cromwell Road and forms part of a wider terrace of properties (nos. 43-57 Cromwell Road) with Queensberry Mews West located to the rear. The site is within the TFL Buffer Network and fronts on to a Red Route.
- 3.2 The site is within the Queen's Gate Conservation Area and is in close proximity to a terrace of Grade II listed buildings along Queen's Gate. The site is also opposite the Natural History Museum which is Grade I listed.
- 3.3 The site is currently in use as a hostel (sui generis use) which was confirmed by a recently approved Certificate of Lawful Proposed Use (Ref. CL/21/04922) with the associated mews property also being in hostel use (confirmed by PP/22/01825 and PP/23/02670).

4. The proposal and any relevant planning history

- 4.1 Control of advertising consent is sought for a 11m in width and 7m in height shroud at the first and second floor levels of 51-55 Cromwell Road. The advertising forms part of a larger 1:1 shroud displaying the façade of the building behind it. The shroud covers building works to implement application refs. PP/22/01825 and PP/23/02670 and is anticipated to be erected for a temporary period of seven additional months.
- 4.2 This application seeks consent for the continued display of the advertisements which were previously granted under ref. CA/22/07259, for a further seven months. There have not been any significant changes in policy since that consent was granted.
- 4.3 Officers visited the site on 9th April 2024.
- 4.4 The relevant planning history is set out below:

Reference	Description	Decision
CL/21/04922	Use as a hostel (sui generis) for long-stay accommodation during the academic year and short-stay accommodation outside of the academic year, with shared facilities for use by occupants (Certificate of Lawful Proposed Use/Development)	Granted (26.10.21)
PP/22/01825	Construction of mansard extension across 51-53 Cromwell Road (replacing existing roof form). Construction of mansard extension at 55 Cromwell Road, providing 12 hostel rooms and communal space (replacing 10 hostel rooms and communal space). Construction of rear infill extensions at 51-55 Cromwell Road between lower ground and first floor level comprising 4 hostel rooms and improved ancillary space. Creation of additional internal level within closet wings at rear of 51-55 Cromwell Road providing 3 hostel rooms. External alterations to front and rear of 51-55 Cromwell Road. Change of use of lower level of 1-2 Queensberry Mews West providing ancillary space. External alterations to front elevation of 1-2 Queensberry Mews West and addition of 3 roof lights.	Granted (26.10.21)

CA/22/07259	Temporary scaffold shroud with an inset area for commercial advertising and information measuring 11 X 7 Metres	Granted (14.02.23)
PP/23/02670	Internal reconfiguration and refurbishment of hostel for long stays during the academic year and short stays out of the academic year; construction of mansard roof extension, and rear infill and closet wing extensions; creation of new internal level within rear closet wings; alterations to front and rear of 51-55 Cromwell Road; demolition and rebuild of mews property at 1-2 Queensberry Mews West to provide bedrooms and ancillary space (amended description).	Granted (15.06.23)

5. Main policies and strategies relevant to the decision

The development plan

5.1 The main planning considerations applying to the site and the associated policies are:

	Local Plan 2019
Conservation areas	CL3, CL11
Transport	CT1
Advertisements	CR4

5.2 These policies can be read online at:

- Local Plan:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>

5.3 The Council started a New Local Plan Review (“NLPR”) and consultation on Publication Policies (Regulation 19) closed on 22 December 2022. The Council submitted the NLPR for examination (Regulation 22) on 8 February 2023. Examination hearings were held in June and July 2023. The Council received a Post Hearings letter from the Inspector requesting the Council prepare a schedule of Main Modifications and the public consultation on these ended on 12 March 2024. The representations received are being considered by the Inspector. The final stage of the examination is for the Council to receive the Inspector’s report but there is no published date for this. The Council hopes to adopt the Plan in May/June 2024, but this depends on when we receive the Inspector’s report and may change.

5.4 The statutory starting point for determining this proposal remains the adopted policies in the development plan, including the RBKC Local Plan 2019, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, paragraph 47 of the National Planning Policy Framework, and paragraph 001 of the National Planning Practice Guidance on Plan-making. Paragraph 48 of the NPPF outlines the weight local authorities may give to relevant policies in emerging plans. The Council hopes to adopt the Plan in May/June 2024, but this depends on when we receive the Inspector’s report and may change. The emerging policies in the NLPR are a material consideration afforded moderate weight at this stage however, where specific emerging policies are of particular relevance to the assessment, individual weightings have been given and expressed.

Other local strategies or publications

5.5 The main relevant supplementary planning documents adopted by the Council are:

- Queen's Gate Conservation Area Appraisal
- Transport and Streets

5.6 These documents can be read online at:

- Conservation Area Proposal Statements and Conservation Area Appraisals:
<https://www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-areas/conservation-area>
- Other documents:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/supplementary-planning-documents-and-guidance>

6. Evaluation

6.1 The decisive issue for assessment of applications for advertisement consent are set out in the Control of Advertisements Regulations and are much narrower than with planning applications. Further, when assessing proposed advertisements, the policies of the development plan are no more than 'material considerations', unlike with planning application where the policies are the starting point for assessment in accordance with s.38(6). In accordance with the Regulations, the decisive issues for this application are:

- The effect of the advertisement on the visual amenity of the area; and*
- The effect of signage on the highway and public safety.*

Visual Amenity

6.2 The proposed shroud would include an advert which would be positioned on hoarding in front of 53 Cromwell Road. The advertisement would be approximately 11m in width and 7m in height. The advertisement would be externally illuminated, with the illumination being static. The consent would be temporary and would be until 14th September 2024.

6.3 The most relevant policy of the Local Plan 2019 is Policy CR4(f) which states that temporary or permanent advertising on streets, forecourts or roadsides should be resisted where these negatively impact on the Borough's high-quality townscape or on public and road safety.

6.4 However, the National Planning Practice Guidance (NPPG) advises that "buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building".

6.5 The NPPG continues, with respect to visual amenity, that "in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features."

6.6 Whilst the proposed shroud would be large and prominent, it would create visual interest for the surrounding area and would provide screening for the construction work behind. Given that the scaffold and shroud would only be in place for a temporary period which would extend the time period of the extant consent, the character and appearance of the conservation areas would be preserved. Therefore, the proposed shroud would not harm the visual amenity of the local area.

- 6.7 On the basis of the above, the temporary nature of the proposals means the advertisements would not result in material harm to the visual amenity of the area or the wider Queen's Gate Conservation Area, and the proposals would comply with policies CL3, CL11 and CR4 of the Local Plan 2019 and are acceptable.

Impact on the Highway and Public Safety

- 6.8 The advertisement is not of a type identified by the NPPG as one which may cause danger to road users.
- 6.9 The advertisement would not be positioned to impair sight lines for motorists, block traffic signals nor would it incorporate moving or digital images. As such the advertisement would not adversely affect highway safety. The proposed illumination of the temporary shrouding would not result in any undue impacts upon local highway conditions or specifically highway safety.
- 6.10 Transport for London (TfL) are the Highway Authority for Cromwell Road and have been consulted. TfL do not raise objection subject to the illumination being static and limited to 300cd/m2 static which has been secured by recommended conditions 7 and 8.

Issues and balancing

- 6.11 The proposed shroud, given its temporary nature and location would be appropriate in the wider streetscape and would not harm the visual amenity in the area. The advertisement would not be positioned to impair sight lines for motorists, block traffic signals nor would it incorporate moving or digital images. As such the advertisement would not adversely affect highway safety. The proposed illumination of the temporary shrouding would not result in any undue impacts upon local highway conditions or specifically highway safety. The proposed shroud would therefore comply with policies CL3, CR4 and CT1 of the Local Plan 2019.
- 6.12 Appropriate weight has also been accorded to national guidance for advertisements, in particular the advice specifically regarding shroud advertisements.
- 6.13 Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

7. Consultations carried out

Comments from interested parties

- 7.1 No public consultation is undertaken for Advertisement Consent applications. The three ward Councillors were notified.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Transport for London	No objection subject to conditions.	Part 6.10

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
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Director of Transportation and Highways	No objection subject to conditions.	Parts 6.8-6.10
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8. Recommended conditions if the application is granted

1. **Any advertisements 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.**
Reason - As required by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. **Any structure of hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.**
Reason - As required by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. **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.**
Reason - As required by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. **No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest entitled to grant permission.**
Reason - As required by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. **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 or aerodrome (civil or military).**
Reason - As required by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. **The advertisement shall be displayed for a limited period until 14th September 2024, and shall be removed either A) on or before that date or (B) upon substantial completion of building work requiring scaffolding, whichever is the earlier, following which time the use of the site for the display of advertisements shall be discontinued.**
Reason - To accord with policy CR4 of the Local Plan as display for a longer period would be unduly obtrusive and would be detrimental to the amenity of the area.
7. **The illuminated advertisements hereby approved shall not be illuminated between 0000 hours and 0600 hours any day.**
Reason - To accord with policy CR4 of the Local Plan 2019 as illumination outside these hours would be unduly obtrusive and would be detrimental to the amenity of the area.
8. **The maximum steady brightness of the illumination of the advertisement(s) hereby approved shall not exceed 385 candelas per square metre.** *Reason – To accord with policy CR4 of the Local Plan 2019 as an advertisement of greater brightness would be unduly obtrusive and would be detrimental to the amenity of the area.*

INFORMATIVES

- 1 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website, and which has been followed in this instance.

Background papers:

Documents associated with the application (except exempt or confidential information) may be viewed at www.rbkc.gov.uk/CA/24/01572. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. G. Westley

Telephone: 07816-113-950