



Appeal Decision

Site visit made on 8 January 2024 by M Long MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2024

Appeal Ref: APP/K5600/Z/23/3326594

Chelsea and Westminster Hospital, 369 Fulham Road, Kensington and Chelsea, London SW10 9NH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Starbucks Coffee Company against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref CA/23/02872, dated 4 May 2023, was refused by notice dated 22 June 2023.
 - The advertisement proposed is the replacement of existing signage for Starbucks Coffee shop.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of existing signage for Starbucks Coffee shop as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the luminance of the advertisements hereby granted consent shall be no greater than 300 candela per square metre.
 - 2) The illumination of the advertisements hereby granted consent shall not at any time be intermittent.
 - 3) The advertisements displayed on the consented digital screen shall be a series of static images, which shall not feature any flashing, moving or apparently moving images of any kind.
 - 4) Images displayed on the consented digital screen shall not change more frequently than once every 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less).

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a relevant factor, in this instance, the issues most relevant to this advertisement appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek

further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

4. I have taken the description of the proposal used above from the application form. At the time of my site visit, the internally illuminated fascia signs, projecting sign and hanging roundel sign that form part of this appeal scheme were already in place in accordance with the submitted drawings but the free-standing digital screen was not present.
5. The Council has indicated that the site is located within the Sloane/Stanley Conservation Area. However, from the site location plan and submitted Sloane/Stanley Conservation Area map, which also includes the boundaries of the other nearby conservation areas, it is evident that the appeal site is not situated within a conservation area.

Main Issues

6. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
7. The main issues are the effect of the digital display board on amenity and the effect of the appeal scheme on public safety.

Reasons for the Recommendation

Amenity

8. The site is one of multiple businesses on the ground floor of the hospital building. It is in a busy, mixed-use area that contains numerous commercial shopfronts. There are a variety of advertisements in this area, including illuminated fascia, projecting signs and digital screens. I observed digital advertisements on an InLink structure a short distance to the south-west of the site, on a telephone kiosk to the north-east and in the shopfront window of another ground floor business in the hospital building.
9. Given the prevalence of illuminated signage, particularly the presence of existing digital screens in this location, the proposed digital display board would not be out of character in this location. The modest size of the screen, and its position behind the windowpane, would limit its overall prominence and so there would be no harm to visual amenity.
10. I have taken into account Policy CR4 of the Local Plan, adopted September 2019, which seeks to resist advertisements that by design or method of illumination would harm amenity, and so is material in this case. Given that I have concluded the appeal scheme would not be harmful to amenity, there would be no conflict with this policy. The Council has mentioned conflict with Policy CL3 of the Local Plan, which seeks to preserve or enhance the character or appearance of conservation areas. As mentioned above, the site is not in a conservation area and so this policy is not material in this appeal.

Public Safety

11. The Shopfront and Design Guide Supplementary Planning Document (SPD) sets out that signs should provide at least 2.4 metres clearance from ground level

and the Transport and Streets SPD sets out that projecting signs should have a minimum vertical clearance above the footway of 2.6 metres. However, these SPDs do not state that these minimum clearance levels must be applied in all cases.

12. The projecting sign on the north-west elevation is set lower than the levels set out in the SPDs. Nevertheless, this sign replaces a very similar advertisement at the site and there is no substantive evidence to demonstrate that the previous advertisement was unauthorised, or why the replacement advertisement results in harm to public safety. The fascia signage projects a very minimal distance and would be set well off the ground. As a result, there is no harm to public safety.
13. I have taken account of Policy CR4 of the Local Plan which seeks to resist advertisements that harm public safety, and so is material in this case. I have concluded there is no harm to public safety and so there is no conflict with this Policy. The Council has found conflict with Policy CT1, however it primarily seeks to improve alternatives to car use and it is not clear how this policy relates to this advertisement appeal. I therefore do not consider that this policy is material to this case.

Conditions

14. The five standard conditions as set out in the Regulations will apply.
15. Although there are numerous advertisements in the area, an unduly bright sign or display could have a significant visual impact, and harm the amenity of the area. I therefore recommend a condition to limit the illumination of the advertisements to 300 candelas per square metre, as proposed. This would protect the amenity of the area sufficiently that a condition to restrict their illumination to opening hours only would not be necessary.
16. I also recommend conditions relating to the nature of illumination and display, and the rate of change of images. These conditions are necessary to prevent the appeal scheme from being overly distracting to protect amenity and public safety.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed subject to the standard conditions and additional conditions set out above.

L McKay

INSPECTOR