PUBLIC REALM AND ADVERTISEMENTS
DEVELOPING WESTMINSTER'S LOCAL PLAN
Creating and maintaining a high quality public realm is one of the City Council’s principal priorities. ‘Public realm’ means all of the open space between buildings, whether that is a pavement, a public piazza, or the public part of a private development, like the open spaces in Paddington Central or Victoria’s Cardinal Place. It is the backdrop for the daily activities of all Westminster’s people, whether they live, work or visit here.

Our streets and spaces are not only a way of getting around, but also form the setting to our world famous buildings and monuments. They host a wide range of activity, from street markets to art and culture and al fresco dining. It is important that our open places and spaces can accommodate all of these - sometimes conflicting - activities.

The competition for open space is sometimes intense and requires careful management from the City Council. Advertisers, shopkeepers, restaurateurs and pedestrians all seek the use of the same limited resource and how we balance these competing demands will be the measure of our success in the public realm.

Our aim is to achieve an attractive, maintainable and navigable public realm that accommodates the needs of all its different users and allows them to enjoy what our City has to offer in safety. This in turn will help sustain the success of our neighbourhoods and businesses.

This consultation paper sets out and explains the policies on these vital issues we are considering for our new City Plan. We are now inviting your comments on our approach and look forward to working with you to ensure that the new planning policy provides an effective means of managing the public realm in the City of Westminster.
INTRODUCTION

This booklet sets out the Council’s proposed approach to the public realm through consideration of how we assess public realm schemes, the impact of advertising on the public realm and our expectations regarding public art. References in it to “the City Plan” mean the completed local plan integrating Strategic and detailed City Management policies which will be adopted as a result of the current review process.

Specific policies covered in this booklet:

Strategic Policy S18A

And the following proposed City Management policies:
CM18.1A – Managing Commerce in the Public Realm
CM18.1B – Managing Events in the Public Realm
CM28.12 - Advertisements
CM 28.13 – Attractive, Accessible and Secure Streets
CM28.14 – Public Art

Whilst all policies will need to be taken into account, some aspects of this topic are included in separate booklets:

• Shisha Smoking (in Food, Drink and Entertainment booklet  (published in February)

And in booklets published at the same time as this one:

• Shopfronts (including advertisements to shopfronts) in Design booklet
• There is a booklet dealing specifically with Open Space and Green Infrastructure
• Overarching design principles (including a new Strategic Design Policy) are dealt with in the Design booklet
• Security measures in the public realm (in Health and Safety booklet)
• There is a specific booklet dealing with Transport policies.

A booklet dealing with Heritage issues will be published at a later date.

We would welcome your views on proposed new policy wording, which is shown as underlined or identified as entirely new policy. Adopted policy is shown in bold and is not intended to be altered as a result of this consultation.
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WHAT IS HIGH QUALITY PUBLIC REALM?

By public realm we mean all the publically accessible space between buildings, whether part of the public highway or privately owned or managed. It includes squares, parks, and other council managed spaces, as well as the publically accessible parts of large scale private developments. This booklet covers all of these – and the huge range of activities that take place there.

The most important attributes of high quality public realm schemes are that they are accessible, safe and user friendly, helping to preserve and enhance local distinctiveness and to make the most of historic quarters and buildings, creating interesting new places and enabling residents, workers and visitors to enjoy what the City has to offer. It has to make it easy for people to navigate and get around, while preserving the things that often make them destinations in their own right. Finally it has to meet the needs of its millions of users daily, as these change throughout the day.

Westminster has set out detailed public realm guidance in its Westminster Way (2011) supplementary planning document. This guides new proposals and change, whether by the council or others. Its guiding principle is that high quality public realm is: attractive, durable, sustainable, consistent, uncluttered, joined up and relates well and effectively to the context of the built environment and wider urban realm. It is cost effective to maintain and straightforward to source. Above all, it is simple and easy to navigate and use.

Poorly designed or uncoordinated development, traffic signage and equipment, public utility equipment, street furniture or advertising put these objectives at risk. It is important to ensure the public realm is carefully designed and that any interventions enhance the character and appearance of the City, minimising visual intrusion from unnecessary clutter. Doing these things contributes to a more elegant townscape. It also helps ensure the public realm remains easy to access and safe for all users.

Many aspects of works in streets or open space management do not require formal permissions and consents. The City Plan seeks to influence the activities of major developers and landowners, as well as steering the Council, its partners and contractors in procuring schemes that are minimalist, sensitive and sustainable. It deals both with new interventions in the public realm, and with providing appropriate protection of Westminster’s remarkable collection of historic street furniture, including bollards, street lamps, benches, letter boxes, historic signage and telephone boxes that are so integral to its character. These are heritage assets in their own right, which require specific consideration in addition to the generic heritage policies.

“The Oxford, Regent and Bond Streets [ORB] Oasis policy is a great step in thinking about smaller spaces. We believe that more should be made of areas not needed for major pedestrian or vehicle flows.

Aims for landscaping and planting could be developed further to produce play spaces and pocket parks that have an intensity of greenery which can act as a buffer to the pollution and noise along busy streets or make the most of dead-ends and back spaces for intensive use by the public.

Soft planting, seating and play opportunities should be built into streets as much as possible, especially around the major shopping streets and cultural destinations. The use of these spaces should not be dependent on spending money in order to sit or eat at a table. The provision of calm green break out spaces, and play spaces would help to improve the experience of a day out in the West End, especially for families with younger children.”

Publica, Evidence to the West End Commission.
What is high quality public realm?

Westminster’s public realm aims to be truly public; it offers informal opportunities for play and does not rely on commercial transaction to be accommodating to the desires and needs of the public. Our public realm is attractive, durable, sustainable, consistent, uncluttered and joined up. It relates well and effectively to the context of the built environment and wider urban realm.
The business and environmental cases for improving the quality of our public realm are clear. Streets that help create and strengthen communities and businesses, in addition to connecting neighbourhoods to one another, are an essential component of the City's overall sustainability strategy.

Michael Bloomberg, Mayor of New York 2005-13

Places and streets that have stood the test of time are those where traffic and other activities have been integrated successfully, and where buildings and spaces, and the needs of people, not just of their vehicles, shape the area.


There is a growing trend towards the private management of publicly accessible space where this type of ‘corporatisation’ occurs, especially in the larger commercial developments, Londoners can feel themselves excluded from parts of their own city. This need not be the case. (...) I want to ensure that access to public space is as unrestricted and unambiguous as possible. The needs of different users and age groups can be accommodated through intelligent design. With proper consideration at the outset of safety issues, the usage of public spaces can be extended well into the evening without the need for unnecessary barriers.


It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

NPPF on public spaces. (2011)

Under the seeming disorder...is a marvellous order for maintaining the safety of the streets and the freedom of the city. It is a complex order. Its essence is intricacy of sidewalk use. [It] is all composed of movement and change, and although it is life, not art, we may fancifully call it the art form of the city and liken it to the dance...The ballet of the good city sidewalk never repeats itself from place to place, and in any one place is always replete with new improvisations”

Jane Jacobs (Death and Life of Great American Cities, 1962)
POLICY CONTEXT: PUBLIC REALM

National Policy
The National Planning Policy Framework (NPPF) emphasises the importance of planning positively for the achievement of high quality and inclusive design for public and private spaces in local plans, in particular establishing a strong sense of place using streetscapes to create attractive and comfortable places to live, work and visit.

London Plan Policy
7.5 A: London’s public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.
7.5D: Boroughs should develop local objectives and programmes for enhancing the public realm, ensuring it is accessible for all and reflects the principles in policies 7.1 [building London's neighbourhoods and communities], 7.2 [an inclusive environment], 7.3 [designing out crime] and 7.4 [local character]

Westminster's City Plan: Strategic Policies
Strategic policy S41 Pedestrian Movement and Sustainable Transport requires that developers will prioritize pedestrian movement, and that the pedestrian environments should be attractive and safe. S28 Design states that the standard of urban design should be exemplary, sustainable and accessible.

Westminster Way
Westminster’s adopted policy document on the public realm is ‘Westminster Way’. It sets out in detail Westminster’s principles for dealing with public realm schemes, whether the Council’s own or third party, and for dealing with objects in the public realm including street design, commerce, lighting, street trees, public art and exceptional projects.

Streets for All
English Heritage’s guide to the management of London’s Streets. Contains information on design principles, as well as detailed sections on ground surfaces, street furniture, new equipment, traffic management and environmental improvements, with many good and bad examples in each category.
POLICY CONTEXT: ADVERTISEMENTS

Legislation

Planning legislation gives local planning authorities powers to control advertisements, but only in the interests of amenity (including the general character of the area) and public safety. Authorities cannot normally control the content of advertisements, other than in the rare cases that this can be shown to be necessary to protect amenity or public safety.

National Policy

The Government gives policy advice on advertisements in the National Planning Policy Framework (NPPF). This states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation.

It states that only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment.

It emphasises the point that advertisements should be subject to control only in the interests of amenity and public safety, but adds that local authorities should take account of cumulative impacts.

Local policy

The London Plan and Westminster’s City Plan: Strategic Policies contain no specific policy on advertisements; the policy proposed in this booklet for inclusion in the City Plan, supported by detailed supplementary guidance, will therefore be the only detailed planning policy on this area.
INSIGHTS

PEDESTRIAN PRIORITY

The NPPF on streets:
“…developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies, give priority to pedestrian and cycle movements, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and consider the needs of people with disabilities by all modes of transport”

City Plan Policy S41:
All developments will prioritize pedestrian movement and the creation of a convenient, attractive and safe pedestrian environment, with particular emphasis in areas with high pedestrian volumes or peaks.

Safe and convenient pedestrian movement is the priority for Westminster’s streets. Pedestrians are the most numerous users of the highway - and also the most vulnerable. They must be protected from other road users and sufficient, uncluttered space must be made available to them to complete their journeys safely and comfortably.

This means that proposals for objects in the public realm, whether relating to commerce (such as A-boards, tables and chairs, or street trading) or permanent objects (such as bollards, benches or sculpture) must always take second place to allowing ample room for the free flow of pedestrians. On the same principle, where pavements are widened to accommodate pedestrian flow, the council will not permit the additional space to be “colonized” by additional clutter or commercial activity. In appropriate locations, particularly those with little through traffic and high pedestrian use, the council will consider a “civilized street”¹ approach, giving pedestrians greater priority over other users on the highway or promoting more sharing of space by different users of roadspace.

Some users of the highways have specific mobility issues or needs. The importance of inclusive design, which does not introduce new barriers to the use of public spaces is set out in the consultation booklet on Design published alongside this one.

“John Lewis welcomes initiatives to prioritise pedestrian movements and create a convenient, attractive and safe pedestrian environment”

John Lewis Plc.

¹. Civilised Streets is a term coined by CABE in their 2008 publication of the same name. It advocates making pedestrians the first priority, and wider use of shared space schemes
INSIGHTS: PUBLIC ART

Public art helps to demonstrate a shared commitment by Council and developers to high quality public places. It contributes to creating a sense of local distinctiveness enlivening and animating places and spaces by creating a visually stimulating environment and adding to public enjoyment of the City’s public realm.

Public art provokes thought and inspires questioning; it provides both formal and informal learning opportunities, both during and after the commissioning and creation of the public art. Public art can contribute to community involvement, helping to foster stable, inclusive communities. It also supports economic benefits by enhancing the quality of place for visitors, workers and residents.

Many developers have worked closely with the council to deliver public art as part of their schemes. Some have stated that they see the value of public art to both the commercial success of their own developments as well as to the quality of the wider public realm. It is often a public affirmation of pride in their projects, and in the City in which they are located.

Public Art in the Highway

In some recent instances public art has been created on Westminster’s highway. These installations have added interest and vitality to the street scene, and have been carefully managed so that they do not impact on pedestrian movement or safety. While placing public art on a developer’s own site, either as part of the fabric of the building or within their own public realm, should be the preferred option, Westminster may accept carefully considered pieces of public art in their highway. Such installations should maintain safe and convenient pedestrian movement and funds must be provided to cover future maintenance in perpetuity.

Statues and Monuments.

The council has published a supplementary planning document on statues and monuments, supporting the adopted UDP. The policy proposed for the City Plan set out in this booklet introduces control at local plan level for the first time, and the supplementary guidance will be revised once it is in place.

Temporary Installations

Temporary installations have proven popular in Westminster over recent years. Developers may wish to investigate opportunities for longer term programmes of temporary installations.

“The Crown Estate acknowledges the benefits that public art can have on the environment and is firmly committed to incorporating high quality art as part of development schemes.”

The Crown Estate.

“The Tate support the requirement for all new major developments to provide public art of high standard and quality. This is particularly important in areas of high cultural activity”

Tate Britain.
COMMERCIAL ACTIVITY CAN BENEFIT THE PUBLIC REALM

Commercial activity can benefit the public realm. It can enliven the street scene, making a positive contribution to the character of a place. Encouraging more active use of the street can make spaces safer. Commerce in the public realm also makes a contribution to Westminster’s overall economic vitality, helping add to the enjoyment of what the City has to offer.

Al fresco dining is the most common form of public realm commerce in Westminster. Outdoor tables and chairs are an ever more popular addition to Westminster streets and can contribute to a lively cosmopolitan atmosphere. Other examples are street markets, advertising (such as menu displays and A-boards), displays of goods (such as postcard carousels or fruit and veg displays), isolated street trading pitches and street trading kiosks.

These can all make a positive contribution to the character of an area and enhance public enjoyment of a place. But as the photographs to the right demonstrate, they can also bring problems if they are not controlled and managed properly.

No matter how characterful commercial uses should always give way to pedestrian movement however. This includes the disabled and others with particular mobility needs. Many of Westminster’s streets are narrow, are lined with the homes of residents and are already busy with pedestrians and vehicles, so accommodating the additional demand for commerce safely is not always possible and always needs careful consideration. For example, structures in the street must be sensitively designed and located to respect their context and contribute positively to the urban environment in which they are to be located.

As the local authority, Westminster is concerned with pedestrian safety, street cleaning, the welfare and amenity of residents, reducing crime, traffic movement, improving the appearance of the City and protecting the character of historic areas and buildings. This means that we have to look very carefully at places where tables and chairs and other commercial activity in the street can go and whether it is necessary to place any restrictions on them.

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WHAT NEEDS TO BE CONTROLLED?

Advertisements:
As a number of respondents to the City Management Plan consultation in 2012 pointed out, the Control of Advertisement Regulations only enable the local authority to control the impact of advertisements on public safety and amenity. The definition of amenity includes the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

The City’s exceptional townscape and extensive heritage assets mean that a detailed advertisement policy is required for Westminster. This makes explicit the circumstances in which adverts would have an impact on visual amenity (by setting out where in the City advertisements would be acceptable).

The NPPF also makes it clear that local authorities should consider the cumulative impact of advertisements.

Westminster’s advertisement policies will also take into account public safety – particularly the safety of drivers in relation to distracting advertisements, and the safety of pedestrians in relation to the placement of advertisements within the public realm.

Public Realm:
Previous iterations of local plan policy have not contained specific policy on public realm. This consultation therefore introduces for the first time a policy to support the approach to management and improvement of the public realm set out in the Westminster Way SPD.

Applications received for advertisement consent in 2012

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<td>Other</td>
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The majority of advertisement consent applications in Westminster are approved.
INSIGHTS

FLAGS

Flag advertisements can have adverse impacts on the appearance of buildings and the streetscape - for example, by obscuring the façade of buildings and contributing to visual clutter and congestion.

Westminster has recognised three streets where a long standing tradition of flag flying is considered to form part of the character of the area. These are Old and New Bond Streets and Regent Street. Subject to locally specific design guidelines, flags in these streets are acceptable.

Flag flying is also associated with large hotels, department stores, embassies, cinemas, theatres and other cultural institutions. Flag advertisements on these buildings may be acceptable.

Flags in other streets.

Applications are coming increasingly from smaller retail uses, particularly in three Mayfair streets in the locality of the permitted flag streets; Albemarle and Conduit Streets and Savile Row.

The number of ‘flag streets’ in Westminster will be kept under review.

Liberalising flag flying

In 2012 government introduced an amendment to the advertisement regulations in relation to flags. Among a number of changes, the new regulations permit a single vertical ‘house’ flag (showing the name, emblem or trademark of a company), on any building or a single projecting flag on a building façade, the latter outside of conservation areas only. Other flags permitted by the regulations include flags of nations, states, counties and regions, sports clubs, rainbow flags and flags of some award schemes.
INSIGHTS: DIGITAL SCREEN ADVERTISEMENTS

Digital adverts can be more harmful to visual amenity than traditional advertisements, particularly in relation to heritage assets. Some moving digital screen advertisements in Westminster have an extremely harmful effect on conservation areas, as well as the buildings to which they are fixed. Digital signs also have a greater than normal potential to distract drivers, causing a public safety issue.

Pressure for digital advertisements is expected to increase over the lifetime of the plan, and Westminster's policy must be sufficiently robust to deal with this pressure, yet flexible enough to accommodate changing technology. As technology improves, there may be new versions which are less obtrusive or more sustainable.

The proposed City Plan policies therefore attempt to strike a balance between instances where digital advertisements have been shown to be acceptable, and where they will cause harm.

Digital adverts have in recent years been permitted on bus stops – where they are partially enclosed by the structure of the bus stop and are not in a sensitive location. They have also been allowed on theatres in place of the ground level static poster panels traditionally advertising shows. The proposed policy regularises this situation.

Other situations where digital screens may be used more widely in coming years include street-based transport infrastructure such as pedestrian wayfinding, bicycle hire stations and electric vehicle charging points. The City Council will keep these public information functions under review, to ensure that commercial advertising is not introduced.

In all cases, such screens will only be permitted where they do not contain moving or flashing content, and must use a slow dissolve between advertisements. They will only be permitted in areas which are already busy commercial areas, and must not result in cumulative harm.

As technology develops further this policy will be kept under review to ensure that it remains relevant and proportionate.
MANAGING EVENTS

What is an ‘event’?

An event can last from a few minutes to several weeks. The shortest is an opening or ‘switching on’ of festive lights. The 2012 Olympics and Paralympics, together with the Diamond Jubilee comprised the longest run of special events in recent memory.

The planning system allows the temporary use of land for up to 28 days in a calendar year (or 14 days for markets), to enable things like travelling fun-fairs or circuses. These therefore often do not require planning permission, although the holding of a series of events in a particular can “use up” these rights. An event often involves traffic management measures, road closures and special structures – and cleaning up afterwards. The life of the city, its residents and businesses needs to carry on with minimum discomfort or disruption – therefore managing them is an essential part of city life.

Types of event

Events are welcome as they add to the diversity and vibrancy of the City, but nuisance must be kept to a minimum. This needs meticulous planning and programming.

Sporting success, state occasions, births, marriages, deaths and protests sit alongside river and cultural festivals. Filming and commercial events help London take its place as a world city. Premieres and show openings are highlights of the entertainment year, and since 1987 the New Year’s Day Parade has grown to a massive event featuring thousands of performers.
RECOMMENDATIONS

1. MANAGING EVENTS IN THE PUBLIC REALM

Managing events in the public realm is a new strategic policy; it has not appeared in the Core Strategy, or City Plan Strategic Policies. In accordance with the National Planning Policy Framework (NPPF) it includes reference to cumulative impact.

Land can be used for temporary events for a total of 28 days out of a calendar year (or 14 days for markets). Once that land has been used on more than 28 days over the course of the year, planning permission will normally be required for any further events. The 28 days are cumulative, and include the time taken to set up and take down an events. There is no such exemption from the need for planning permission for temporary uses within the grounds “belonging” to buildings (what planning law calls “the curtilage”).

All temporary events (even where planning permission is not required) will need to apply to the Special Events Team for permission (add link) and comply with Westminster City Council’s Special Events and Filming Policy – forthcoming in 2014.

The council will use its planning, licensing and other powers to support this strategic policy.

NEW STRATEGIC POLICY S18A MANAGING EVENTS IN THE PUBLIC REALM

Events in the public realm will be supported where they are beneficial to the city, its people and enterprises and, individually or cumulatively, do not have unacceptable impacts on Westminster’s streets, spaces, residents or businesses. Events must be organised in ways that minimise the impact on the amenity of residents, businesses and others and the quality of the public realm maintained.

Well-managed and appropriate events in the public realm bring positive benefits to Westminster, adding to diversity and vibrancy and help promote the city as place of business, culture and community.
1. MANAGING EVENTS IN THE PUBLIC REALM CONTINUED

An event in the public realm will always require an Event Application from the Westminster’s Special Events section and in some instances will also require planning permission.

An event management plan setting out all details of the event will need to be submitted at planning application stage, along with a copy of the special events application. Following any event, affected areas should be reinstated to their former state and any damage made good and conditions may be attached to permissions to ensure that the impact is minimised.

NEW POLICY CM18.1B: MANAGING EVENTS IN THE PUBLIC REALM

Events in the public realm and associated structures and signage will minimise adverse impacts on the amenity of residents and businesses, biodiversity or trees. They will also:

1. give priority to the safe movement of pedestrians, particularly those with mobility and sensory impairments and particularly at station entrances and other busy locations;
2. avoid any permanent adverse effect on the appearance and character of the area, important views and heritage assets and;
3. maintain access for adjoining occupiers and provision for parking for residents or provide appropriate alternative arrangements;
4. accommodate existing waste and recycling operations or provide alternative arrangements;
5. maintain access for emergency services.

Where an event is to take place in a London Square, this should have regard to the London Squares Preservation Act 1931.

Events taking place in Royal Parks will be subject to policy S11 in the adopted Westminster City Plan; Strategic Policies

The draft policy for temporary banners and other temporary advertisement is contained in proposed Policy CM28.12 (see page 25).
2. ATTRACTIVE, ACCESSIBLE AND SECURE STREETS

Policy on tables and chairs, and other manifestations of commerce in the public realm is dealt with proposed policy CM18A: Managing commerce in the public realm (see p 27 of this Booklet).

To ensure streets remain uncluttered new equipment or structures in the street should only be installed where they are essential and should be carefully positioned to protect visual amenity, reduce obstructions and ensure access for all, particularly those with mobility and sensory impairments.

Westminster will encourage the incorporation of Sustainable Urban Drainage Schemes into public realm schemes, where appropriate. See the Flood Risk booklet for more details.

NEW Policy CM 28.13 Attractive, Accessible and Secure Streets

The council will use its planning and other powers to ensure a well-designed and clutter-free public realm and will require that priority is given to the pedestrian, wherever reasonably possible.

New street furniture, equipment or features in the public realm will only be installed where necessary to enable safe, convenient and effective use of the highway and must:

1. be well-designed and use high quality and durable materials;
2. not introduce unnecessary clutter or detract from the character of the area or setting of heritage assets;
3. leave adequate and legible ways for pedestrians, taking special account of those with mobility and sensory impairments;
4. not colonise areas of newly widened footway; and
5. be coloured black.

Public realm schemes will take account of the policies and guidance contained in the Westminster Way SPD (2011).
Policy CM 28.13 Attractive, accessible and secure streets, continued

Historic street furniture (including lighting) identified by the council as being of interest will be retained.

Existing street furniture, equipment or features in the public realm that do not meet the standards in this policy, or have become redundant will be removed when maintenance, capital works or other development are undertaken.

New hard landscaping will be of a high quality and appropriately engineered surface that is fit for purpose, appropriate to its context and meets the needs of all users. Its colour and texture should reinforce the character and sense of place of the area in which it is installed.

Many items of street furniture are listed. Conservation area audits also identify items of historic or other street furniture which contribute to the character of conservation areas. These should be retained in public realm projects or streetworks. The council will expect their appropriate maintenance and protection, and the removal of clutter which detracts from their setting. Listed lighting columns should not carry sign plates or other additions. Historic lighting equipment will be retained using its original fuel. The distribution of historic lighting columns will not be compromised by the insertion of additional modern lighting equipment, whether reproduction or otherwise.

All repaving work should be designed with sensitivity and use suitable materials which reflect the context, for example the enclosed character of mews and small private courtyards and forecourts will demand a different treatment to new paving on principal routes. The council will seek the retention and repair of high quality or historic paving materials and features (such as coal hole covers).

New hard landscaping should utilise materials and module sizes that can be simply re-procured as necessary. Unusual or hard to source materials be avoided.

Retention of historic lighting may compromise the lighting levels of some areas. In such cases alternative solutions using remote controlled, wall mounted lighting will be employed rather than introducing extra columns. This may be necessary where the pedestrian density and anti-social activity might demand a higher lighting level at certain times. Otherwise a reasoned case for maintaining a lower than standard light distribution will be balanced against heritage assets and townscape considerations. Other ways of locating street information will also be necessary, rather than using historic lamp columns. These will need to be designed to ensure they have the least visual impact on local townscape.
Art on the highway
Developer funded public art should normally be on the developers own site. Where the City Council is content to accept a new piece on the highway (or within the wider public realm it manages) safe and convenient pedestrian movement must be guaranteed. A financial contribution to cover maintenance in perpetuity will be expected.

This element provides a policy hook for the existing statues and monuments SPD, which provides greater detail on the saturation zone, and on memorial proposals in general. This provision refers to figurative sculpture or other forms of memorial. It is not intended that developer funded public art on buildings or private land should be restricted in the saturation zone.

NEW Policy CM28.14: Public Art

Developers will be expected to provide public art as an integral part of the design on the site of new major developments. Artwork will be of a high standard of design and execution using high quality, durable materials, enhancing the development itself and the surrounding townscape and urban realm.

The creation of new statues, monuments or memorials in the public realm will be resisted in parts of the city that already contain a large number of commemorative sculptures of this kind.

Where these are sited on the highway, or in Westminster’s parks, gardens or open spaces, financial provision will be secured by appropriate planning conditions or legal agreements for their future maintenance.

The scale and ambition of public art provided should be proportionate to the value of the development, and will vary depending on the nature of the development proposal, the characteristics of the site and its surroundings. It must be maintained to a high standard by the land owner.

Art in the public realm should be truly public - readily visible and publicly accessible. Installations within atria are rarely acceptable, except in publicly accessible buildings such as hospitals or libraries.

New statues, monuments and memorials sited in Westminster’s public realm must be supported by funds for appropriate maintenance in perpetuity, secured by conditions in planning permissions, undertakings or agreements.
POLICY CM28.12: ADVERTISEMENTS

A. ADVERTISEMENTS: GENERAL
To ensure that new signs and advertisements (including awnings) cause no unacceptable harm to visual amenity or public safety they will:

1. relate in terms of size and detailed design to the use, character, scale, proportions and architectural features of the building to which they are fixed;
2. be sensitively located within the street-scene, respect the predominant character and appearance of the area and protect or enhance heritage assets and their settings; and
3. not obscure existing architectural detail

The following forms of advertising will normally be unacceptable:

1. intermittent, flashing or light-projecting signs
2. visually obtrusive advertising in residential areas;
3. internally illuminated box fascias or projecting signs in residential areas;
4. illuminated advertisements, including digital advertisements, adjacent to or visible from the Royal Parks or London Squares;
5. high level signs and banners;
6. balloon advertisements and advertisements on cranes;
7. signs and advertisements on street furniture or ground surfaces, especially in conservation areas, London squares, or adjacent to Royal Parks, listed buildings or other sensitive locations; and
8. portable advertisements, including 'A' boards on the public highway.

LED and video screens, moving digital displays and message boards will generally only be acceptable on street-based transport infrastructure to provide public information and on theatres (see below) where not in sensitive locations and subject to the other requirements of this policy.

Further detailed policy on advertisements will be available in the forthcoming SPD, Shopfronts and Advertisements.
B. HOARDINGS AND SHROUDS

Decorative displays, including works of public art or full scale representation of the building, on hoardings or shrouds enclosing development sites will be acceptable, providing that:

1. They are temporary, and relate sensitively to their context; and
2. They contain a minimum of obvious or intrusive commercial advertising content or display.

Advertisements on building site hoardings at ground floor level may be acceptable in commercial streets.

C. ESTATE AGENTS BOARDS IN REGULATION 7 AREAS

Estate agents boards will not be permitted on residential properties.

On commercial properties one board will be permitted per property where it:

1. is less than 0.54 square metres in size and is located below 3m above ground floor level or is less than 1.1 square metres in size and located between 3m and 4.6m above ground level;
2. is not of three-dimensional design;
3. is not illuminated; and
4. On listed buildings, estate agents boards will only be acceptable where they are displayed inside the building or attached to perimeter railings and not larger than 0.27 square metres.
Regulation 7 Areas in Westminster, within which specific forms of advertisements (estate agents boards) require express consent.
D. SEASONAL DISPLAYS AND TEMPORARY BANNERS

Promotional banners or other forms of temporary advertising displayed on buildings or street furniture will generally only be acceptable in accordance with this policy.

Seasonal or festive displays and temporary banners to promote events or campaigns of local or Westminster-wide importance, or those of regional or national significance, may be allowed in predominantly commercial locations where:

1. they are in place for no more than the duration of the campaign, season, festival or event,
2. they include a decorative and attractive display, and any commercial element is kept to a minimum; and
3. they do not adversely affect the setting of heritage assets.

Wholly commercial banners will not be acceptable.

Temporary banners are those which are erected to publicise specific events in Westminster or London wide/ national events of particular significance. These may include including established cultural events such as Pride, or seasonal events such as Chinese New Year or Christmas lights. Such banners will not be suitable for display in all of Westminster’s streets because of their amenity impacts. They are more likely to be acceptable in major West End streets, commercial areas (such as those covered by business improvement districts) and in major or district shopping centres, on purpose designed lamp columns. Proposals in other areas will be judged on their merits. Wholly commercial banners will not be acceptable.

Where temporary display is considered acceptable, no two events should be the subject of such a display concurrently. In circumstances where temporary banners are acceptable they should be displayed upon purpose-designed street furniture and should not harm the setting of heritage assets.

Christmas Lights and other illuminated displays will be expected to minimise energy use through the use of low energy technology and controlled lighting up times.

The display of portable hand-held advertisements is prohibited by the London Local Authority Act 2007 in specified locations, as set out in the act. The display of advertisements on a vehicle used principally for that display is prohibited throughout Westminster by the Road Traffic Regulations Act 1984 (as amended) and City of Westminster (Waiting and Loading Restriction) Order 2002 (and amendments).
4. ADVERTISEMENTS, CONTINUED

POLICY CM28.12: ADVERTISEMENTS, CONTINUED

E. FLAGS

Proposals for projecting flagpoles and flags will be acceptable where they:

1. are displayed on buildings in New Bond Street, Old Bond Street and Regent Street; or
2. are small ‘rainbow’ flags within the designated Soho flag streets;

In all cases, there should be no more than one flagpole per building; and proposals must comply with locally specific design considerations.

Outside these areas, flags may be acceptable on department stores, theatres, cinemas, large hotels, embassies and cultural institutions.

Proposals for more than one flagpole on a single building, whether projecting or vertical, will be unacceptable.

F. THEATRES

On theatres the council may allow some high-level signage and three-dimensional features in agreed locations, where appropriately designed and fixed so as not to harm heritage assets.

On theatres internally illuminated signs, including digital screens, may be acceptable where they:

1. are of a size sympathetic to the scale and architecture of the theatre;
2. are sensitively located;
3. are well detailed in terms of materials and design;
4. do not incorporate flashing or moving imagery;
5. have no adverse impact on highway safety; and
6. do not involve sound

On theatres, the Council will seek a balance between allowing signage which reflects the vibrancy of theatre, while ensuring that this does not detract from the special interest of buildings and visual amenity in the wider locality. In some instances this means a more flexible approach to signage may be appropriate.

Design criteria for Regent and Bond streets are set out in the council’s Shopfront and Advertisement guidance for those two streets. Design criteria for the Soho Flag Streets is set out in Flags in Soho.

The additional flexibility introduced for theatre advertising is for the advertisement of shows. It is not intended to apply to commercial or third party advertising.

Commercial flag advertisements generally require advertisement consent. Where an application is required the City Council will normally refuse consent.
4. ADVERTISEMENTS, CONTINUED

For many years there has been some demand for the erection of temporary neighbourhood signs that assist both pedestrian and traffic movement to a special event such as an exhibition, concert or sports event. These signs contribute to unwelcome street clutter especially if they remain in situ after an event. They can, however, usefully direct pedestrians and motorists towards the venue via the most appropriate route and therefore reduce any potential excess mileage and unnecessary environmental disturbance.

The erection of temporary traffic and pedestrian signs requires advertisement consent in some circumstances.

Failure to comply with the requirement to remove temporary signs will result in a charge being made to meet the Council’s costs of removing the signs.

Failure to comply with the requirement to remove temporary signs will result in a charge being made to meet the Council’s costs of removing the signs.

**POLICY CM28.12: ADVERTISEMENTS, CONTINUED**

**G. TEMPORARY COMMERCIAL TRAFFIC AND PEDESTRIAN DIRECTION SIGNS**

The temporary erection of local traffic and pedestrian direction signs will normally be resisted, and will not be permitted solely for commercial or advertising purposes or for events not open for the public. Where permission is granted the signs will:

1. comply with the Traffic Signs Regulations and General Directions 1994 designation or of the style provided by the national motoring organisations;
2. not be erected on lamp posts or obscure other permanent signs or CCTV equipment

Temporary signs must be removed as soon as possible once the event has finished and in any event within one week.
NEW POLICY CM18.1A: MANAGING COMMERCE IN THE PUBLIC REALM

A. STREET TRADING, INCLUDING TABLES AND CHAIRS

• Street trading (or trading from premises extending into the street including tables and chairs on the highway) will not compromise pedestrian safety, continuity, pedestrian clear zones, and traffic conditions or detract from visual, residential or business amenity.

• Stalls, structures and other equipment, including tables and chairs, will be acceptable where they:
  1. are appropriately located;
  2. are well-designed and sympathetic to their context;
  3. do not detract from the setting of heritage assets;
  4. do not unacceptably intensify an existing use;
  5. do not cause a nuisance to residents;
  6. do not cause or exacerbate difficulties for refuse storage or disposal, or for street cleansing; and
  6. do not create opportunities for crime or anti-social behaviour.

• Barriers will not be used to contain crowds or queues unless part of a planned event or management regime agreed by the council.

It is the role of Westminster’s licensing unit to determine trading hours and what is sold from a street trading pitch.

‘Continuity’ in this context means that pedestrians will be afforded the most straightforward route through a public space, following natural desire lines. Natural desire lines can (and do) change over time, we will therefore continually review the appropriateness of consented table and chairs.

Further detailed policy on al fresco dining in the public realm will be available in the forthcoming SPD, Tables and Chairs.
NEW POLICY CM18.1A: MANAGING COMMERCE IN THE PUBLIC REALM, CONTINUED

B. SEMI PERMANENT KIOSKS

Semi-permanent kiosks or structures may be acceptable where they are well-designed (including addressing sustainable design and construction requirements) and sympathetic to their context and:

1. do not detract from the setting of any heritage asset; and
2. are capable of quick removal for highways, cleansing or other works or for special events;

Where appropriate, a single, larger structure should be used to house several separate functions, or a cluster of stalls, in preference to a number of smaller stalls or structures.

C. RELOCATION OF PITCHES

Where public realm improvement schemes are implemented for highway management or amenity reasons and a trading pitch is within the project area, it may need to be removed or the trading area transferred to another location in the city.

The City Council, in its capacities as landlord, licensing authority and highway authority will identify places where street trading and semi permanent kiosks are appropriate. Semi permanent kiosks will only be acceptable in certain circumstances; for example where an existing street trading pitch is proving problematic.

Semi permanent kiosks should be energy efficient and generate energy where appropriate – see policy S40.
Have Your Say

This booklet is part of the informal consultation for developing the statutory policies in Westminster’s local plan. It builds on previous consultation on the City Management Plan. Further information can be found at westminster.gov.uk/planning-policy.

This booklet only includes the proposed policy. However, the Westminster’s local plan will include supporting text. This can be downloaded here, or for a hard copy, please telephone 020 7641 2503.

This supporting text includes:

• Introductory text, setting out the background to the topic.

• Policy application: guidance as to how the policy will be applied, including details of how things will be measured or calculated etc.

• Reasoned justification: this is an explanation required by law to accompany a policy, setting out why a policy is applied.

• Glossary definitions: the statutory definitions used for terms that are included in the policies.

If you wish to discuss the issues raised in this booklet with somebody, please telephone 020 7641 2503.

Reading List

To comment on anything in this booklet, please email planningpolicy@westminster.gov.uk or write to us at:

City Planning
11th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Your comments will form part of the statutory record of consultation and will be made available on our website and to the public. Your contact details will not be made available, but we will use them to stay in touch with you about future policy development. If you do not want us to stay in touch, please let us know in your response.


The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2012 [Liberalising the regime for flying flags]

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 [The “Advert Regs”]

Theatreland Lighting and Signage, An informal guide (2008)

Westminster Way SPD (2011)