

Committee	PLANNING COMMITTEE A	
Report Title	PRINCESS OF WALES, 1A MONTPELIER ROW, LONDON, SE3 0RL	
Ward	BLACKHEATH	
Contributors	Russell Brown	
Class	PART 1	2nd June 2016

<u>Reg. Nos.</u>	DC/15/90686
<u>Application dated</u>	23.01.2015
<u>Applicant</u>	Mitchells & Butler
<u>Proposal</u>	Retrospective application for the installation of replacement lanterns on the front elevation at the Princess of Wales, 1A Montpelier Row, SE3, together with the refurbishment of the conservatory and the erection of three jumbrellas to the rear.
<u>Applicant's Plan Nos.</u>	Design & Access & Heritage Statement 23 <sup>rd</sup> January 2015  PWB01a Rev C; PWB01b Rev C; Received 16th March 2016  1951/04 Rev D; 1951/05 Rev D; 1951/06 Rev C; 1951/07 Rev C Received 11th April 2016  OS Plan; PWB 07a V1a Rev D; PWB 07b Rev C received 23 <sup>rd</sup> May 2016
<u>Background Papers</u>	(1) Case File LE/417/1A/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2015)
<u>Designation</u>	Blackheath Conservation Area
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The application site is located on the south east side of Montpelier Row, at the junction with Paragon Place and opposite the heath. It is occupied by a three storey building of circa 1865 which is a public house. There are two entrances to the front and there is also a side entrance on Paragon Place.
- 1.2 There is a deep forecourt to the front which is used as an external seating area and there is further external seating at the rear.

1.3 The premises directly adjoins number 1 Montpelier Row, a single dwellinghouse, and backs onto 63 Paragon Place, which has been split into two flats. Both are residential properties and the former is Grade II listed as part of a listed group that covers numbers 1-4 Montpelier Row.

1.4 The property is a locally listed building, with the following listing description:

*“Public House. Façade c.1865 rebuild of original 1805 building. Stucco, brick and slate. Three storeys, three bays with further ‘canted’ element of two bays. Banded stucco to projecting ground floor level. Over stall-risers, multi-paned windows with ‘Gothick’ interlocking tracery to over-lights with cambered arches. On principal façade, with the main entrance door, these surmounted by a contemporary fascia/sign and flanked by pilasters further surmounted by decorative console brackets. At first floor level, fenestration is flat-arched with console bracketed cornicing. Over second floor profiled cill band, fenestration has pedimented cornicing. Upper level original fenestration is comprised of two or three-light two pane sashes, although several have been replaced with poor-quality casements. Bays divided by pilaster strips terminated by decorative brackets with pendant posts. These flank friezes enriched with roundel/flower motif. This surmounted by bracketed cornice to parapet. Formerly the “Prince of Wales” public house. May incorporate some fabric belonging to its predecessor, built c.50 years earlier. Aspects north-west over Heath from prominent corner site.”*

1.5 The site is located within Blackheath Conservation Area, but is not subject to an Article 4 direction. The land lies within part of the Buffer Zone for the UNESCO World Heritage Site of Maritime Greenwich, an Area of Archaeological Priority, an Area of Special Character and has a PTAL rating of 4. The road is unclassified.

## **2.0 Planning History**

2.1 DC/95/04649: The display of flood and trough lit fascia signs and lettering at the Princess of Wales PH, SE3. **Granted.**

2.2 DC/99/43943: The installation of ventilation equipment on the flat roof rear of Princess of Wales PH, 1a Montpelier Row, SE3. **Granted.**

2.3 DC/06/62090/X: The construction of a new decking area with canopy over in the rear garden of the Princess Of Wales, 1a Montpelier Row, SE3. **Refused as the proposed canopy would result in significant harm to the Sycamore tree to the detriment of the conservation area and the streetscene.**

2.4 DC/08/68567/FT: The installation of new French doors to the rear elevation of the Princess of Wales PH, 1A Montpelier Row SE3, together with internal alterations and alterations to the side elevation. **Granted.**

2.5 DC/14/89777: Listed Building Consent for internal minor refurbishment works, external lighting, a new hanging sign and external 'decoration' at the Princess of Wales, 1A Montpelier Row, SE3. **Withdrawn.**

2.6 DC/15/90686: There is a concurrent retrospective application for advertisement consent for the display of a fascia sign, a hanging pictorial sign and two LED back lit menu cases at the front of the Princess of Wales public house, 1A Montpelier Row, SE3. **Undecided.**

### **3.0 Current Planning Application**

3.1 Retrospective planning permission is sought for various alterations to the public house as follows:

1) The installation of two replacement copper lanterns style lamps either side of the timber fascia sign. They are hung 3.7m above ground level on the front elevation of the building.

2) The refurbishment of the rear conservatory, involving the replacement of the glazing, supporting beams and installation of a slate roof.

3) The erection of three large umbrellas (referred to as 'jumbrellas') measuring 3.5m by 3.5m to replace the existing one at the rear.

### **4.0 Consultation**

4.1 Pre-application advice was sought regarding which of the proposed alterations required advertisement consent, which required planning permission and which required neither.

4.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.3 A site and a public notice were displayed, Blackheath Ward Councillors, the Blackheath Society and the Council's Conservation Officer were consulted and letters were sent to six neighbours.

#### Written Responses received from Local Residents and Organisations

4.4 Five letters of objection have been received from residents of 1 and 3 Montpelier Row, raising the following issues:

- The works requiring planning permission, and indeed Advertisement Consent, have already been done before the granting of permission and therefore should be refused.
- The applicant is undertaking piecemeal refurbishment works and not considering all works together and does not consult the local community.
- The information submitted is unclear and inconsistent.
- The proposed elevation drawing states that the glazing to the conservatory roof will be replaced, however, this has been done with slate and is of a different shape to what is shown on the drawings.
- The jumbrellas will increase the capacity of and dominate the rear garden and there will be increased levels of noise and second hand smoke. They are also an eyesore, especially given this is a Conservation Area.
- It is unclear whether the new toilets upstairs are part of this application.
- This is not the first time that the pub has completed works without authorisation.

#### Amenity Societies Panel

4.5 They would prefer a paler shade of cream for the repainting of the front elevation.

## **5.0 Policy Context**

### Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

### Other National Guidance

5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

### London Plan (March 2015)

5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

#### Core Strategy

5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 5 Areas of Stability and Managed Change  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

#### Development Management Plan

5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 22 Sustainable design and construction  
DM Policy 27 Lighting  
DM Policy 30 Urban design and local character  
DM Policy 31 Alterations/extensions to existing buildings  
DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens  
DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

#### Blackheath Conservation Area Character Appraisal and SPD (March 2007)

5.9 The Blackheath Conservation Area is one of the most important in the borough and is also part of the Buffer Zone for the UNESCO World Heritage Site of Maritime Greenwich. The settlement dates from at least the 12<sup>th</sup> century, many of the standing buildings date from the 1790s onwards. The significance of the area lies in the critical mass of well preserved historic housing and the intimate relationship with the famous open space.

## **6.0 Planning Considerations**

6.1 The relevant planning considerations are the impact of the proposal on the character and appearance of the locally listed building and the Blackheath Conservation Area as well as any impact on the amenities of neighbouring properties.

*Design, locally listed building and conservation*

6.2 Paragraph 63 of the NPPF states that ‘in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’. Paragraph 131 states that ‘in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.

6.3 NPPF Section 7 Requiring good design states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. 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. Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and
- are visually attractive as a result of good architecture and appropriate landscaping.

6.4 Planning policies and decisions should seek to promote or reinforce local distinctiveness. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.5 London Plan Policy 7.4 Local character states that buildings, streets and open spaces should provide a high quality design response that:

- a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;
- b) contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area;
- c) is human in scale; and
- d) is informed by the surrounding historic environment.

6.6 London Plan Policy 7.6 Architecture states that buildings and structures should:

- a) be of the highest architectural quality;
- b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm;
- c) comprise details and materials that complement, not necessarily replicate, the local architectural character;
- d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing;
- e) provide high quality outdoor spaces and integrate well with the surrounding streets and open spaces;
- f) meet the principles of inclusive design; and
- g) optimise the potential of sites.

- 6.7 London Plan Policy 7.8 Heritage assets and archaeology states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 6.8 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.9 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.10 DM Policy 27 Lighting states that the Council requires applicants to protect local character, residential amenity and the wider public, biodiversity and wildlife from light pollution and nuisance, by taking appropriate measures in lighting design and installation in line with the Institute of Lighting Professionals' Guidance Notes for the Reduction of Obstructive Light (2011) to control the level of illumination, glare, spillage of light, angle and hours of operation as well as requiring them to prevent the adverse impact of light pollution at all stages of development, from building demolition and construction to occupation.
- 6.11 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. An adequate response to how the scheme relates to the existing street including its building frontages will be required including:
- The creation of a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas, taking all available opportunities for enhancement.
  - Height, scale and mass should relate to the urban typology of the area.
  - How the scheme relates to the scale and alignment of the existing street including its building frontages.

- The quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice should be clearly justified in relation to the existing built context.
  - A statement describing the significance of heritage asset, including its setting will be required for proposals that impact on such an asset.
- 6.12 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.13 DM Policy 36 states that the Council will require a statement that describes the significance of the asset and its setting and an assessment of the impact on that significance for development proposals affecting heritage assets. Also required is clear and convincing justification if the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting. The Council will not grant planning permission where:
- a. new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials; and
  - b. development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the Conservation Area.
- 6.14 DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest states that the Council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets and development proposals affecting them should be accompanied by a heritage statement proportionate to the significance of the asset and which justifies the changes to the asset. In terms of locally listed buildings the Council will seek to retain and enhance them and may use its powers where appropriate to protect their character significance and contribution made by their setting.
- 6.15 The copper lanterns style lamps are located above the ground floor windows and 3.7m off the ground to the front (north west) elevation of the pub, and measure less than 70cm in height. In terms of appearance they closely match the former lanterns and are hung on metal brackets painted black. The timber fascia sign with individual aluminium lettering recently installed is the subject of a separate application for advertisement consent.
- 6.16 The lanterns style lamps project a modest 60cm and, whilst this is a sensitive and highly visible location, directly opposite the heath, it is considered that they are not obtrusive and preserve the visual quality and character of the locally listed building and Blackheath Conservation Area. The design of the lamps are considered to be in keeping with the pair that they have replaced as well as the building and this part of the Conservation Area.



- 6.17 The luminance level of 180 candelas is considered not to be excessive and it is felt that it does not result in undue disturbance for the neighbouring residential occupiers or to the surrounding Conservation Area. For comparison, a standard candle emits 1cd/m.
- 6.18 The conservatory at the rear of the public house has been refurbished. This was initially proposed to involve the renewal of the rotting timber supporting beams and the replacement of the existing glazing, including to the roof. However, the works have already been undertaken and the roof of the conservatory was finished in slate. Therefore, the conservatory has not been completed in accordance with the plans as originally submitted, although revised plans have since been submitted.
- 6.19 The current proposal is considered to be an acceptable change, with slate being an appropriate roofing material that does not have a harmful impact upon the character of the locally listed pub building or Blackheath Conservation Area.
- 6.20 The proposal also includes the erection of three 'jumbrellas' in the rear garden, measuring 3.5m by 3.5m. Underneath them they are proposed to have lighting and heating fixtures complete with timer switches.
- 6.21 No objection is raised on planning or conservation grounds to their erection as they are to the rear of the building in the rear garden area. There would be limited visibility of the structures from Paragon Place, with the scale of the structures considered to be proportionate to the space in which they are located and within context of the three storey pub building. The jumbrellas are appropriate within the pub setting and given their limited visibility from the public realm are not considered to have a harmful impact upon the locally listed pub building nor this part of the Blackheath Conservation Area.
- 6.22 As noted by ASP, the application also proposed the repainting of the front elevation of the public house. The ground floor was to be yellow and the upper floors painted white. However, now the painting has been finished, the ground floor is a paler shade of yellow and, as ASP preferred, the upper floors painted creme. The painting is deemed to not require planning permission.

*Impact on the amenity of neighbouring occupiers*

- 6.23 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.24 As previously noted, the luminance level of 180 candelas from the lighting on the front elevation is not considered to result in undue disturbance for the neighbouring residential occupiers, given they are situated away from residential windows.
- 6.25 While the conservatory and jumbrellas are visible from 1 Montpelier Row, levels of sunlight, daylight, outlook and privacy would remain the same as existing. There is no change to the height of conservatory roof and whilst there is an increase in umbrellas given their scale are not considered to cause any unacceptable levels of overshadowing.

- 6.26 The occupiers of number 1 are also concerned that the noise levels in the rear garden would increase as a result of the alterations to the rear garden. However, the existing pub garden is well established and has existing structures that provide shelter for patrons using the area. Whilst the proposal will allow a greater number of people to sit outside under shelter the capacity of the external area remains as existing. Therefore it is not considered reasonable to assume that this proposal will increase activity and noise levels to a degree that would warrant refusal.
- 6.27 It is further considered that the although there will be an increase in the number of large umbrellas / jumbrellas within the rear external area, the scale and design of these structures would not cause an unacceptable level of harm to the visual amenity local residents currently enjoy.
- 6.28 Therefore, it is felt that the amenity of neighbouring occupiers is not compromised to such an extent that it would constitute a refusal of this application.

### **Equalities Considerations**

- 6.29 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.30 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.31 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.32 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.33 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

6.34 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:  
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

6.35 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

### **Conclusion**

7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) London Plan (March 2015) and the National Planning Policy Framework (2012).

7.1 It is consequently felt that the retrospective scheme does not harm or detract from the locally listed building or the Blackheath Conservation Area or negatively affects the amenities of the neighbouring properties. As such, it is considered that the changes are acceptable regardless of the works being applied for retrospectively.

8.0 **RECOMMENDATION: GRANT PERMISSION** subject to the following conditions:

1) The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

PWB01a Rev C; PWB01b Rev C; Received 16th March 2016

1951/04 Rev D; 1951/05 Rev D; 1951/06 Rev C; 1951/07 Rev C Received 11th April 2016

OS Plan; PWB 07a V1a Rev D; PWB 07b Rev C received 23<sup>rd</sup> May 2016

**Reason:** To ensure that the development is retained in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

### **INFORMATIVES**

**Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application,

positive discussions took place which resulted in further, revised information being submitted.