

Committee	PLANNING COMMITTEE B	
Report Title	PRINCESS OF WALES, 1A MONTPELIER ROW, LONDON, SE3 0RL	
Ward	BLACKHEATH	
Contributors	Russell Brown	
Class	PART 1	02 March 2017

<u>Reg. Nos.</u>	DC/14/89840
<u>Application dated</u>	13.11.2014
<u>Applicant</u>	Mitchells & Butler
<u>Proposal</u>	Retrospective application for advertisement consent for the display of a fascia sign, two A Boards and two LED back lit menu cases at the front of the Princess of Wales public house, 1A Montpelier Row, SE3.
<u>Applicant's Plan Nos.</u>	OS Map; Heritage Statement; Existing Front Elevation Photograph 107733 Rev C Received 29th January 2016 Block Plan; 1951/04 Rev E, 1951/05 Rev E Received 12th May 2016
<u>Background Papers</u>	(1) Case File LE/417/1A/ADV (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

2.0 Property/Site Description

- 2.1 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 in Paragon Place.
- 2.2 The pre-existing signage is limited to a double sided pictorial hanging sign located opposite the pub on the heath and a large sign with raised letter advertising the pub's name on its front elevation.
- 2.3 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.
- 2.4 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.

2.5 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.”

2.6 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.

3.0 Planning History

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

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

3.3 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.**

3.4 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.**

3.5 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.**

3.6 DC/15/90686: There is a concurrent 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 two jumbrellas to the rear. **Approved.**

4.0 Current Planning Application

4.1 Retrospective advertisement consent is sought for various advertisements associated with the public house use as follows:

1) A timber fascia sign with aluminium lettering, measuring a height of 0.7m, 9m wide and projecting out 6cm. The sign is located 2.8m above ground level on the front elevation of the building.

2) Two A Boards measuring 1.2m high by 80cm wide on 10cm high legs advertising the pub located on the public footpath to the front.

3) Two internally illuminated (LED back lit) brass menu cases on timber posts, one measuring 52cm high, 39.5cm wide and 5cm deep, located 1.2m above ground level and the other measuring 40cm high, 31cm wide and 5cm deep, located on the front elevation, both with an illumination level of 180cd/m.

The repainting of the double sided hanging sign with pictorial graphics located on the heath opposite the pub and suspended from a timber post does not require advertisement consent.

5.0 Consultation

5.1 No pre-application advice was sought.

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

5.3 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

5.4 Four letters of objection have been received from 1 Montpelier Row, raising the following issues:

- The pub already has sufficient levels of lighting and is too garish so therefore no illuminated adverts should be allowed.
- The advertisement signage fundamentally alters the character and nature of the Georgian terrace on which the pub is situated, which goes against the purpose of a Conservation Area. There are already too many signs and adverts.
- The large inverted advertisement boards block the pavement for passers-by, especially those with pushchairs or in wheelchairs.
- The works requiring Advertisement Consent, and indeed planning permission, have already been done before the granting of permission and therefore should be refused.
- The Design & Access Statement contains information for the new swing sign and is missing from the application and therefore the application should be refused until such information is provided.
- The addition of lighting is not environmentally friendly and for this reason, the pub should be reducing lighting, not increasing it.

Amenity Societies Panel

- 5.5 Insufficient information on the swing sign to comment (Design & Access Statement missing). Otherwise no objection to proposal, although proposals look different in some drawings than others. From the information available, it's unclear where the display panels are to be located on the building facade.

6.0 Policy Context

Introduction

- 6.1 Circular 03/2007: Town and Country Planning (Control of Advertisements) (England) Regulations 2007. In considering and determining this application the local planning authority shall exercise its powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 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. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2015). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 6.2 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)'.

6.3 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

- 6.4 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)

- 6.5 On 10 March 2015 the London Plan (further altered in March 2016) was adopted. The policies relevant to this application are:

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

Core Strategy

- 6.6 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:

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

- 6.7 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 19 Shopfronts, signs and hoardings

DM Policy 27 Lighting

DM Policy 30 Urban design and local character

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)

- 6.8 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 12th 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.

7.0 Planning Considerations

- 7.1 The relevant planning considerations when determining an advertisement application are the impact of the proposal on public safety and on the amenities of the area plus, in this case, whether it preserves or enhances the character and appearance of the locally listed building and the Blackheath Conservation Area.

Principle of development

- 7.2 The principle of replacing and upgrading the signage for this pub is considered acceptable as the previous signage was rather tired in its appearance, but this is subject to its impact on public safety, the amenities of the area and on the Blackheath Conservation Area.

Amenity

- 7.3 The recently published NPPF sets out national policy for all advertisements and replaced PPG19. The NPPF states “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. 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. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.
- 7.4 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.
- 7.5 DM Policy 19 Shopfronts, signs and hoardings states that shopfronts should be designed to a high quality and reflect and improve the character and quality of their surroundings. For this to be achieved, new shop signs should relate successfully to the architectural features and detailing of the building so architectural features such as cornices, pilasters and columns are not obscured. Furthermore, permission should be refused for advertisements, banners, blinds, canopies and awnings that are considered to adversely affect the amenity and character of an area or that adversely impact on highway safety and operations.
- 7.6 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.
- 7.7 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.
 - 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.

- 7.8 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.
- 7.9 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.
- 7.10 This site is located within a conservation area and the building is locally listed. Therefore any signage must respect the historic significance of the building.
- (1) Fascia Sign
- 7.11 The fascia sign is located above the ground floor windows to the front (north west) elevation of the pub and projects a modest 6cm. It displays the name of the pub in gold coloured individual aluminium letters 20cm high on a timber fascia which is painted black. It should be noted that two lantern style lamps recently installed at fascia level are the subject of a separate application for planning permission.
- 7.12 Whilst this is a sensitive and highly visible location directly opposite the heath, it is considered that the sign is considered to be in keeping with the building and does not have an adverse impact upon the visual quality or character of the building and Blackheath Conservation Area. It is noted that there are a small number of signs in the immediate vicinity, including at the Clarendon Hotel.
- (2) A Boards
- 7.13 Two A Boards advertising the pub are located on the public footpath to the front. They are considered to be appropriate for a pub and, were they displayed on the forecourt area then they would have had deemed consent under the regulations.
- (3) Menu Display Signs
- 7.14 Two internally illuminated (LED back lit) brass menu cases have been installed at the front of the property on timber posts.

- 7.15 One menu case is located next to the main front entrance to the right hand side of the front elevation and measures 52cm high, 39.5cm wide and 5cm deep, and the other measures 40cm high, 31cm wide and 5cm deep, being positioned on the left hand side of the entrance.
- 7.16 While the former is 1.2m off ground level, it is considered to respect the visual amenity of the surrounding Conservation Area and is considered to be appropriate for its purpose.
- 7.17 It is considered reasonable to display two signs near to both front entrances to the pub in order to advertise the food offer available at the pub and they are considered to be small in scale and reasonably discreetly located. Although they are internally illuminated, the luminance level of 180 candelas is not considered 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.

Public Safety

- 7.18 In considering advertisement applications, Local Planning Authorities are expected to have regard to the effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air. The vital consideration in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others safety.
- 7.19 The signs are located in such a position in relation to the nearest highway that, although they would be visible, they are considered unlikely to generate a material level of distraction to drivers of vehicles, even in the case of the fascia sign.
- 7.20 Apart from the A Boards, the signs would be displayed on or facing the front elevation of the building at sufficient height above the adjacent footway and therefore would cause no significant obstruction to passing pedestrians.

Issues raised by consultation

- 7.21 There were no objections on the grounds of public safety.
- 7.22 Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed. The objections to the change of name, design of the name sign and the nature and content of the mosaic are not material considerations in this application, as they are not considered to impact safety or amenity. The scale and location and nature of the advertisements are considered acceptable in terms of the impact on amenity of the building and area and the subject matter, content or design are not therefore considerations for this application.

Equalities Considerations

- 7.23 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.
- 7.24 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.
- 7.25 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.
- 7.26 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/>
- 7.27 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
- 7.28 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/>

- 7.29 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

- 8.0 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).
- 8.1 For the reasons set out in this report it is not considered that the advertisements for which retrospective consent is sought cause harm to public safety or the visual amenity of the Blackheath Conservation Area. As such, it is considered that the changes are acceptable regardless of the works being applied for retrospectively and it complies with the National Planning Policy Framework 2012, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 9.0 **RECOMMENDATION: GRANT PERMISSION** subject to the following conditions:
- 1) (a) This consent is granted for a fixed period expiring 5 years from the date of consent.
(b) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
(c) No advertisement shall be sited or displayed so as to:-
(i) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).
(ii) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.
(iii) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
(d) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
(e) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
(f) Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

- 2) The illuminated advertisements hereby granted consent shall not be displayed otherwise than in complete accordance with the approved plans, unless previously agreed in writing by the local planning authority.

Reason: To protect the visual amenities of the area and to comply with the terms of the application and DM Policy 19 Shopfronts signs and hoardings of the Development Management Local Plan (November 2014).

INFORMATIVE

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.