

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0334-19 **Applicant:** Star Pubs

Proposal: Installation of replacement illuminated and non illuminated signs and repainting of exterior of building

Location: The Black Swan Public House 12 New Road Spalding

Terminal Date: 21st May 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

NPPF Section 16

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Installation of replacement illuminated and non-illuminated signage.

Site Description

The Black Swan Public House, 12 New Road, Spalding.

The application site is a prominent listed public house which is in a less prominent part of the Conservation Area but still contributes significantly to the heritage of the area and is a valuable and historic reference point in the local street scene.

History

None relevant.

Consultation Responses

Lincolnshire County Council SUDs (Highways) - No observations.

Planning Considerations

This proposal relates to the replacement of, and adding to, the signage to The Black Swan Public House, 12 New Road, Spalding which is a listed building and is within the Conservation Area.

An Advertisement Consent Application has also been submitted - H16-0335-19.

Records show the listing covers not only the pub but also the shop to the west. So it would be a significant change if what is quite a grand shared facade was divided up visually by painting the pub in teal and cream, whilst the rest is left as white. If the proposal was to paint the whole thing teal and cream above it would be more acceptable.

The Case Officer has written to the Agent seeking changes but has received no response, it has to be concluded they are not willing to change the colours.

The new colour scheme would harm the building's significance and detract from the conservation area by breaking up this attractive facade visually, fragmenting the street scene.

The dark colour scheme on the lower half would also obscure the stucco decoration which has been laboriously moulded to imitate ashlar blocks by reducing the contrast between the shadows in the recessed pointing, as is clear in their visualisation. This is a particularly attractive and striking feature of this building and marks it out as a high status inn from a time when Spalding was a wealthy market town and port. It greatly contributes to the building's significance and the proposed repainting would detract from it.

There is also quite a lot of signage, which although reminiscent of Victorian buildings, combined with the contrasting colour scheme it would overpower the host building making it quite garish, and completely detracting from what is currently a well-preserved and un-cluttered (apart from the Sky TV banners) continuous section of street scene.

The proposed signage is therefore considered to represent an over-proliferation of signage which would be harmful to the visual qualities of the Conservation Area and which would harm the integrity of the listed building itself.

This is not in accordance with the National Planning Policy Framework (section 16, paragraph 200) relating to Conservation Areas which states:

"Local planning authorities should look for opportunities for new development within Conservation Areas- and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

Conclusion

The proposals would have a detrimental effect on the contribution of this listed traditional commercial building or to the character and appearance of the conservation area and would harm the integrity and historic significance of the listed building itself.

I would therefore recommend REFUSAL.

Additional Considerations

Public Sector Equality Duty

Public Sector Equality Duty

In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) 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. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balance against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.