

Mr Sean Breslin
Boyer Planning
2nd Floor, 24 Southwark Bridge Road
London
SE1 9HF

Letter Printed 14 April 2020

FOR DECISION DATED
14 April 2020

Dear Sir/Madam

**The Town and Country Planning Act 1990, (as amended)
The Town and Country Planning (Control of Advertisements) Regulations 1992
Decision Notice – Split Decision**

Application: 20/0437/ADV
Your ref: O'Neils - ADV
Our ref: DC/AMU/20/0437/ADV
Applicant: C/O Agent
Agent: Mr Sean Breslin

The Red Lion 28 - 29 The Quadrant Richmond TW9 1DN

for

SPLIT DECISION:

1 X New fabricated aluminium fascia sign with O'Neill's lettering (60mm), coated white with opal faces, 1 X New fabricated aluminium fascia sign. Sign to be wrapped with timber effect digital print, 1 X New fabricated aluminium fascia sign with O'Neill's lettering (60mm), 1 X Double sided hanging sign to fit to the existing projecting brackets, 1 X Fabricated ray sign coated black with applied digital print, 1 X Sign written to arch above gates, 1 X Sign written on wall, to be painted O'Neill's (Items 1-8) (APPROVE).

1 X O'Neill's black and white vinyl on a clear acrylic sheet with LED trough downlight (Item 9) (REFUSE).

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that the application for consent to display the said advertisements has been determined as a **SPLIT DECISION** as indicated on, and subject to the conditions, reasons and informatives summarised and listed on the attached schedule.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Angus', with a long horizontal flourish extending to the right.

Robert Angus
Head of Development Management

SCHEDULE OF SPLIT DECISION CONDITIONS, REASONS AND INFORMATIVES FOR APPLICATION 20/0437/ADV

APPLICANT NAME

C/O Agent
C/O Agent

AGENT NAME

Mr Sean Breslin
2nd Floor, 24 Southwark Bridge Road
London
SE1 9HF

SITE

The Red Lion 28 - 29 The Quadrant Richmond TW9 1DN

PROPOSAL

SPLIT DECISION:

1 X New fabricated aluminium fascia sign with O'Neill's lettering (60mm), coated white with opal faces, 1 X New fabricated aluminium fascia sign. Sign to be wrapped with timber effect digital print, 1 X New fabricated aluminium fascia sign with O'Neill's lettering (60mm), 1 X Double sided hanging sign to fit to the existing projecting brackets, 1 X Fabricated ray sign coated black with applied digital print, 1 X Sign written to arch above gates, 1 X Sign written on wall, to be painted O'Neill's (Items 1-8) (APPROVE).

1 X O'Neill's black and white vinyl on a clear acrylic sheet with LED trough downlight (Item 9) (REFUSE).

GRANTED

SUMMARY OF CONDITIONS FOR CONSENTED SIGN(S)

AH01-05	STANDARD CONDITIONS
U0080229	Approved Drawings

REFUSED

SUMMARY OF REASONS FOR REFUSED SIGN(S)

U0080230	Refusal - Design
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SUMMARY OF INFORMATIVES:

U0042351	NPPF APPROVAL (Items 1-8)
U0042362	Decision Drawings for refusal
U0042363	NPPF REFUSAL - Para. 38-42 (Item 9)
U0042352	Composite Informative

DETAILED CONDITIONS FOR CONSENTED SIGN(S)

TO INCLUDE STANDARD CONDITIONS 1-5

The standard conditions applicable to this application are as follows:-

1. All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. 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.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

ADDITIONAL CONDITIONS

U0080229 Approved Drawings

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable.

Advert Submissions Pack Report received by Council 9th April 2020 (Excluding 'Item 9').

REASON: To accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.

DETAILED REASONS FOR REFUSED SIGN(S)

U0080230 Refusal - Design

The proposed beer garden sign by reason of its combined unacceptable siting and scale and level of illumination would represent a visually obtrusive form of advertisement which would appear prominent and unduly dominant on the raised building platform failing to preserve or enhance the setting, character and appearance of the Conservation Area and Buildings of Townscape Merit. The proposal is contrary to, in particular, policies LP1, LP3, LP4 of the Local Plan (2018), Supplementary Planning Document: 'Shopfronts', 'Buildings of Townscape Merit', 'Central Richmond Conservation Area Statment' and the NPPF.

DETAILED INFORMATIVES

U0042351 NPPF APPROVAL (Items 1-8)

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a formal pre-application service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision
- o Determining applications in a timely manner.

In this instance:

- o The application was amended to comply with Council's Policies, and approved without delay.

U0042362 Decision Drawings for refusal

For the avoidance of doubt the Drawing(s) No(s) to which this decision refers (with respect to the refused signage) are as follows:-

Advert Submission Package received 9th April 2020 in relation to Item 9 (beer garden sign).

U0042363 NPPF REFUSAL - Para. 38-42 (Item 9)

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a formal pre-application service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision
- o Determining applications in a timely manner.

In this instance:

- o The applicants did not seek formal pre-application advice, and part of the scheme was found to be contrary to policy and guidance. The amendment received was not considered to fully address Council concerns, and therefore the application was subsequently refused. The Council is ready to enter into discussions to advise the applicants of relevant policy and guidance; and where possible assist in the preparation of a new planning permission.

U0042352 Composite Informative

Reason for granting:

The proposal has been considered in the light of the Development Plan, comments from statutory consultees and third parties (where relevant) and compliance with Supplementary Planning Guidance as appropriate. It has been concluded that there is not a demonstrable harm to interests of acknowledged importance caused by the development that justifies withholding planning permission.

Principal Policies:

Where relevant, the following have been taken into account in the consideration of this proposal:-

Local Plan:

- o LP1 Local character and Design quality
- o LP3 Designated Heritage Assets
- o LP4 Non-Designated Heritage Assets
- o LP8 Amenity and Living Conditions

Supplementary Planning Documents / Guidance:

- o Conservation Areas SPD and Richmond Centre Statement
- o Richmond and Richmond Hill Plan and Guidelines
- o Buildings of Townscape Merit
- o Shopfronts

Building Regulations:

The applicant is advised that the erection of new buildings or alterations to existing buildings should comply with the Building Regulations. This permission is NOT a consent under the Building Regulations for which a separate application should be made. For application forms and advice please contact the Building Control department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

If you alter your proposals in any way, including to comply with the Building Regulations, a further planning application may be required. If you wish to deviate in any way from the proposals shown on the approved drawings you should contact the Development Management department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

Damage to the public highway:

Care should be taken to ensure that no damage is caused to the public highway adjacent to the site during demolition and (or) construction. The Council will seek to recover any expenses incurred in repairing or making good such damage from the owner of the land in question or the person causing or responsible for the damage.

BEFORE ANY WORK COMMENCES you MUST contact the London Borough of Richmond upon Thames, 44 York Street, Twickenham TW1 3BZ, Telephone 020 8891 1411 to arrange a pre-commencement photographic survey of the public highways adjacent to and within the vicinity of the site. The precondition survey will ensure you are not charged for any damage which existed prior to commencement of your works.

If you fail to contact us to arrange a pre commencement survey then it will be assumed that any damage to the highway was caused by your activities and you will be charged the full cost of repair.

Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage then the case will be closed. If damage or further damage is found to have occurred then you will be asked to pay for repairs to be carried out.

Noise control - Building sites:

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health department.

Under the Act the Council has certain powers to control noise from construction sites. Typically the council will limit the times during which sites are permitted to make noise that their neighbours can hear.

For general construction works the Council usually imposes (when necessary) the following limits on noisy works:-

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Sundays and Public Holidays - No noisy activities allowed

Applicants should also be aware of the guidance contained in British Standard 5228:2009 - Noise and vibration control on construction and open sites.

Any enquiries for further information should be made to the Commercial Environmental Health Team, 2nd Floor Civic Centre, 44 York Street, Twickenham TW1 3AB.

END OF SCHEDULE OF CONDITIONS, REASONS AND INFORMATIVES FOR
APPLICATION 20/0437/ADV

ADV Applications

Making an Appeal – Summary Guidance

Whether to appeal

If the Local Planning Authority (LPA) turn down your application, you should look carefully at the reasons why they turned it down before you make an appeal. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. An appeal should only ever be a last resort.

Type of appeal:

Advertisement Consent Application

Appeal time:

Within 8 weeks of the date of the council's decision letter.

Who can appeal?

The applicant or their agent may lodge an appeal.

The right of appeal:

You can appeal against the council's decision when:

- you have applied to the council for consent to display an advertisement, which they have refused;
- the council have granted consent for an advertisement but have given you conditions which you think are not acceptable;
- the council have failed to give a decision within the time laid down, (this is usually eight weeks but it can be extended if you agreed to this in writing);
- you have received a discontinuance notice ordering you to remove an advertisement display. If a council issues a discontinuance notice, only those receiving a copy may appeal.

You will make your appeal to the Department for Communities and Local Government of which the Planning Inspectorate is a part. Most are decided by specialist officers in the Planning Inspectorate. Only the person or business applying for consent to display an advertisement may appeal. If the council issues a discontinuance notice, only those on whom the notice is served may appeal.

The appeal process:

Appeals must be made

- Online at www.planninginspectorate.gov.uk, or
- Using a form which you can get from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

It will be expected that all appeal documentation will be submitted electronically.

The process is fully documented on the website of the Planning Inspectorate www.planninginspectorate.gov.uk, however in summary there are three main types of appeal:

Written procedure:

Written evidence is considered from the applicant/agent/business and the council. The council will send copies of any letters of objection or support they received when considering your application. Within six weeks of the Inspectorate receiving your appeal forms the council will send a copy of their statement to the Inspectorate. You must make any comment on these within three weeks.

Hearing procedure:

Hearings allow you and the council to exchange views and discuss your appeal. Before the hearing the council will send a copy of their statement to you and the Inspectorate. You can comment on their statement in writing otherwise the Inspectorate will treat the reasons given in your appeal form as the basis of your case for discussion.

Hearings are usually held in council offices. The Inspector leads the discussion and invites the people involved to put their points across. The Inspector will visit the site unaccompanied before the hearing and will make a further accompanied visit as part of the hearing.

Inquiry procedure:

Inquiries are normally for large-scale applications. A public inquiry is a formal procedure in which both parties have legal representation.

Making your views known on someone else's appeal:

The LPA will notify anyone who took part in the consultations when you first applied for permission that you are appealing. For appeals decided by hearing or inquiry the LPA will tell interested people when and where this will be and let them know that they can attend. The Inspectorate will also take account of the views of certain groups who have a right to comment, for example, owners of a site, local amenity groups and so on.

Costs:

Normally you and the council will pay for your own expenses in an appeal. You can only claim costs when you can show that the council have behaved in an unreasonable way causing unnecessary expense.

Who to contact?

The Planning Inspectorate

Website www.planninginspectorate.gov.uk

Email enquiries@pins.gsi.gov.uk

Telephone 0303 444 5000

Write to Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

London Borough of Richmond upon Thames

Website www.richmond.gov.uk/planning

Email planningappeals@richmond.gov.uk

Telephone 020 8891 1411 for advice

Write to The Appeals Officer, Development Control, Civic Centre, 44 York Street, Twickenham TW1 3BZ