

**Application Number:** 15/10297 Full Planning Permission

**Site:** ST BARBE MUSEUM AND ART GALLERY, NEW STREET,  
LYMINGTON SO41 9BH

**Development:** Serpentine wall & outside seating area terrace to eastern facade;  
landscaping

**Applicant:** The Lymington Museum Trust

**Target Date:** 08/05/2015

## 1 REASON FOR COMMITTEE CONSIDERATION

Discretion of the Head of Planning and Transportation and contrary Town Council view.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Lymington Town Centre  
Lymington Conservation Area

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

#### Objectives

1. Special qualities, local distinctiveness and a high quality living environment
9. Leisure and recreation

#### Policies

#### Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS5: Safe and healthy communities
- CS8: Community services and infrastructure
- CS19: Tourism
- CS20: Town, district, village and local centres

### Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM1: Heritage and Conservation
- DM13: Tourism and visitor facilities

#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Section 72 General duty as respects conservation areas in exercise of planning functions Planning (Listed Buildings and Conservation Areas) Act 1990

#### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Lymington - A Conservation Area Appraisal  
SPD - Lymington Local Distinctiveness

#### **6 RELEVANT PLANNING HISTORY**

Alterations, additions and conversion to museum and visitor information centre (94/NFDC/55370) granted 09/11/94.

#### **7 PARISH / TOWN COUNCIL COMMENTS**

Lymington and Pennington Town Council: recommend approval on the understanding that modern engineering bricks will not be used and that reclaimed brick similar to that used to construct the original school building will be used.

#### **8 COUNCILLOR COMMENTS**

None received

#### **9 CONSULTEE COMMENTS**

- 9.1 Conservation Officer: objects as the scheme would impact on the significance of the historic street frontage and also cause irreparable loss and damage to this locally important building. This damage would be through the screening of the frontage and the damage caused by the by the insertion of the new glazing elements.
- 9.2 Hampshire County Council Archaeologist: due to the small scale of likely ground works no issue is raised.
- 9.3 Land Drainage Engineer: no comment.
- 9.4 Hampshire County Council Highway Engineer: raise no objection.
- 9.5 Estates and Valuation Manager: from a landlord/landowner perspective no objection is raised and is supportive of the proposal to develop the museum. Legal issues that arise out of the lease are being addressed.
- 9.6 The Lymington Society: submitted a detailed commentary about the proposals. The Society has taken the views expressed by its members. And accepting that a significant number of members and residents may have reservations which they have not expressed to the Lymington Society Committee, are prepared not to object to the proposed design.

## **10 REPRESENTATIONS RECEIVED**

- 10.1 27 letters of support have been received saying that the proposal represents a good design and that it is important to create a new image for the museum for the future. One of these letters is from a previous conservation advisor to the Council and another is from a conservation advisor appointed by the applicant. They both fully support the proposals and see them as a positive enhancement to Lymington's heritage and because the proposal would sustain and reinforce the cultural heritage value of the museum which would far outweigh any perceived negative aesthetic or architectural impact.
- 10.2 18 letters of objection have been received raising the following concerns: the proposals would result in an unsympathetic structure of an unimaginative design that would ruin the character of the old school house and other neighbouring property, the wall would be ugly and very obtrusive in the Conservation Area, part of the history and local significance of the building would be lost, museum floorspace would be lost, it would be out of place and proportion, concerns about the structural integrity of the structure and it would be better to spend money on a simpler structure.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.

- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case pre-application advice was sought and initially support was given for the scheme by a former conservation advisor to the Council. Subsequent discussions took place with two subsequent conservation advisors to the Council who raised concerns about the scheme as set out in the assessment. The applicants have been made aware of these concerns and suggestions were made about possible revisions to the proposals as originally envisaged, no changes have been made, and as a result there is little potential to negotiate.

## 14 ASSESSMENT

- 14.1 This is a prominent building located on the west side of New Street on the corner of School Lane within Lymington Conservation Area. The building was originally built as a school in 1835, subsequent wing extensions took place in the mid-19th Century with later extensions to the east and west which provide a varied built form. Most of these extensions are fairly simple although the post-1850 room on the south-east corner in New Street has a more interesting gable end with a tri-partite window and decorated bargeboard. Although this is not a statutory listed building it is a building of local historic interest and a local landmark in the Conservation Area. The area is very mixed in character comprising a mixture of commercial and residential uses with the public conveniences located immediately to the south of the site in New Street.
- 14.2 The proposal is to provide a new entrance facade and increase the width of the opening/entrance to the building to make a feature of the entrance by forming an outside seating area, the erection of a high wall (about 6.5 metres high [7 metres above street level], in the form of a crinkle crankle wall), a further section of brickwork at right angles to the road with the name of the museum attached (also 6.5 metres high), a canopy over the entrance along with other associated works to improve the museum and gallery. The existing porch which was built in the mid-1990's would be removed.
- 14.3 The main issue for consideration in respect of this proposal is the impact of the development on the character and appearance of the Conservation Area and this building of local importance. Other issues include highway and archaeological implications.
- 14.4 In assessing the impact of the proposals on the character and appearance of the Conservation Area it is important to understand the significance of the building and its history and the policy position in assessing such proposals.
- 14.5 In terms of policy, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires "that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of" the conservation area. In relation to conserving and

enhancing the historic environment, paragraph 131 of the National Planning Policy Framework states that "in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Policies in the Core Strategy and the Local Plan Part 2 (CS3 and DM1 respectively) seek to ensure that proposals such as this do not adversely impact on the heritage asset and its significance. In assessing the impact, consideration needs to be given to whether the public benefits of the proposal outweigh any harm caused to the heritage asset. Policies also support the improvement of facilities such as this museum subject to the assessment of the impact on the character and appearance of the Conservation Area. In addition, the Lymington Local Distinctiveness Document identifies this building as being a locally distinctive building with important street frontages to both New Street and School Lane.

- 14.6 In interpreting this guidance and in the approach taken to the alterations of this building it is clear that there is a substantial difference between the views of different conservation advisors. A former conservation advisor to the District Council, who has now left the authority, was supportive of the scheme when she worked here. She has written in a private capacity to support the current application. The applicants have also commissioned another conservation advisor who has also written a report in support of the scheme. Against this, the current conservation advisor to the District Council is strongly opposed to the proposed scheme and has set out clearly in his report why he thinks it should be refused. A balanced decision on this case requires a careful consideration of the merits of the two different points of view. Ultimately this report supports the advice of our current conservation advisor but the alternative position is equally sustainable and therefore a balanced judgement from Councillors is required.
- 14.7 The context of the street in this part of the conservation area is for buildings to strongly define it spatially. The character moves from strong enclosure at the back edge of the pavement near the High Street to a more varied enclosure near to the St Barbe Museum. While there is a little more variety here, a recurring feature of the street is the large gable frontages of various buildings that face the street. Furthermore, one of the defining features of this former school building is again its strong gable profiles which face both key street frontages to the north (School Lane) and the east (New Street). The articulation of these gables with windows is also an important contextual feature with both doors and frontages actively engaging with the street. The building dates from 1835 with a number of additions through the 19th century, but resulting in an important contribution to the conservation area and street corner. Materials and details consist of rich orange/red brick construction with a variety of gables, well-proportioned windows and steep overhanging eaves with slate roof. The significance of the building is clear in its contribution and connection to the street scene and the wider context. It

is historically important to urban and social development of Lymington and a local landmark within the conservation area. The materials, gabled form and associated 19th century details of the structure are an intrinsic part of that significance.

- 14.8 As stated above the proposal seeks to create a new entrance, new forecourt and several alterations on the eastern elevation facing New street. It is recognised that the more recent gable entrance lobby onto New Street is somewhat dated and does not present a welcome focal space to the museum. The proposal seeks to remove a number of features on this elevation from the street scene. This would be achieved with the use of a large screen wall positioned in front of the Museum and the removal of large areas of the east elevation fabric to provide glazed entrances. While bold in its impact the rationale for using what is a boundary garden wall feature like the crinkle-crinkle and applying it in a somewhat over scaled version along the main frontage of the building is unclear. The proposed wall would screen this elegant building along with key features and details. The wall would obscure the roof line of the two gables on this elevation at either end and would be visible in views along School Lane. It appears that the design rationale does not respond to the proportions and character of the street and the building. The proposed interventions relate mainly to new circulation space and improvements to access and much of this could be created without many of the damaging alterations to the existing building. It is considered that the changes proposed lack clear justification for the proposals submitted.
- 14.9 The proposal would result in the new opening in the existing building, behind the proposed wall, cutting across the existing window openings and the two historic elevations on this frontage. This removes large areas of the historic fabric of this elevation and associated historic window features and details. A further concern is that it would not sit well with the existing architectural form and this may be why the large screen wall has been applied to mask or hide this intervention.
- 14.10 The proposed large signage fin appears to involve the rebuilding of an element of the former school wall. This wall is a robust feature within the street scene and it is more likely that this section of wall would need to be rebuilt creating an issue of matching the new and the old and potentially causing an unsightly scar in the wall.
- 14.11 The improved disabled access is supported but it is rather unfortunate that it is being sent around the back of the screen wall. Integrating this in a more prominent position and without the screen wall would be a much more positive approach to inclusive access.
- 14.12 In terms of archaeological implications, the Archaeologist at Hampshire County Council has commented that due to the small scale of likely ground works no objection is raised.
- 14.13 The Highway Engineer has been consulted about the proposals and has raised no objection.
- 14.14 In coming to this conclusion there is no doubt the proposal changes would result in a dramatic change to the appearance of the site. On balance having considered the mixed views received from the community and the differing views of the Conservation Officers it is felt that permission should be refused.

14.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

## **15. RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

The proposed alterations would result in an adverse impact on the significance of the historic street frontage and also cause irreparable loss and damage to this locally important building through the screening of the existing facade and the damage caused by the insertion of new glazing elements. As a result the proposal would not respond positively to the character of this heritage asset or the Lymington Conservation Area/ The development would therefore fail to comply with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2, the Lymington Local Distinctiveness Document and the National Planning Policy Framework.

#### **Notes for inclusion on certificate:**

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In this case pre-application advice was sought and initially support was given for the scheme by a former conservation advisor to the Council. Subsequent discussions took place with two subsequent conservation advisors to the Council who raised concerns about the scheme as set out in the assessment. The applicants have been made aware of these concerns and suggestions were made about possible revisions to the proposals as originally envisaged and as a result there is little potential to negotiate.

#### **Further Information:**

Major Team  
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**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
June 2015

**Item No: 3j**

St Barbe Museum  
& Art Gallery  
Lymington

App No 15/10297  
SZ3295

Scale 1:1250

N.B. If printing this plan from  
the internet, it will not be to  
scale.

