

**Application Number:** 15/10755 Full Planning Permission

**Site:** 91-92 HIGH STREET, LYMINGTON SO41 9AP

**Development:** Bin store; entrance gates; railings; fenestration alterations

**Applicant:** Aqua House 22LLP

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

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Lymington Conservation Area  
Primary Shopping Area  
Town Centre Boundary  
Archaeological Site

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS2: Design quality  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

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

DM1: Heritage and Conservation  
DM14: Primary shopping frontages

**National Planning Policy Framework**

NPPF Ch. 1 - Building a strong, competitive economy  
NPPF Ch. 2 - Ensuring the vitality of town centres

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Lymington - A Conservation Area Appraisal

## **6 RELEVANT PLANNING HISTORY**

- 6.1 14/11365 - Use of first & second floors as 12 flats (Prior Approval Application) - prior approval not required November 2014, otherwise planning history limited to various commercial uses of the land and buildings.

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

Lymington Town Council - Recommend Refusal considering the use of common brick in between concrete piers to be ugly and not in keeping with the immediate area and the forthcoming redevelopment of the St Barbs Museum frontage. The property has a prominent position at the corner of New Street and the High Street and the materials used need to be carefully considered within the context of this position.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Environmental Design (Conservation) - Initial concerns raised in relation to the thickness of the replacement window profiles and the appearance of the railings and new walling in the undercroft area. Following receipt of amended plans, no objections are raised, subject to conditions requiring railing details to be agreed, provision of sample panels of colour for renders, railings and windows and the soldier course detailing to be agreed prior to construction.
- 9.2 Land Drainage Section – No comments
- 9.3 Southern Gas Networks - No objections, but give informatives
- 9.4 Hampshire County Council Highway Engineer - no objection subject to conditions.

## **10 REPRESENTATIONS RECEIVED**

None

## **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, the applicant sought the Planning Authority's view on the form of proposed development, prior to submission of this application. The proposals were generally supported by the Council, subject to clarification of materials, colours and window dimensions. Following negotiation with the applicant, amended plans were submitted to address the concerns raised by the Conservation Team and Highway Authority, which resulted in the scheme being considered acceptable.

## **14 ASSESSMENT**

- 14.1 The application property at 91-92 High Street, Lymington is a three storey, relatively modern building, situated within the defined urban area of Lymington and its Conservation Area. It benefits from prior approval for change of use from offices to dwellings under a permission issued in November 2014. That proposal related to a B1(a) (office) premises at first and second floor levels, with Costa Coffee and undercroft parking occupying the ground floor space. It facilitated conversion of the first and second floor office accommodation to residential (C3) accommodation, with no physical changes to the external appearance of the building, providing 12 no. flats comprised of 4 no. 2 bed units and 8 no. 1 bed units. Off-street parking is to be provided within a communal undercroft parking area beneath the offices, accessed from New Street.

- 14.2 This application is made partially retrospectively, as some of the brickwork is already in situ. The proposal seeks permission for operational development affecting the external envelope of the building namely:
- Erection of a low red brick wall and railings on the New Street frontage of undercroft parking area;
  - Subdivision of Costa Coffee parking from the residential parking area;
  - Creation of bin store;
  - Rendering and painting of concrete columns;
  - Replacement of existing bare aluminium windows with powder coated RAL7006 (bronze) windows;
  - 
  - Insertion and alteration of new window apertures
- The building is the subject of an integrated project of renewal and the proposal needs to ensure the protection and enhancement of the conservation area, highway safety and adjoining amenity in accordance with Policies CS2, CS3 and DM1 and the Lymington Conservation Area Appraisal.
- 14.3 In terms of impacts upon the character and appearance of the conservation area, the Council's Conservation Officer raised initial reservations over the proposal. However, following receipt of amended plans, including lowering the existing low wall fronting New Street and narrowing of the proposed window frames, no objections are raised, subject to conditions requiring railing details to be agreed, colours to be agreed and the soldier course detailing to be agreed prior to construction. The proposal consequently adheres to the provisions of Policies CS3, DM1 and the Conservation Area Appraisal. The views of the Town Council are noted. However, it is felt that the use of brickwork and railings between existing piers would be contextually appropriate. It is not felt this detail would have an adverse impact on the character and appearance of the Lymington Conservation Area. Conditions would ensure the brickwork and railings are of a suitably high design quality.
- 14.4 The County Highway Engineer raised initial concerns over the proposed gate and visibility upon egress from the parking spaces proposed for use by Costa Coffee. The issues have been resolved following receipt of amended plans deleting the gate and removing one of the parking spaces to give adequate visibility along New Street. No objections are raised by the Highway Authority, subject to conditions.
- 14.5 With regard to adjoining amenity, there would be no adverse impacts upon adjoining occupiers as a result of the proposed works to the undercroft area and windows, in accordance with Policy CS2.
- 14.6 In conclusion, the proposed changes would result in an improvement to the appearance of this prominent building in the Conservation Area.
- 14.7 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 there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this

case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. The development permitted shall be carried out in accordance with the following approved plans: BG3461-100, BG3461- 201 Rev D, BG3461- 202 Rev G, BG3461- 203 Rev G, BG3461- 301 Rev A, BG3461- 302 Rev A and BG3461- 401  
  
Reason: To ensure satisfactory provision of the development.
  
3. No gates shall be provided to the vehicular access to the undercroft parking area unless plans and particulars showing details have been submitted to and approved in writing by the Local Planning Authority.  
  
Reason: In the interests of highway safety and in accordance with (Policy CS24 of the Core Strategy for the New Forest District outside the National Park).
  
4. No further development shall be undertaken on site in respect of parking provision until plans and particulars showing details of the cycle storage area accessed directly off New Street have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.  
  
Reason: The condition is required as full details of these matters were not submitted with the application and are required prior to their installation in the interest of highway safety and in accordance with (Policy CS24 of the Core Strategy for the New Forest District outside the National Park).

5. Before use of the development is commenced provision for parking, both car and cycle, shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development and in accordance with (Policy CS24 of the Core Strategy for the New Forest District outside the National Park).

6. No further development shall proceed in respect of railing installation, rendering, brickwork or window installation until full details of the railings (including colour), colours of render and windows and soldier course detailing have been submitted to and been approved in writing by the Local Planning Authority. Thereafter, the development shall only proceed in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: The condition is required as full details of these matters were not submitted with the application and are required prior to their installation to ensure the materials and colours are sympathetic to the appearance of the character and appearance of the Conservation Area, in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of Local Plan Part 2 Site and Development Management Plan.

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

1. 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 takes 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 by giving clear advice to applicants.

In this case, following negotiation with the applicant, amended plans were submitted to address the concerns raised by the Conservation Team and Highway Authority, which resulted in the scheme being considered acceptable.

2. Southern Gas Networks advise that the applicant must comply with CDM Regulations and HSG47 guidance at the appropriate stage in their construction planning.

#### **Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

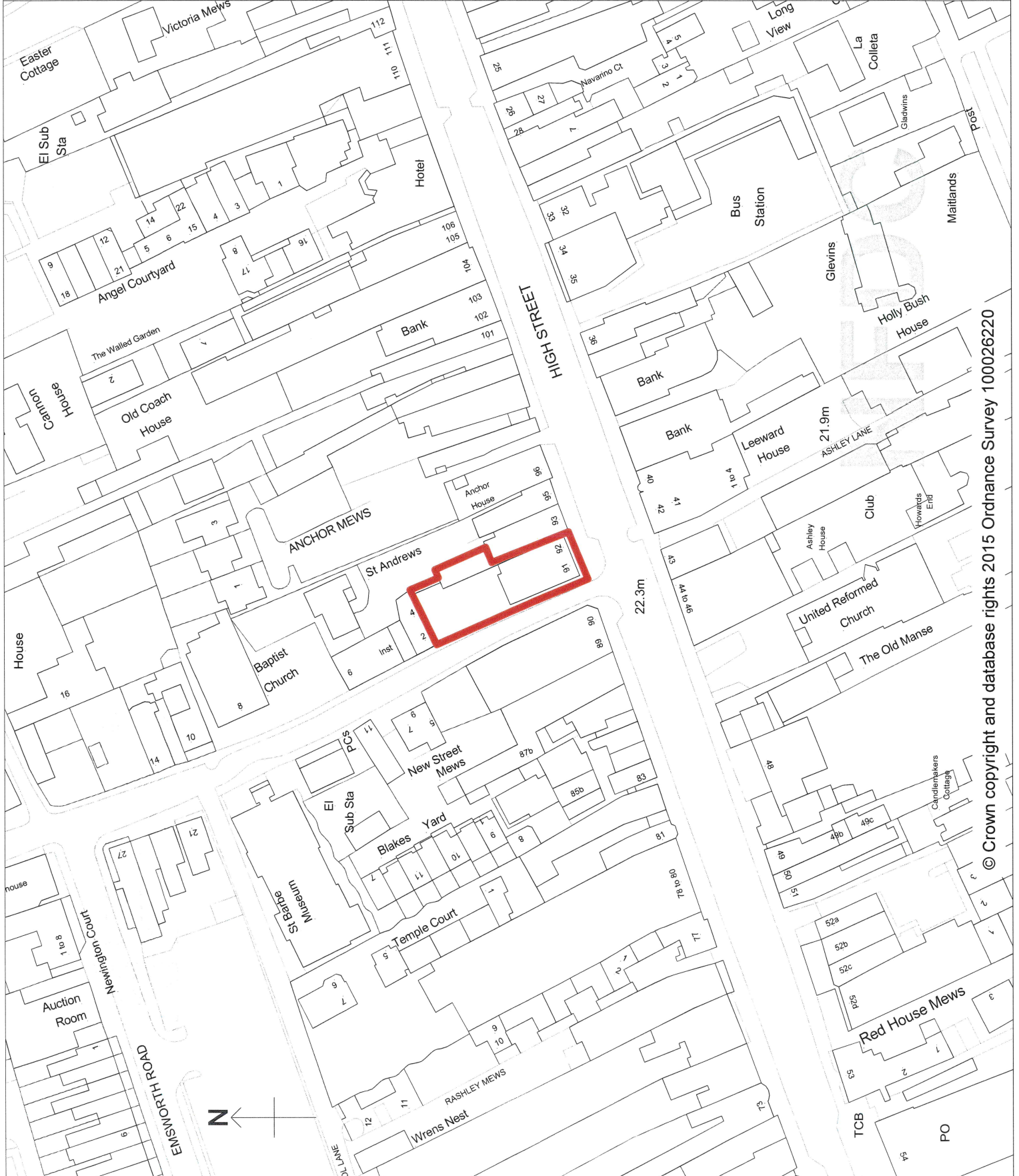
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**Planning Development  
Control Committee  
September 2015**

**Item No: 3e**  
91-92  
High Street  
Lymington  
15/10755  
SZ3295

Scale 1:1250  
N.B. If printing this plan from  
the internet, it will not be to  
scale.



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