

Application Number: 15/11415 Listed Building Alteration
Site: 55 HIGH STREET, LYMINGTON SO41 9AH
Development: Display 1 non illuminated wall mounted sign
(Application for Listed Building Consent)
Applicant: PREZZO PLC
Target Date: 20/11/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area
Town Centre Boundary
Primary Shopping Area
Archaeological Site
Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
6. Towns, villages and built environment quality

Policies

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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework NPPF Ch. 12 - Conserving and enhancing the historic environment
Section 66 General duty as respects listed buildings in exercise of planning functions.
Planning (Listed Buildings and Conservation Areas) Act 1990
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

- 96606 Retention of one illuminated fascia sign, trough light, internally-illuminated menu sign. Refused 10.3.11, appeal dismissed.
- 96593 Retention of one illuminated fascia sign, trough light, internally-illuminated menu sign. Refused 7.3.11, appeal dismissed.
- 91585 Retention of 2 internally illuminated letter signs and one menu box. Refused 10.3.08, appeal dismissed.
- 91584 Display 2 internally illuminated letter signs and menu box. Refused 3.3.08, appeal dismissed.
- 12/99509 Retention of non-illuminated fascia text; install 1 internally-illuminated menu box in window (Application for Listed Building Consent) Granted 11/04/2013
- 15/11413 Display 1 non-illuminated wall mounted sign (application for advertisement consent) current application (See item 3g)
- 15/11412 Display 1 non-illuminated hanging sign (application for Listed Building Consent) withdrawn
- 15/11411 Display 1 non-illuminated hanging sign (application for advertisement Consent) withdrawn
- 15/11672 Display 1 non-illuminated projecting sign (application for Listed Building Consent) current application awaiting determination
- 15/11671 Display 1 non-illuminated projecting sign (application for advertisement consent) current application, however does not need consent and has been withdrawn by the applicant

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal
We are not comfortable with the cluttering of a building in the Conservation Area

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Conservation Officer: revised details have addressed concerns relating to the wall sign

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

Not applicable

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.

There was no pre application advice sought prior to the application being submitted. Notwithstanding this, minor alterations to the proposal to change the finish of the lettering from satin to matt have been accepted during the course of the application. The Conservation Officer is supportive of the application.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Town Centre and Lymington Conservation Area. It is a Grade II listed building which is in

use as a restaurant. 55 High Street is situated in the historic core of the Lymington Conservation Area and forms part of the significant group of C18-early C19 listed buildings, no's 55-62, which make an important contribution to the character and appearance of the Conservation Area. This three storey building has a strong architectural character of a classical Georgian design and proportions.

- 14.2 The existing building is forward of a more modern retail development to the east of the site, and has an access to the side. As such, the side elevation of the building is read within the street scene. The ground floor of the building is rendered with a cornice separating the upper storeys of the building.
- 14.3 The proposed sign would be sited on the side elevation just below the cornice, and the materials, style of lettering and colours reflect the existing fascia, although a matt finish is to be applied to the lettering at the request of the Conservation Officer, and amended plans have been accepted to reflect this change. There is a small plaque style sign already on this elevation, advertising the presence of the General Yachting & Leisure Finance Ltd (GYLF) which appears to currently operate out of the first floor of this building which would be retained. While it would, as a result, not have a detrimental impact on the Conservation Area or Listed Building the proposed sign would be more prominent than the existing sign for GYLF. However, by reason of their form and siting on this elevation the proposed and existing sign would not unduly clutter the side elevation of this building nor interfere with its elegant proportions, and therefore would not detract from the visual amenity of the Listed Building or Lymington Conservation Area. It would as a result not have a detrimental impact on the Conservation Area.
- 14.4 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 LISTED BUILDING CONSENT

Proposed Conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Town & Country Planning (Listed Buildings & Conservation Areas) 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:505770-2 RevB, 505770-1 Rev , 505770-3

Reason: To ensure satisfactory provision of the development.

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.

There was no pre application advice sought prior to the application being submitted. Notwithstanding this, with minor alterations to the proposal to change the finish of the lettering from satin to matt which were accepted during the course of the application, the Conservation Officer was supportive of the application.

This decision relates to amended plans received on 6/11/15

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
January 2016**

Item No: 3h
55 High Street
Lyndhurst

15/11415
SZ3295

Scale 1:1250

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scale.



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