

**Application Number:** 16/10451 Full Planning Permission

**Site:** 51 HIGH STREET, LYMINGTON SO41 9AG

**Development:** Shopfront alterations

**Applicant:** Belle Ella Boutique Ltd

**Target Date:** 07/06/2016

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area  
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

CS1: Sustainable development principles  
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

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework  
Achieving Sustainable Development  
NPPF Ch.2 - Ensuring the vitality of town centres  
NPPF Ch. 7 - Requiring good design  
NPPF Ch. 12 - Conserving and enhancing the historic environment

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

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

## **6 RELEVANT PLANNING HISTORY**

- 6.1 06/88241 - shopfront alterations. Granted 21.8.06
- 6.2 06/87836 - shopfront alterations. Refused 8.6.06
- 6.3 16/10452 - display 2 wall illuminated signs: vinyl door sign; 1 fascia sign - Item 3g on this Agenda.

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

Lymington and Pennington Town Council - recommend refusal in support of Conservation officer.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Land Drainage - no comment
- 9.2 Southern Gas Networks - no comment, possible informative required
- 9.3 Conservation Officer - unauthorised works are inappropriate and amendments are necessary.

## **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.

The works have been implemented since the submission of the application and these works were not in accordance with the submitted plans. Amendments to address this and some of the concerns raised by the Conservation Officer have been requested.

## **14 ASSESSMENT**

- 14.1 The site lies within the built up area of Lymington in the Lymington Conservation Area. It is not listed, although the adjacent shop is. The site comprises a shop which is now operating following the refurbishment. The proposal entails alterations to the existing shopfront including replacement windows and timber cladding over the brickwork.
- 14.2 The 'existing' shopfront had plastic windows and the entrance and left hand side of the frontage were recessed from the street. The stall riser was brick in a non-traditional bond. While it would have been an ideal opportunity to balance the frontage out (the pilasters are of unequal widths) and bring the left hand side of the premises forwards, it is understood that the applicant does not own the property and is unable to make such changes.
- 14.3 The proposed alterations appear to be traditional in nature although, as cladding they are not proper recessed mouldings but stuck on beading. The works implemented still require additional works to be carried out in order to match the submitted plans and, whilst not an ideal solution to the shopfront, the proposal would result in a more traditional looking frontage than the previous appearance. Further comments from the Conservation Officer will be the subject of an update at the meeting.
- 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. While 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: TD16/BE01/PL01A, TD16/BE01/PL06, TD16/BE01/PL05, TD16/BE01/PL04, TD16/BE01/PL07, TD16/BE01/PL02, TD16/BE01/PL03.

Reason: To ensure satisfactory provision of the development.

3. The elements of the proposal not yet implemented shall be implemented within 3 months of the date of this permission.

Reason: In the interests of the visual amenities of the area and in accordance with policies CS2 and CS3 of the New Forest District Council Core Strategy.

#### 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.

The works were implemented following the submission of the application and these works were not in accordance with the submitted plans. Amendments to address this and some of the concerns raised by the Conservation Officer have been requested.

#### Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
July 2016**

**Item No: 3f & 3g**  
51  
High Street  
Lymington  
16/10451-52  
SZ3295

Scale 1:1250

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

