

Application Number: 16/10452 Advertisement Consent

Site: 51 HIGH STREET, LYMINGTON SO41 9AG

Development: Display 2 wall-mounted signs; 1 vinyl door sign; 1 fascia sign
(Application for Advertisement Consent)

Applicant: Belle Ella Boutique Ltd

Target Date: 07/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Conservation Area
Town Centre
Primary Shopping 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. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment
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
SPG - Shopfront Design Guide

6 RELEVANT PLANNING HISTORY

6.1 16/10451 - shopfront alterations. Item 3f 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 Hampshire County Council Highway Engineer - no objections

9.2 Conservation Officer - further details required, side sign should be removed

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. Amendments to address 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 a replacement wall panel and fascia and the provision of glazing transfers and an additional wall panel.
- 14.2 With regard to the window transfers, the proposed lettering is very discreet and would have a limited impact on the visual amenity of the area. Similarly, the additional wall panel inside the recessed element of the shopfront is tucked away and no objections are raised to this sign.
- 14.3 It would be preferred if the fascia sign was constructed in aluminium rather than acrylic. An amendment to reflect this preference has been requested. This will be the subject of an update at the meeting. Although the Conservation Officer has reservations in respect of the proposed side panel, it has replaced a previous panel and is timber.
- 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 ADVERTISEMENT CONSENT

Standard Conditions

1. Any advertisements displayed, and any site 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).

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. Amendments to address some of the concerns raised by the Conservation Officer have been requested.

Further Information:

Major Team

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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.

