

**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**Extension Date:** 12/10/2016

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**1 REASON FOR COMMITTEE CONSIDERATION**

Deferred from July Committee, contrary to 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

**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 3c on this Agenda.

**7 PARISH / TOWN COUNCIL COMMENTS**

Lymington and Pennington Town Council - recommend refusal in support of conservation officer's comments

**8 COUNCILLOR COMMENTS**

None received

**9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer - no objections
- 9.2 Conservation Officer - fascia is an improvement on the previous one and consent is recommended, 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 made which enable a positive recommendation to be made.

## **14 ASSESSMENT**

### **14.1 Introduction**

Members will recall that this application was considered at their meeting in July when it was deferred pending consultation responses from the Town Council and Conservation Officer. These have now been received and taken into consideration.

- 14.2 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.
- 14.3 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.
- 14.4 The fascia sign is to be constructed in aluminium lettering rather than the original acrylic. Although it would be preferable to have the lettering on a board rather than directly onto the fascia, it is an improvement on the previous fascia and the Conservation Officer does not object to this sign. With regard to the proposed side panels, the comments of the Conservation Officer are noted although one has replaced a previous panel and the other is set within the shopfront recess and they are constructed of timber which is considered acceptable in this location.
- 14.5 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 made which enables a positive recommendation to be made.

#### **Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
October 2016**

**Item No: 3c & 3d**

**51**

**High Street  
Lymington  
16/10451 & 10452  
SZ3295**

**Scale 1:1250**

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

