

Application Number: 16/11115 Advertisement Consent

Site: ASHLEY HOUSE, 44-46 HIGH STREET, LYMINGTON SO41 9YS

Development: Illumination to shop sign (Retrospective)
(Application for Advertisement Consent)

Applicant: Elliotts of Lymington

Target Date: 03/10/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**Constraints**

Plan Area

Conservation Area: Lymington Conservation Area

Plan Policy Designations

Local Shopping Frontage

Town Centre Boundary

Built-up Area

Primary Shopping Area

National Planning Policy Framework

Section 7

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

Supplementary Planning Guidance And Documents

SPG - Lymington - A Conservation Area Appraisal

SPD - Lymington Local Distinctiveness

SPG - Shopfront Design Guide

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status
16/10629 Display illuminated fascia sign (Retrospective) (Application for Advertisement Consent)	01/07/2016	Withdrawn by Applicant	Withdrawn
04/81108 Retention of roller shutters to shopfront (extension of temporary permission 70419 to allow permanent use)	19/07/2004	Granted Subject to Conditions	Decided
00/70419 Install roller shutters to shopfront	19/04/2001	Grant Temporary Permission	Decided
82/NFDC/23011 Alterations to form new shop front.	10/02/1983	Granted Subject to Conditions	Decided
82/NFDC/23012/LBC Alterations to form new shop front.	10/02/1983	Granted Subject to Conditions	Decided
79/NFDC/14139/LBC Installation of new shop front (amended plans dated 4.10.79).	22/10/1979	Granted	Decided
XX/LYB/00383/ADV Advertisement.	15/04/1969	Granted Subject to Conditions	Decided
XX/LYB/11730 New shopfront.	08/01/1969	Granted	Decided

5 COUNCILLOR COMMENTS

No Comments Received

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend permission.
In view of precedent set by long standing illumination.

7 CONSULTEE COMMENTS

7.1 Conservation Officer

Given the prominence and character and its location surrounded by Listed Buildings the proposal would detract from the setting and character of the heritage assets. As such unable to support illumination on this frontage.

Notes that the former fascia sign was not illuminated as claimed by the applicants. Furthermore the application should be determined against current guidance and constraints, and the historical consent for illumination was granted prior to the designation of the Lymington Conservation Area. Consent granted on other buildings of different character and context within the Conservation Area does not set a precedent for illuminated signs on the building concerned.

7.2 Hampshire County Council Highway Engineer: **no** Objection

Comments in full are available on website.

8 REPRESENTATIONS RECEIVED

Mr Peter Clapham, 4 Priestlands Place: Support

Comments in full are available on website.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

11 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 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 no pre-application advice was sought from the Council. Given the retrospective nature of this application it is being determined on the basis of the plans submitted.

12 ASSESSMENT

12.1 This application seeks the retention of an illuminated advertisement on the front of the premises.

12.2 The existing fascia sign is considered to be an 'advertisement' as defined in section 336 (1) of the Town and Country Planning Act 1990, as amended by s.24 of the Planning and Compensation Act 1991. As such, in the event that this were to remain non-illuminated as a result of its size and positioning it would benefit from deemed consent under Class 5, Part 1, Schedule 3 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007. On this basis the key matter for consideration is the illumination of the advertisement and the appropriateness of this with regard to its effect on amenity. Given the design of the advertisement and absence of any objection from the Highway Authority it is considered that this would not result in any harm to public safety.

12.3 In terms of considering amenity, regard should be had to the general characteristics of the locality and in this case the existing features of historic and architectural interest. The site is within the heart of the Lymington Conservation Area, part of the High Street which contains a number of Listed and locally important buildings as referenced within the Council's adopted Conservation Area Appraisal.

- 12.4 The building comprises No 44-46 High Street, a large and prominent mid C19 three storey building which although unlisted in its front elevation detailing at first and second floor level, provides good architectural interest. It is attached to No 43 High Street, a late C18 Grade II Listed Building to its east and to its west, it provides enclosure to the side of the garden courtyard serving the United Reform Church, c.1847 and also a Grade II Listed Building.
- 12.5 In its street scene context the premises sits among a row of historic, listed properties on which the shopfront detailing and advertisements generally respond. Restrained designs and traditional forms and materials predominate, with an absence of modern materials and illumination and as such do not visually detract from the appearance of this historic setting. It is noted that directly opposite the site on the corner with New Street there is a small group of modern buildings which display more contemporary styles of advertisement. However, these do not alter or detract from the general historic characteristics of the locality.
- 12.6 Prior to the current advertisements those serving this shop frontage comprised a plain white fascia with applied blue lettering and three fixed canopies underneath, also carrying the company name. The canopies appear as approved under consent granted in 1983, PA 82/NFDC/23011 however there is no record of consent for the former fascia sign. From the Councils photographic records this former fascia sign was in place in April 2013 and comprising of applied cut out letters, does not appear to have been illuminated.
- 12.7 The former canopies and fascia advertisement were replaced in 2015 with a fabric canopy extending in combination, across the full extent of the fascia board. The fabric is of a black finish with corporate logo embellishments in cream / beige print either side of the central business name. All three printed elements are subject to separate illumination in the form of projecting trough downlights finished in a dark tone and the application confirms from the manufacturer that the intensity of illumination is 267 cd/m.
- 12.8 This application follows that previously withdrawn in order to provide further evidence on the previous illumination of the fascia in addition to evidencing other illuminated signs on the High Street. The applicant contends that the means of illumination is consistent with this modern shopfront and the Councils Shopfront Design Guide (2001) Supplementary Planning Document. They also draw attention to permitted illuminated advertisements on No 113 High Street (formerly La Vina restaurant) and 4-5 St Thomas Street (Marks and Spencer). In respect of the existing building the applicant argues that this application would see the continued illumination of the fascia, stating that the current sign replaces a former illuminated fascia as approved and in place since 1969. With reference to the Conservation Officers comments it is however noted that this is not the case. The replaced sign was not that approved under PA LYB/A/383 in 1969 as claimed by the applicants and comprising of applied cut out letters, does not appear to have been subject to any form of illumination.
- 12.9 The canopy style advertisement is of a contemporary design and this with its concealment of the fascia board, does not wholly reflect a traditional approach. However despite this and its overall size, the

finished material, colour and limited print assists in visually recessing its appearance on the wider street scene. It is also recognised that, in the absence of illumination the advertisement would benefit from deemed consent under the Advertisement Regulations. This said, the proposal needs to be considered on the basis of the illuminated advertisement taken as a whole.

- 12.10 Illumination is not in principle unacceptable within historic setting as referenced with the Shopfront SPD, however consideration needs to be given to each case to ensure that advertisements do not have a negative impact on the appearance of the built environment. As previously noted the Council's evidence identifies that the former fascia sign did not appear to be subject to any illumination. As such this proposal considers the introduction of illumination opposed to the replacement of an existing illuminated sign.
- 12.11 The means of illumination chosen in this case is a more discrete form and with the slim line design and finished colour of the downlights, the fittings themselves do not appear conspicuous. However, in comparison with other premises in this group the sign is significantly larger and it follows that the illumination although limited to the printed elements is also larger in its extent. In combination with the projection afforded to the advertisement as a consequence of its design, this increases the visual prominence and conspicuousness of the illuminated elements. It is recognised that the intensity of the illumination would not be excessive, however this would still introduce a substantial area of illumination to the frontage of the building. The cumulative impacts of this proposal should also be considered as noted in s.67 NPPF and in this instance the large glazed shopfront is fully illuminated internally, to which this would add.
- 12.12 With reference to the historical permission for an illuminated advertisement on this building the consent granted in 1969 pre-dates the designation of the Lymington Conservation Area and as such, at time of granting approval this would have been subject to different relevant policy considerations.
- 12.13 In terms of the Council's current adopted SPD as referenced in the applicant's supporting statement this refers to the sparing use of illumination that will not cumulatively have an inappropriate effect on the appearance of an area or building. It also refers to the issues with excessive illumination, the inappropriateness of non-traditional lighting types in historic area and specifically that "*Horizontal strip lights and 'trough' lights should be avoided*". Consideration also however needs to be given to the objectives of the relevant adopted Local Planning Policies and National Planning Policy.
- 12.14 Each case needs to be considered on its individual merits and in the case of No 113 there are material differences. When consent was granted for the current trough lights there were previous projecting spotlights on the building's frontage. Furthermore these lights illuminate a smaller area flush with the fascia and do not project to such extent as those in this case. As such the means of illumination has remained discrete and has not detracted from the appearance of the building. In the case of Nos.4-5 St Thomas Street this is a modern building on which the permitted illumination of a proportionately smaller area of the fascia, does not look out of place.

- 12.15 On the basis of the above it is considered that the introduction of an illuminated fascia would appear conspicuous against the more restrained, generally unlit and traditional form of advertisements on the street scene. The resulting visual intrusion would detract from and be harmful to amenity and the historic characteristics of the street scene within the Conservation Area.
- 12.16 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

REFUSE ADVERTISEMENT CONSENT

Reason(s) for Refusal:

1. By reason of its extent of illumination and forward projection beyond the shop frontage, the proposed advertisement would appear conspicuous against the restrained, generally unlit and traditional form of advertisements on the street scene. The resulting visual intrusion would detract from and be harmful to amenity in the historic characteristics of the street scene within the Conservation Area. This would be contrary to Policy DM1 of the Local Plan Part 2: Sites and Development Management Plan and Policies CS2 and CS3 of the Core Strategy for the New Forest outside the National Park and Para.67 of the National Planning Policy Framework.

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 no pre-application advice was sought from the Council. Given the retrospective nature of this application it is being determined on the basis of the plans submitted.

Further Information:

Householder Team
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New Forest DISTRICT COUNCIL

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Planning Development
Control Committee
October 2016

Item No: 3z

Ashley House
44-46 High Street
Lymington
16/11115
SZ3295

Scale 1:1250

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

