

Application Number: 16/11391 Full Planning Permission

Site: THE FUSION INN, QUEEN STREET, LYMINGTON SO41 9NG

Development: Bi-fold door; alter door; double glazed window to block side door;
landscape front terrace and rear garden

Applicant: Star Pubs and Bars

Target Date: 09/12/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Lymington Conservation Area
Grade II Listed Building

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

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
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

Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990
Section 66 General duty as respects listed buildings 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

6.1 The associated application for listed building consent is item 3m on this Agenda.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend permission and would not accept a delegated refusal subject to no adverse comments from the Conservation Officer

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Environmental Health (Contamination) - no concerns

9.2 Environmental Health (Commercial) - no comments

9.3 Southern Gas Networks - no comment

9.4 Environmental Health (Pollution) - no comment

9.5 Conservation Officer - recommends refusal

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 application was submitted without the prior benefit of pre-application advice where the concerns outlined in the report could have been addressed.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Lymington Conservation Area and Primary Shopping Area. It is listed Grade II and has been in use as a pub for over 100 years. There are shops either side. The proposal entails landscaping to the front and rear terraces and replacement door and windows to the front elevation.
- 14.2 Whilst there are no objections to the refurbishment and landscaping of the two terrace areas, the proposed change to the double doors on the front elevation into bi-fold doors would unbalance the appearance of the building and appear an incongruous feature on the front elevation on a busy road. In turn the proposed full length glazing to this widened opening, the replacement of the door to the return with a full length window and the provision of fully glazed doors to the rear of the patio area would not enhance the character of the pub and would result in harm to the character and appearance of the Conservation Area.

- 14.3 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.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal would be harmful to the character and appearance of the conservation area by virtue of the increased width and full height glazing to the middle set of doors in the front elevation which would unbalance the building. The proposal would not contribute positively to local distinctiveness contrary to 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 application was submitted without the prior benefit of pre-application advice where the concerns outlined in the report could have been addressed.

Further Information:

Major Team
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New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
December 2016**

Item No: 31 & 3m
The Fushion Inn
Queen Street
Lymington
16/11391 & 16/11392
SZ3195

Scale 1:1250

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

