

Application Number: 16/11392 Listed Building Alteration

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

Development: Bi-fold door; form entrance lobby; alter door; create door & stud walls; double glazed window to block side door; stud wall to create prep area; bar alterations; landscape front terrace & rear garden
(Application for Listed Building Consent)

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
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

DM1: Heritage and Conservation

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
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 16/11391 - bi-fold door, alter door, double-glazed window to side door, landscape front terrace and rear garden. Item 3l 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 comment from the Conservation Officer.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Environmental Health (Commercial) - no comment
9.2 Southern Gas Network - no comment
9.3 Conservation Officer - recommend 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 and is not considered to provide a detailed enough Heritage Assessment to fully assess the extent of the proposed works.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Town Centre and Primary Shopping Area. It is also within the Lymington Conservation Area and is listed Grade II. It has been a pub for over 100 years and is flanked by shops on either side. The proposal entails internal (new partition work, steps and wall mouldings) and external (replacement windows/doors) alterations.
- 14.2 The application has been submitted in order to provide more light and enhance the frontage of the property. Taking the external works first, three of the existing door openings are proposed to be altered through the provision of full length glazed doors or window panels, including the middle one in the front elevation to be increased in width. The submitted Heritage Assessment does not provide sufficient information detailing the exact extent of work necessary in order to provide an increased opening width and the proposal is considered to unbalance the appearance of the property. The door to the south return appears to be of historic interest although this is not detailed in the supporting statement. Its replacement with a fixed window is not considered to be acceptable.
- 14.3 Inside the recessed frontage section a new porch is proposed although there is concern that the floor plan is already subdivided enough. Existing fireplaces appear to be covered up without any details of how they may be ventilated to prevent damp in the future. The submitted documentation does not satisfactorily address the physical impact of the alterations on the historic fabric and appears to have been designed around the improvement of the pub - which in itself is welcomed - rather than how these changes may affect the listed building.
- 14.4 While there are no objections to the principle of refurbishing the pub and its garden/terrace areas, it is considered that further discussion is necessary in order to ascertain the physical impact of the works on the historic fabric - in particular the fireplaces, side door, wall where the recessed seating areas are proposed and partition work. It would be

difficult to refuse listed building consent based on a lack of information; however, the proposed increased width to the middle door opening would not be considered an appropriate alteration to this listed building as it would appear incongruous and would unbalance the building, refusal is therefore recommended.

- 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 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 LISTED BUILDING CONSENT

Reason(s) for Refusal:

1. The proposal would be harmful to the character and appearance of the listed building 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 and is not considered to provide a detailed enough Heritage Assessment to fully assess the extent of the proposed works.

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 Fashion 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.

