

Application Number: 16/11482 Full Planning Permission

Site: 2 QUAY STREET, LYMINGTON SO41 3AS

Development: Use of rear ground floor as residential

Applicant: Mr & Mrs Deighton

Target Date: 02/01/2017

Extension Date: 08/02/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
 Lyminster 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. 6 - Delivering a wide choice of high quality homes
- NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPG - Lymington - A Conservation Area Appraisal
SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 94/NFDC/54538 - change of use of ground floor to hairdressing salon.
Granted 13.7.94
- 6.2 16/11483 - remove hairdressing fittings and install kitchen units on
ground floor, remove kitchen units and install bathroom fittings on first
floor (Application for Listed Building Consent) Granted 4.1.17

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend permission and would
not accept a delegated refusal

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Conservation Officer - no objection subject to condition

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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Primary shopping area of the Quay. It is Grade II listed and situated within the Conservation Area. At present, the property is laid out with retail at ground floor level with residential on the floors above. The ground floor is separated into two units, one to the front and one to the rear. It is the rear section, accessed only from the rear, which is proposed to be converted into part of the single dwelling forming the upper floors.
- 14.2 Although the proposal would result in the loss of an A1 unit in the primary shopping area, it is not a large unit and also shares its only access with the residential property above. In view of the retirement of the hairdresser, retention of the shop would be impractical. Further, the frontage unit would remain as existing and there would be no loss of vitality as a result.
- 14.3 Although the Conservation Officer has made comment in respect of obscure glazing to the bathroom window and additional security for the ground floor doorway, the proposal does not involve any physical alterations to the external appearance of the building and the Conservation Area would not be harmed. The suggested condition relating to the provision of flues, vents, etc. is a requirement due to the property being listed and the associated listed building application would deal with this matter (see paragraph 6.2 above).
- 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 Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: supporting statement, 105A, 103, 02, 01.

Reason: To ensure satisfactory provision of the development.

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 all the above apply and as the application was acceptable as submitted no specific further actions were required.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
February 2017**

Item No: 3h

**2
Quay Street
Lymington
16/11482
SZ3295**

Scale 1:1250

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

