

Application Number: 17/10428 Advertisement Consent

Site: ST BARBE MUSEUM AND ART GALLERY, NEW STREET,
LYMINGTON SO41 9BH

Development: Display 1 non illuminated fascia sign; 1 non illuminated wall
mounted avatar; 1 non illuminated wall mounted information sign;
2 non illuminated totem signs; 2 digital poster signs
(Application for Advertisement Consent)

Applicant: The Lymington Museum Trust

Target Date: 29/05/2017

Extension Date: 16/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Lymington Conservation Area
Town Centre

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

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

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 Serpentine wall and outside seating area terrace to eastern facade; landscaping (15/10297 granted 12-6115).
- 6.2 Variation of Condition 8 of Planning Permission 15/10297 to allow amended plan numbers to alter serpentine wall (16/11225 granted 13-12-16).
- 6.3 Informal advice was given in respect of these proposals when the proposed digital poster signs on the totem and the poster board were not supported. It was suggested that a poster sign would be acceptable displayed inside the front window of the museum. The proposed digital posters were not considered appropriate in this sensitive location as a result of a combination of their excessive size, inappropriate materials and illumination/moving images. It was suggested that a more appropriate form of advertising should be considered.

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

- 9.1 Hampshire County Council Highway Engineer: no objection, none of the proposals would have an adverse affect on the safety or convenience of users of the highway.
- 9.2 Conservation Officer: does not support the proposal due to the imposition of clutter (namely the two large digital poster signs on the totem and the information sign) and the incongruous nature of the digital poster signs in the Conservation Area.

10 REPRESENTATIONS RECEIVED

- 10.1 12 letters of support have been received stating that the signage is needed to draw attention to the museum and that it would be appropriate to the area.
- 10.2 One letter of objection has been received stating that the brightly lit poster signs would spoil this special area.
- 10.3 Two comments have been submitted stating that the multi layered avatar sign would be difficult to maintain and raising concerns about the possibility of light pollution.

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 the applicant has not followed pre application advice in respect of the digital signs and the information sign. As a result a split recommendation is made as further negotiation would not be likely to result in the signs of concern being deleted from the application or amended such that they would be acceptable.

14 ASSESSMENT

- 14.1 This is a prominent building located on the west side of New Street on the corner of School Lane within Lymington Conservation Area. The building was originally built as a school in 1835, subsequent wing extensions took place in the mid 19th century with later extensions to the east and west which provide for a varied built form. Work is well advanced on the site pursuant to planning permission for a new facade

to the building (see section 6 above) in the form of a serpentine wall and a totem constructed from brickwork. Although this is not a statutory listed building it is a building of local historic interest and a local landmark in the Conservation Area.

- 14.2 The new frontage (which is not yet complete) creates a prominent feature in the street. This area is very mixed in character comprising commercial and residential uses with the public conveniences located immediately to the south of the site in New Street.
- 14.3 The proposal is for the following advertisements:
- i. a non illuminated fascia sign above the main glazed entrance to the building in the form of 3D brushed stainless steel letters 336mm high;
 - ii. a non illuminated avatar sign above the fascia sign on the serpentine wall 1.6 x 2 metres in coloured powder coated steel;
 - iii. a non illuminated wall mounted acrylic faced information sign 0.9 x 1.2 metres on the serpentine wall containing 4 A3 removable posters;
 - iv. 2 non illuminated signs (one on either side of the totem) of brushed stainless steel lettering up to 300mm high, and
 - v. 2 digital poster signs (one either side of the totem) measuring 1.2 x 2.4 metres.
- 14.4 The issues for consideration in respect of advertisement proposals are visual amenity (including impact on the character and appearance of the Conservation Area) and highway safety.
- 14.5 The Highway Engineer has confirmed that the proposed signage would not have an adverse affect on the safety or convenience of users of the highway, as a result the proposals are acceptable in this respect.
- 14.6 The proposed avatar and stainless steel lettering on the main facade and the stainless steel lettering on either side of the totem are considered to be appropriate to the character and appearance of the conservation area and the modern appearance of the new building frontage. While the materials proposed are of a more modern appearance this is considered appropriate having regard to the design of the new museum frontage, this view is supported by the Conservation Officer.
- 14.7 With regard to the information sign the applicant was advised that this should be sited inside the glazed frontage of the building in order to reduce the amount of clutter. The sign would be prominent on the otherwise relatively clean brick facade of the building and add unnecessary clutter in this sensitive location. The sign is therefore considered to be visually intrusive. The Conservation Officer was involved in the pre application enquiry when he raised these concerns with the applicant and he also objects to this element of the proposals.
- 14.8 The proposed digital poster signs either side of the totem would measure 1.2 metres wide by 2.4 metres high by 90mm deep, applied to the face of the totem with a flat face which has the appearance of plastic in an aluminium cabinet. The brightness of the display panels can be set to that of an illuminated poster or no more than a standard television. The

Shopfront Design Guide Supplementary Planning Document (SPD) offers guidance in respect of signage and states that internally illuminated box signs, fascias and individual signs, neon and fluorescent signs will not normally be appropriate in Conservation Areas. While the proposed digital displays do not fall within the definition of traditional illuminated signs they would have a similar appearance with little control over the level of brightness nor whether moving images would be included (which would also be outside the control of this application). The Conservation Officer has also raised concerns about these elements of the proposal which are considered to be incongruous within the Conservation Area for the reasons stated above.

- 14.9 The Conservation Officer has advised that the level of harm which would arise from the digital poster signs and the information board would be less than substantial (although still significant) which gives rise to a statutory presumption that consent should be refused for these elements of the scheme.
- 14.10 In conclusion, while the stainless steel lettering and the avatar signs are considered to be appropriate to the visual amenities of the area and the character and appearance of the Conservation Area the proposed digital posters and the information sign would be visually harmful and result in excessive clutter on this prominent building in the Conservation Area. As a result a split decision is recommended which also means that both human rights paragraphs are included below.
- 14.11 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.
- 14.12 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

Split Decision

Grant Permission for non illuminated sign above the main entrance, non illuminated avatar above the main fascia and 2 non illuminated signs either side of the totem

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).

Refuse Permission for non illuminated wall mounted acrylic faced information sign and 2 digital poster signs on totem

Reason(s) for Refusal:

1. The proposed digital poster signs and the proposed information board would result in excessive clutter and be of an inappropriate size, design and materials on this prominent building in the Lymington Conservation Area. As a result these signs would fail to comply with Policy CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM1 of the Local Plan Part 2, Lymington Local Distinctiveness Document, the Shopfront Design Guide and the National Planning Policy Framework.

Further Information:

Major Team

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**Planning Development
Control Committee**
June 2017

Item No: 3k
**St Barbe Museum
& Art Gallery**
New Street Lymington
17/10428
SZ3295

Scale 1:1250

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

