

Application Number: 17/10644 Advertisement Consent

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

Development: Display 1 illuminated fascia sign; 1 non-illuminated fascia sign; 5 wall mounted signs; 1 letter sign; 10 lanterns; 4 floodlights
(Application for Advertisement Consent)

Applicant: Heineken

Target Date: 29/06/2017

Extension Date: 12/07/2017

RECOMMENDATION: SPLIT DECISION**Case Officer: Vivienne Baxter****1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council view in part

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
Town Centre Boundary
Primary Shopping Area
Lymington Conservation Area

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
Achieving Sustainable Development
NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

- 6.1 00/70367 - illuminated projecting and fascia signs. Granted 21.12.00
- 6.2 Associated application for Listed Building Consent (17/10645) granted consent on 28-07-17.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend refusal; proposed illumination appears unnecessarily significant.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Environmental Health (Pollution) - no objection
- 9.2 Hampshire County Council Highways Engineer - no objection to most signs but raise objection to some of the lantern lights (G)

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 given the concerns raised by both Highway Authority and Conservation Officer, it would not have been possible to accept amendments within the 8 weeks allowed for determination, hence the split decision.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Lymington in the Lymington Conservation Area. The pub is currently vacant, with some signs in situ. The proposal entails new signage and associated lighting for the pub which would be reverting back to its previous name.

Sign A – aluminium fascia sign with individual fixed letters and sign written detail to render

Sign B – aluminium gable sign with individual fixed letters and applied logo

Sign C – 2 x aluminium amenity board signs

Sign D – 3 x aluminium amenity chalkboards

Sign E – sign written display

F – 4 x low energy LED flood lights

G – 10 x small industrial style lanterns

- 14.2 The Highway Authority has raised an objection to 5 of the proposed lantern lights to the front elevation which would be sited only 1.7m above ground level and would therefore be considered an obstruction to pedestrians. Obstructions overhanging the highway should be at least

2.44m above the footway. They also recommended that the floodlights should be angled so as not to discharge light onto the carriageway of the road.

- 14.3 With regard to the signs, there is concern that the painted element of the main sign (A) does not respect the features of the building, namely a blocked up window. Sign B to the rear is very large and while the lack of illumination is welcomed, it is considered too large in this location which is facing into a residential area. Signs C and D located on the front elevation and timber bin enclosure at the rear are not of any particular concern. There is evidence of previous signs and illumination on the timber bin enclosure to the rear of the building. Similarly, the signwritten lettering to the side is acceptable but not the proposed illumination above.
- 14.4 Overall, the scheme is not considered to respond well to the building and the proposed illumination is more than necessary to identify the building and its function at night. The number of lights results in clutter to the facade. As a result a split decision is recommended.
- 14.5 In coming to this recommendation, in respect of signs C, D and E 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.
- 14.6 In coming to this recommendation, in respect of A and B and all illumination 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 ADVERTISEMENT CONSENT FOR SIGNS C, D AND E TO THE FRONT AND SIDE ELEVATIONS

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).

Proposed Conditions:

- 6 The development permitted shall be carried out in accordance with the following approved plans: technical lighting details, site location plan, block plan, sign details, elevations, sections.

Reason: To ensure satisfactory provision of the development.

REFUSE ADVERTISEMENT CONSENT FOR SIGNS A AND B AND ALL ILLUMINATION

Reason(s) for Refusal:

1. The size and design of signs A and B together with the extent of illumination proposed would adversely affect the character and appearance of the building to the detriment of the Conservation Area. The proposal would therefore be contrary to policies CS2 and CS3 of the New Forest District Council Core Strategy and policy DM1 of the Local Plan Part 2.

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.

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Further Information:

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Major Team

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**Planning Development
Control Committee**
July 2016

Item No: 3m
Fusion Inn
Queen Street
Lymington
17/10644
SZ3195

Scale 1:1250

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



