

- 1.0 Application Number:** [WD/D/20/000253](#)
Site address: Harbour Masters Open Compound, Harbourmasters Yard, Ozone terrace, Lyme Regis
Proposal: Erection of Harbourmaster and Fishermans Store
Applicant name: Dorset Council
Case Officer: Jo Riley
Ward Member: Cllr Turner

This application is reported to Committee as the applicant is Dorset Council.

2.0 Summary of Recommendation: Approve:-

- 3.0 Reason for the recommendation:** Replacing the outside storage within a new secure building for the Harbourmaster and fisherman meets a clear need delivering social and economic benefits for Lyme Regis and its visitors. The visual harm caused by the building which is of sympathetic materials, lower than existing building and within a parking and storage compound is negligible.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Within Harbourmaster Compound and DDB
Land Stability and Coastal Erosion	None
Impact on Heritage Coast and AONB	Some visual impact within car park and public toilets
Impact on Amenity	None material
Economic Impact	Support for leisure facilities and commercial fishing. On Council owned land so no additional expense.

5.0 Description of Site

- 5.1** The site is the Harbour Master Open Compound, Lyme Regis. The compound sits to the south of Ozone Terrace, electricity sub station, east of the bowling green and east of the public toilets and car park. There is an enclosed walled area to the south of the public toilets.

6.0 Description of Development

- 6.1** Erection of single storey storage building for use by the Harbour Master and fisherman store for storage for harbour related activities for local fisherman and harbourmaster equipment.

- 6.2 The proposed building would sit to the east of the public toilets and to the south of the electric sub- station. It would be 3.5m to the eaves, 5.4m ridge, 19m long and 7.0m wide. The ridge line runs north-south it would be lower than the public toilet building (as seen in the comparative drawing). The proposed materials are natural slate roof, naturel timber cedar weatherboarding, Portland stone plinth and roller shutter door on the south side facing the boat storage.
- 6.3 The proposal has been amended during the course of the application to address English Heritage comments, by altering the roof and materials. The proposal does not have a hipped roof. This was amended in July 2020 to a gable end.
- 6.4 The proposal is accompanied by a detailed Design and Access Statement and Heritage Statement, which concludes: replacing the outside storage within a new secure building for the Harbourmaster and fisherman meets a clear need delivering social and economic benefits for Lyme Regis and its visitors. The harm caused by the building is negligible.

7.0 Relevant Planning History - None recent

8.0 List of Constraints

Land stability Zone 1
Contaminated sites buffer
Managed realignment zone
Lyme Regis Conservation Area

9.0 Consultations -

- 9.1 Dorset Highways – No objection
- 9.2 Lyme Regis Town council – No objection but concern that the design and materials should respect the historic location and be environmentally friendly.
- 9.3 Environmental Health – In view of its previous use need to address contamination by condition, that in the event that contamination is found during construction, the applicant seek specialist advice.
- 9.4 Technical Services – No objection. There are no excessing earthworks planned and the store should be lightweight construction.
- 9.5 English Heritage – We previously commented on the plans at which time we stated we had no in principle objection to the works proposed, further detail regarding the context, scale and materiality of the proposed building was

required in order that an informed assessment of its visual impact on both the setting of the Cobb and the character and appearance of the Conservation area could be made. Revised details have now been provided along with drawings illustrating the height and massing of the proposed store in relation to the public convenience building. The elevations illustrate that the ridge height will be lower than the adjacent building. It is now confirmed that the walls of this simple building will be unstained timber boarding and natural slate. The door will be timber but those on the south elevation will be black roller shutter. Historic England are content that the proposed materials have addressed our concerns. Given the ore functional, industrial character of this part of town and the configuration of the surrounding buildings, we consider that a simple gable end would be more appropriate consistent form here.
OFFICER NOTE the latest amended plans from July 2020 now have a gable.

9.6 DC Conservation Officer – There is not enough information to justify the selected site or the scale of the building and the setting of the Grade II Listed Building. Although some public benefit may exist it is not clearly identified. The sites AONB and Conservation Area and situated in an area identified as boat park/car park. The public toilets forms the western end of the boat park enclosure to the north is the rendered facades of Ozone Terrace which contribute positive to this area. The east is the Grade II Listed Custom House which overlooks the site. The main issue is the setting of the building on the heritage assets. The building has a substantial footprint with considerable massing with a long continuous unbroken ridge and no change in side elevation wall plane to mitigate its presence. Although the ridge would be lower than the WCs its will be far longer and the shallow pitch does not take reference from traditional building form and its will appear modern. It will block views from the Grade II Customs house of the WCs. The heritage statement is inadequate. There is no clarity as to how the building would be used which justify its scale.
Comments on amendments: Further drawing have been received. These show no change in form or scale and the same footprint and do not say how the site was selected. As such this is still considered to be a significant intrusion into tis edge of townscape vista resulting in a negative impact on the aesthetic and historical value of the place which is not outweighed by public benefit.

9.7 All consultee responses can be viewed in full on the website.

10.0 Representations:
19 comments received. 3 support, 16 objections.

Support:

- If Lyme Regis is to have a thriving harbour which is an important part of the character of the Town, it must have appropriate and safe facilities.
- The building is in keeping with other buildings in the vicinity.

Objections:

- This is an industrial building

- Impact on the character of the are
- Impact on neighbours
- Design and appearance
- Impact on wildlife
- Will block outlook and views from Ozone Terrace
- Will set a precedent for other buildings
- An industrial building with corrugated metal roof is out of keeping
- It will cause noise disturbance from opening the roller shutter door and noisy vehicles
- It will be a traffic hazard
- Will be a loss of a car parking space.

11.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan (2015)

As far as this application is concerned the following policies are considered to be relevant;

INT1.	Presumption In Favour of Sustainable Development
ENV1.	Landscape, Seascape and Sites of Geological Interest
EVN4	Heritage Assets
ENV7.	Coastal Erosion and Land Instability
ENV10.	The Landscape and Townscape Setting
ENV16.	Amenity
SUS2.	Distribution of Development
ECON5	Tourism attractions and facilities
COM5	The retention of open space and recreation (marine based recreation).

National Planning Policy Framework (NPPF) 2019

As far as this application is concerned the following sections of the NPPF are considered to be relevant:

2. Achieving sustainable development
4. Decision-making
6. Building a strong competitive economy
7. Ensuring the vitality of town centres
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

Decision making:

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of

planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Other material considerations

South Devon and Dorset Shoreline Management Plan (SMP2)
Lyme Regis Conservation Area Appraisal:

'In Cobb Hamlet, the former Custom House had two floors with a first floor balcony (removed) that presumably gave officers views of activity in the harbour. The group of the Royal Standard and its neighbours has gabled ends directly onto the street, possibly reflecting the norm for buildings related to maritime uses, before the sea became a fashionable asset. Cobb Terrace is a ten bay row of former coastguards cottages. Higher up Cobb Road are a number of smaller cottages set at right angles or roughly parallel to the curving road line. Westfield shows an interesting use of steep levels, being single storey on the upslope and two storeys, at right angles, downhill.

Smaller houses and cottages are usually in rows, two bays and two or three storeys, with a ground floor entrance hall and front room. Cellars exist in some properties, notably in Church Street and Coombe Street, where there are examples of refronted C16 and C17 houses. There are few planned terraces (for example Cobb and Ozone Terraces) although there are three very similar houses in Nos. 9-11 Church Street. Later C19 and early C20 houses are attached in rows, semi-detached or detached.'

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

14.0 Financial benefits

There would be financial benefits to the community as this would support the on-going marine services and function of the area for visitors and fishermen.

15.0 Climate Implications

The location is in an area of managed retreat in the shoreline management plan. This is not a building in a vulnerable classification such as a dwelling and its use should be water compatible, given that items can be stored outside at present.

16.0 Planning Assessment

Principle of development

The site is outside of the DDB but in a boat park and car park which is owned by Dorset Council and land available for marine related activities and storage by the harbour master. This is not a remote location where there are no other buildings around it. It is within an established area of activity and buildings that create the character of the harbourside and its various ancillary activities such as boat club, shops, toilets, boat repairs, beach huts, car park, sub-station, boat storage and car parking. Policy SUS2 advises that outside DDBs local facilities appropriate to the rural area or close to an existing settlement and tourism, recreation or leisure facilities are appropriate. This site is part of the main settlement of Lyme Regis. It is considered that the principle of building in this location is therefore acceptable. There are no objections in terms of land stability or coastal recession. The proposal is considered to have economic benefit to users of the harbourside. There is some public support for the building in order to maintain a thriving harbour.

Impact on Character of the conservation area and Listed Buildings

With regard to the proposed store's siting and as justification for the location. The Council's ownership of land is limited within the vicinity of the harbour. It includes the Cobb, the majority of the harbour slipway, the boat park and car park. The location within land available to the harbourmaster next to existing building rather than in the centre of the car park is to prevent the building appearing more prominent or in a more isolated location. At present paraphernalia could be stored outside in an unsightly and unsafe manner and the building is needed for the continued operations of the harbour.

The design of the building has been altered to take account of English Heritage comments who now raise no objection. The building would be lower than the toilets and in natural materials and is not considered to look out of place. It is similar to the power boat club building to the south west albeit on the far end of the car park. The proposed slate roof would match the toilets roof and whilst this building is not a copy of the stone and brick of the public toilets, nor is the

bowling green club house building on the north side of the toilets which is slate and white render. It is considered that this building is acceptable for this location where there are a mix of heights, styles and functions of buildings. It is not considered to be significantly harmful to warrant a refusal on grounds of visual amenity. Much of the comments from the conservation officer relate to lack of information supplied in the heritage statement to justify the location, not the merits of the proposal. The applicant has supplied further information in response to the conservation officer comments explaining why there is a need and location given the constraints of Dorset Council land ownership and the need for this location to be close to the coast for fishermen and visiting yachts. The applicants have advised that the only other options for a store would be the Cobb or slipway which would be more prominent locations. The existing store is too small to accommodate the harbour needs. The new store will house stock and other paraphernalia which is stored out in the open such as JCB, temporary pontoons, and which are susceptible to theft. Therefore the protection of Harbour assets is a public benefit. In terms of visual impact the proposed building would be in timber cladding which is a recessive material and would weather. The building has been limited in its size to suit the needs of the harbour master without being overly ambitious. The roller shutter door would be painted black but for practical reasons cannot be altered from the design i.e to get the JCB inside. The Conservation Officer will provide an update to the applicants response but this will be reported verbally due to time constraints. With regard to the impact on the setting of Ozone Terrace, they would present a backdrop to the proposed building and are set on higher ground and taller buildings in brighter colours and are more prominent than the smaller neutral subservient proposed building. The new building would also block the view of the electricity sub station from the Cobb. It is not considered that the building would detract from Ozone Terrace. It is noted that the view from Custom House would alter which at present looks to the east towards the public toilets and then further afield to the east. The proposed single storey building would alter this visual gap to the left of the toilets but this is not considered to be so harmful to conflict with Policy ENV4 of the Local Plan. It should be noted that English Heritage do not object to the proposal and therefore the proposal is considered to pass the test as set out in part 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to preserve the character of the conservation area. The setting of the Listed Building namely Custom House is also considered to be preserved given the gap between it and the proposed building across the car park/boat yard and the low key impact from the building having regard to the taller buildings to the rear of Ozone Terrace and Custom House Building which is a substantial two storey building on the other side of the car park. Whilst the Conservation Officer has said that the building would cause less than substantial harm and no public benefit, it must be made clear that the Harbour Master would not go to the expense of constructing the building if it was not required. The continued running of the harbour is in the public interest. The building has been amended in design as much as reasonable practical to take account of both English Heritage and Conservation Officer comments and it is considered that the harm is not so significant to warrant a refusal of the building

Impact on Amenity

The location is mainly non-residential supporting retail, tourism and marine related activities. The nearest residential properties are a terrace of 6 houses to the north of the boat yard/car park in Ozone Terrace. The objections from these properties are to the loss of views from gardens and windows across the car park to the rest of the harbour and the coast. The single storey building is lower than the public toilet building and 3.5m in width and is set on the other side of a narrow single width vehicular road from gardens. There are no windows on the end elevation of the proposed building facing north to the gardens and there would not be any direct overlooking. There would be some intrusion from the garden of No.6 from the siting of the building towards the end gable but this view could be blocked at any time with a boat or storage. There is no right to a view but a loss of amenity can be taken into account. The outlook from windows which are set back from the garden would not be unduly affected. Given the narrow width of the building its low height and location next to the toilet block it is not considered that the siting of the single storey building alongside the public toilets would be so harmful so that normal enjoyment of the houses and their gardens close to the harbour/car park and its functions cannot be enjoyed and thus the proposal complies with Policy ENV16.

Highways

There are no objections from highway officers to the original or amended plans. The access to the site is from the shared access to the car park and boat parks and served from Cobb Road and the southern section of Ozone Terrace. The proposal is considered to comply with Policy COM7 of the local plan.

17.0 Conclusion

- 17.1 Replacing the outside storage within a new secure building for the Harbourmaster and fisherman meets a clear need delivering social and economic benefits for Lyme Regis and its visitors. The visual harm caused by the building which is of sympathetic materials, lower than existing building and within a parking and storage compound is negligible and considered to be acceptable in the conservation area. The loss of some view to residential properties is considered to be acceptable. The proposal complies with relevant policies in the local plan and the NPPF.

18.0 RECOMMENDATION

Grant permission subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan, site plan, floor plan, elevation 3926-01E

Section Plan/comparison plan 3926-02C

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No development beyond foundation level shall be commenced until details or samples of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

REASON: To ensure a satisfactory visual appearance of the development in the Conservation Area.

4. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

5. The building hereby approved shall be used for Harbour Master storage/ WC and fisherman's store only and for no other storage purpose (including any other use in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

REASON: The Council considers an unrestricted Class B use may not be compatible with the living conditions of surrounding residential properties.