

# Western & Southern Area Planning Committee

## 23 March 2023

### Decision List

**Application Reference:** P/HOU/2022/07110

**Application Site:** 55 Church Street Lyme Regis DT7 3DA

**Proposal:** To retain raised decking at rear of garden.

**Recommendation:** REFUSE for the following reason(s).

**Decision:** **REFUSED for the reason(s) outlined below.**

1. It is considered that the structure is not in harmony with the historical setting of 55 Church Street which consists of multiple heritage assets, where the platform with balustrading is considered overly large, high and of a utilitarian finish, issues which are exacerbated by the elevated position in which it is sited and by its intended use. In this regard it is considered to cause less than substantial harm without public benefit to outweigh the harm to the Church of St Michael (Grade I) and its associated churchyard, walls and railings (Grade II), the grave of Mary Anning (Non-Designated Heritage Asset), and to Lyme Regis Conservation Area. Given the churchyard is identified as an area of importance in the Conservation Area Appraisal, it is also not considered to preserve or enhance the character of Lyme Regis Conservation Area. It therefore fails to comply with Local Plan Policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) and is not in accordance with paragraphs 199-200 and 202-203 of Section 16 of the NPPF.
2. Having regard to the location and elevation of the platform at 55 Church Street and the extent of views provided by the platform into properties to the north and south, the retention of the raised decking and platform would enable an unacceptable degree of noise, activity and overlooking and be overbearing to properties immediately neighbouring it (54 and 55a Church Street) to the significant detriment of the residential amenity of those properties and would therefore not be in accordance with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

#### **Informative Notes:**

1. National Planning Policy Framework  
In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and –

- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.  
In this case:

-The applicant/ agent did not take the opportunity to enter into pre-application discussions.

-The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

2. The plans that were considered by the Council in making this decision are:  
Location Plan DWG 27-01  
Elevations DWG 27-03  
Site/Garden Plan DWG 27-04

**Application Reference:** P/FUL/2022/05777

**Application Site:** 7 Custom House Quay Weymouth Dorset DT4 8BE

**Proposal:** Install large doors to ground floor and replacement windows.

**Recommendation:** GRANT subject to conditions.

**Decision:** GRANTED 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 and Block Plan 2904:352/001  
Proposed floor plans and elevations 2904:352/002C

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

3. All windows and doors hereby approved shall be constructed of aluminium and shall be grey in colour and shall thereafter be retained as such.

Reason: To ensure a satisfactory visual appearance of the development.

**Application Reference:** P/FUL/2023/00134

**Application Site:** 13 Clarence House, West Bay Road, West Bay, DT6 4EN

**Proposal:** Change of use of land to outdoor dining/seating area, construction of low retaining wall.

**Recommendation:** REFUSE

**Decision:** REFUSED for the following reason(s).

1. Although the incorporation of further benches for visitors to sit and eat will provide convenience and overall bring benefit to the local economy, overall it is considered that this scheme results in less than substantial harm to the designated heritage assets of the Grade II listed Clarence House, Methodist Church, Bridport Arms Hotel and The Bay House, that is not outweighed by those public benefits and the scheme also fails to preserve or enhance the character and appearance of the West Bay Conservation Area. This concern is further supported by the pre-text to policy ENV11 (The Pattern of Streets & Spaces) of the adopted West Dorset, Weymouth & Portland Local Plan (2015) which states 'Works to the public realm within the historic environment should positively contribute to local character and identity' The lack of greenery is stated as a weakness of the area in the Supplementary Planning Document 'A Vision for West Bay – Regeneration Framework (2003)' so any reduction in the existing green areas should not be encouraged and this scheme would result in a reduction. As such, the scheme is contrary to policies ENV4, ENV10 and ENV11 of the West Dorset, Weymouth & Portland Local Plan (2015); policies D1, D8, HT2 of the Bridport Area Neighbourhood Plan (2020) and paragraphs 200 and 202 of Section 16 of the NPPF (2021).

2. The scheme seeks to replace a clearly visual public access with an access that is restrictive, not suitable for all users, less legible for the public and likely to introduce a conflict between pedestrians and vehicular traffic to the detriment of highway safety as it will encourage pedestrians, wheelchair & buggy users to go through the carpark to be able to get to the Discovery Centre and east beach and as such it is considered that it would have a negative impact on the qualities of the public realm. Therefore, it fails to comply with policy ENV11 of the West Dorset, Weymouth & Portland Local Plan (2015), Policies AM1 & AM3 of the Bridport Area Neighbourhood Plan (2020) and Section 9 para 112 of the NPPF (2021) that says development proposals should "create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards."

**Application Reference:** P/FUL/2022/07724

**Application Site:** 16A Albany Road Granby Industrial Estate Chickerell DT4 9TH

**Proposal:** Erect No. 2 Commercial Units to the front of site.

**Recommendation:** GRANT subject to conditions.

**Decision:** GRANTED 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:

Site Plan, Floor Plans, Location Plan, Elevations – Dwg No. 16 Albany Road/01A (submitted on 10 January 2023)

Manouverability of HGV – Dwg No. 16 Albany Road Highway (submitted on 11 January 2023)

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

3. The external facing materials for the wall(s) shall be Marley Eternit Cladding colour grey and roof(s) shall be Solar Panels surrounded by Dark Grey Slate.

Reason: To ensure a satisfactory visual appearance of the development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the premises the subject of this permission shall not be used other than for uses falling into Use Class B2.

Reason: In the interests of amenity and to ensure that the use remains compatible with surrounding land uses in the area.

5. Before the development is first occupied or utilised the first 5 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification which shall have first been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

6. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

7. Prior to first use or occupation of the development hereby approved, the cycle parking facilities shown on drawing number: 16 Albany Road/01A shall be constructed and made available. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

8. 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 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

### **Informative: National Planning Policy Framework Statement**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

### **Informative: Highways**

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.