

Application Number:	P/FUL/2023/06865
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Uplyme Road Business Park Uplyme Road Lyme Regis DT7 3LS
Proposal:	Construction of 13 Storage Units
Applicant name:	Mr Tony Pudner
Case Officer:	Shanta Parsons
Ward Member(s):	Cllr Bawden

1.0 In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council owns the access to the application site.

2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation:

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The principle of the development is acceptable and would have no adverse impact on the character of the area, residential amenity, highway safety, flood risk or land instability.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is within a well-established business park which is designated as a Key Employment Site – storage is a use supported by policy ECON2 of the West Dorset, Weymouth & Portland Local Plan (2015).
Scale, design, impact on character and appearance within the AONB (National Landscape)	The proposal would comprise of a relatively low level development being single storey storage structures and due to their design, colour and character, the development would not detract from the visual amenity of the area or local landscape character in close range or long distance views in accordance with policies

	ENV1, ENV10 & ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015).
Impact on amenity	It is proposed to retain the existing trees and hedgerow along the north east boundary and due to the low ridge line of the proposed units, their layout and use as B8 storage units, it is not considered that the development would have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy; overshadowing, overbearing impact or flicker. Nor would it generate a level of activity or noise that would detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties in accordance with policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).
Access and Parking	The development has adequate access, parking and turning area so as to have no adverse impact on highway safety in accordance with policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015).
Impact on Flood Risk	The development would utilise the existing piped system for surface water drainage and it is not considered that the development would generate flooding through surface water runoff or exacerbate flooding elsewhere in accordance with policy ENV4 of the West Dorset, Weymouth & Portland Local Plan (2015).
Coastal Erosion and Land Instability	The proposed development is unlikely to exacerbate any instability risks in the area in accordance with the submitted ground stability assessment and policy ENV7 of the West Dorset, Weymouth & Portland Local Plan (2015).

5.0 Description of Site

The site is within a built up, commercial area known as Uplyme Road Business Park accessed off Uplyme Road via a drive that also leads to a medical centre and other business premises. It comprises a vacant undeveloped relatively flat area of land fenced off from the medical centre car park to the north-west. To the north-east, there are the rear gardens to the row of houses in Haye Close. To the south-east, there are further commercial units. The site is within a designated key employment site and also within the defined development boundary and AONB.

6.0 Description of Development

It is proposed to erect 13 single storey storage units (Class B8). The agent states that the anticipated use would be for storage of boats, vehicles or general household goods. The design is based on Norwegian boat houses with multiple colours being used and the units are placed in a U shape with the eastern boundary open. Units 1 to 8 (apart from number 6) measure 4.5m in width, 7m in depth and 6m in height approximately (189m³). Unit 6 measures 7m in width, 13.36m in depth and 6m in height (561m³). Units 9 to 13 measure 4m in width, 7m in depth and 6m in height (168m³). Each storage unit will benefit from a solar panel area mounted on their roof and a front facing window for natural light.

7.0 Relevant Planning History

WD/D/18/000777 - Decision: Granted - Decision Date: 08/06/2018

Erect live-work unit comprising ground floor storage / industrial space, mezzanine floor offices and first floor residential accommodation. External works comprising landscaping, parking, offloading and turning areas and associated services.

1/W/2006/1355 - Decision: Granted Erect workshop and office building with ancillary parking

1/W/2001/0257 - Decision: Granted Erect workshop and office building with ancillary parking (AMENDED DESCRIPTION)

8.0 List of Constraints

Key Employment Site; Uplyme Road Business Park, Lyme Regis

Defined Development Boundary; Lyme Regis

Lyme Regis and Charmouth Slope Instability Zones; Zone 2

Risk of Surface Water Flooding Extent 1 in 1000

Dorset Council Land (Freehold): DT235974 - Reference 50031

Radon: Class: Class 1: Less than 1%

National Landscapes (Areas of Outstanding Natural Beauty): (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9.0 Consultations

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

Consultees

1. **Dorset Council - Building Control West Team** - no comment
2. **Lyme Regis Town Council** - Recommends approval. It is in accordance with the approved development plan, does not involve material harm to the Conservation Area or heritage assets and there would be no adverse impact on the residential amenity of neighbouring properties.
3. **Dorset Council - Highways** - Development is very likely to have light use due to there being only 13 storage units. No unacceptable impact on highway

safety was identified. Recommend condition regarding turning/manoeuvring and parking.

4. **Dorset Council - Coastal risk management** - Agree with the Ground Stability Assessment and its reassessment by a qualified structural engineer, concluding that given the scale of the proposal any additional loading is within acceptable limits in terms of slope instability. The proposed development is unlikely to exacerbate any instability risks in the area. Recommend that surface water is disposed to a piped system as said on the report.
5. **South West Water** - The applicant should demonstrate its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable).

Representations received

None received.

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

Development Plan Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV5 - Flood risk
- ENV7 - Coastal erosion & land instability
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV 13 - Achieving High Levels of Environmental Performance
- ENV15 - Efficient and Appropriate Use of Land
- ENV 16 - Amenity
- SUS2 - Distribution of development
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision

- ECON1 - Provision of Employment
- ECON2 - Protection of Key Employment Sites

Material considerations

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. '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...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.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184).

Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

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 Public Sector Equalities Duty. One parking space for disabled provision is included in the parking layout. It is considered that the proposed development would not affect anyone with protected characteristics.

14.0 Financial benefits: None that are relevant material considerations.

15.0 Environmental Implications

In terms of energy efficiency, the storage units will not be heated, PV panels will be installed on one roof face of each unit providing 2.5 kW of power, the walls and roof will be constructed of aluminium insulated panels to maintain temperature, reduce condensation, and minimise noise impact.

16.0 Planning Assessment

16.1 Principle of development

Policy ECON1 of the West Dorset, Weymouth & Portland Local Plan supports employment development within or on the edge of a settlement, through the intensification or extension of existing premises (of which this is intensification of the existing designated employment site). Policy ECON2 of the West Dorset and Weymouth & Portland Local Plan seeks to protect key employment sites and supports applications for B1 (light industrial), B2 (general industrial), B8 (storage and distribution) and other similar uses provided there is no significant adverse impact on surrounding land uses (this being a proposal for B8 storage units).

- 16.2 The site is within a well-established business park which is designated as a Key Employment Site within the West Dorset, Weymouth & Portland Local Plan (2015). Whilst the provision of storage units would not result in a significant uplift in local employment, it is a B8 business use and therefore is appropriate to this designed key employment site and appropriate in terms of being compatible with the surrounding uses which consists of the medical centre, a gym/health centre and commercial premises with some residential properties situated approximately 35m away to the northeast. Given that the proposed B8 use would be in proximity to existing residential development consideration needs to be given to any conditions required to protect residential amenity.
- 16.3 There have been various planning permission granted previously on the site (1/W/1996/0093, 1/W/2001/0257, 1/W/2006/1355 and WD/D/18/000777) with significantly scaled commercial building proposals having been approved but not having gone forward as development. In comparison, this scheme is low key, modest and more aimed at usage by locals; it supports small scale storage needs for the town and will be conditioned to be used for use class B8 storage only and shall not be permitted to be used for distribution. The applicant has indicated that they intend to sell/let the units to local residents for possible domestic/boat storage. It is considered that the proposal complies with policies ECON1 and ECON2 of the West Dorset and Weymouth & Portland Local Plan (2015) without having significant adverse impact on surrounding land uses, subject to planning conditions.

16.4 Scale, design, impact on character and appearance

Policy ENV1 of the West Dorset and Weymouth & Portland Local Plan seeks to protect exceptional landscapes, seascapes and geological interests and any development which would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Beauty (now National Landscapes) or Heritage Coast, including their characteristic landscape quality and diversity, uninterrupted panoramic views, individual landmarks, and sense of tranquillity and remoteness,

- 16.5 Policy ENV10 of the West Dorset and Weymouth & Portland Local Plan (2015) seeks to ensure that proposals contribute positively to the maintenance and enhancement of local identity and distinctiveness and that development should be informed by the character of the site and its surroundings.
- 16.6 Policy ENV12 of the West Dorset and Weymouth & Portland Local Plan (2015) seeks to ensure that development will achieve a high quality of sustainable and inclusive design where the siting, alignment, design, scale, mass, and materials used compliments and respects the character of the surrounding area or would actively improve legibility or reinforce the sense of place. The site is surrounded by built development with commercial buildings on three sides of the site and residential development on the north-east side.

16.7 The level of the site is lower than that of the commercial development adjacent but stands higher than the land to the north-east. However, the proposal would comprise of a relatively low level development being single storey storage structures and due to their design and character, the development would not detract from the local landscape character. Whilst the site will be seen in some long distance views when looking from the east (Timber Hill/the A3052), the overall modest scale, recessive colours of the units and backdrop against the larger commercial/medical centre buildings will all help to reduce the overall visual impact of the development so that it blends into its urban context appropriately. It is considered necessary to ensure that no external storage takes place (by condition) given that it could lead to visual clutter and storage at a height that may impact on wider views of the site. As such the development accords with policies ENV1, ENV10 and ENV12 of the West Dorset and Weymouth & Portland Local Plan (2015).

16.8 Impact on Amenity

Policy ENV16 of the West Dorset and Weymouth & Portland Local Plan seeks to protect residential amenity. The site is part of a well-established business park, however, there is residential development beyond the north-east boundary of the site. It is proposed to retain the existing trees and hedgerow along this boundary and due to the low ridge line of the proposed units, its layout and use for storage units, it is not considered that the development would have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy; overshadowing, overbearing impact or flicker, nor would it generate a level of activity or noise that would detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties. In order to ensure the amenity of the neighbouring residential properties are protected, appropriate conditions to retain a green buffer along the north-east boundary and control of external lighting would be appropriate.

16.9 When considering the times the units could be accessed and when vehicle movements to and from the site may occur, the applicant has agreed to the restriction on such times being 7am - 10pm week days and 8am - 8pm Sat, Sun and bank holidays. This is to protect neighbouring amenity. Furthermore, it is proposed to limit the use of the units to B8 storage only such that no distribution to and from the units can occur. However, it is noted that no neighbouring comments have been received. As such the development accords with policy ENV16 of the West Dorset and Weymouth & Portland Local Plan (2015) subject to conditioning of usage hours, retention and reinforcement of boundary screening and restriction of external lighting.

16.10 Access and Parking

Policy COM7 of the West Dorset and Weymouth & Portland Local Plan (2015) seeks to create a safe and efficient transport network and development that generates significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes including public transport, walking and cycling can be maximised. Policy COM9 of the West Dorset and Weymouth & Portland Local Plan (2015) seeks to ensure appropriate levels of parking are provided in association with new development.

16.11 Along with the 13 storage units, 5 additional car parking spaces are provided including 1 disabled space. Cycle storage will also be available on site. However,

given the limited scale of each unit, the level of traffic to and from the site is expected to be relatively low. The 5 spaces allocated exceed parking requirements. The agent has provided information from the Self-Storage Association that shows that the development is very likely to have light use due to there being only 13 storage units. There would be no parking bays outside the storage units, and it would be expected that users of the storage units would typically stay for no more than 30 minutes. Boats being delivered would be no more than 7m in length and the trailer would be unhooked from the vehicle towing and pushed into the storage unit so no turning with trailers will be required.

16.12 The development has adequate access, parking and turning arrangements and the Highways Officer has no objection to the proposal provided a condition to ensure that the turning/manoeuvring and parking shown on the submitted drawing is provided and retained. As such, the proposal accords with Policies COM7 and COM9 of the West Dorset, Weymouth & Portland Local Plan (2015).

16.13 Impact on Flood Risk

Policy ENV5 of the West Dorset and Weymouth & Portland Local Plan (2015) seeks to ensure that new development or the intensification of existing uses should be planned to avoid risk of flooding (from surface water run-off, groundwater, fluvial and coastal sources) where possible. The site is not within Flood Zones 2 or 3. A small section adjacent to one side of the access is within an area of Risk of Surface Water Flooding Extent 1 in 1000. Surface water from the site would be drained via existing storm drains which serve the site, not a combined sewer and not via a soakaway.

16.14 The applicant has demonstrated that they have followed South West Water's surface water Run-off Destination Hierarchy in looking at alternative options for the surface water and intends to utilise the existing piped system. Provided the surface water is piped, it is not considered that the development would generate flooding through surface water runoff or exacerbate flooding elsewhere. As such, the proposal accords with Policy ENV5 of the West Dorset and Weymouth & Portland Local Plan (2015).

16.15 Coastal Erosion and Land Instability

Policy ENV7 of the West Dorset, Weymouth & Portland Local Plan (2015) seeks to ensure that new development will be directed away from areas vulnerable to coastal erosion and land instability to avoid putting people at risk unless it can be demonstrated that the site is stable or could be made stable, and that the development is unlikely to trigger land sliding, subsidence, or exacerbate erosion within or beyond the boundaries of the site. The application is located within Zone 2 of the Slope Instability Guidance Map for Lyme Regis.

16.16 The supporting document provided by the structural engineer in addition to the Ground Stability Assessment states that some of the storage units would be supported off existing piles and another row would be supported off a raft type foundation. The structural engineer states that he is confident that using a raft to spread the loadings for those units away from the piles will not overburden the ground and hence affect stability and that, in addition these proposals do not require excavation or filling over the site. He confirms that the applied loadings on the existing piles will be significantly lower than the piles were designed for.

16.17 The Coastal Risk Management Officer refers to the submitted Ground Stability Assessment stating that it had been reassessed by a qualified structural engineer

and that he concurs with the conclusions reached given that assessment has been evaluated and the scale of the proposal and any additional loading are within acceptable limits in terms of slope instability. The proposed development is unlikely to exacerbate any instability risks of the site or surrounds although any excavations to be carried out should be closely monitored. As such, the proposal accords with Policy ENV7 of the West Dorset and Weymouth & Portland Local Plan (2015).

16.18 Other matters

In regard to biodiversity, it appears that the site has been used for ad-hoc general external storage of various large scale items as well as materials etc. The majority of the site is hardcore surfaced with scrub having grown up in and amongst it. Given that the storage units themselves and parking area will not exceed 0.1ha and that biodiversity impacts are likely to be limited to the boundary trees/hedgerows which are to be retained & protected, there is considered to be no significant impact to Biodiversity as a result of this development in accordance with policy ENV2 of the West Dorset, Weymouth & Portland Local Plan (2015).

17.0 Conclusion

The principle of the development is acceptable and would have no adverse impact on the character of the area, residential amenity, highway safety, flood risk or land instability, subject to planning conditions. As such, the proposal accords with the Policies within the West Dorset and Weymouth & Portland Local Plan and the NPPF and there are no material considerations indicating that a different decision should be reached.

18.0 Recommendation

Grant 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 and Block Plan	plan no. C2344.01A
Proposed Site Plan	plan no. C2344.04
Proposed Floor and Elevations	plan no. C2344.02A
Proposed Floor and elevations	plan no. C2344.03A
Proposed Sections 1	plan no. C2344.05A
Proposed sections 2	plan no. C2344.06A
Proposed sections 3	plan no. C2344.07

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

3. 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 storage uses falling within Use Class B8 only and shall not be used for distribution.

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

4. The premises shall not be accessed for storage use and no vehicle movements shall be permitted on the site outside the hours of 0700 to 2200 on Mondays to Fridays and 0800 to 2000 on Saturdays, Sundays and Public Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

5. There shall be no external storage of items or materials at the site.

Reason: In the interests of residential and visual amenity.

6. There shall be no external lighting at the site, including security lighting, without details of the proposed lighting scheme, including details of the number of lights, location, design and luminance levels having first been submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity.

7. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on approved plan Proposed Site Plan Drwg no. C2344.04 to be retained, shall be fully safeguarded and tree protection zones established in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity.

8. Prior to the units hereby approved being first brought into use, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the first planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years and shall thereafter be carried out in accordance with it.

Reason: In the interest of visual amenity.

9. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number C2344.04 must have been constructed. 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 and to ensure that highway safety is not adversely impacted upon.

10. Prior to first use of the development hereby approved, the cycle parking facilities shown on drawing number Proposed Site Plan Drwg no. C2344.04 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.

11. All surface water from the development hereby approved shall be discharged to a piped drainage system and not to a soakaway.

Reason: In the interests of ground stability and flood risk.

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 applicants/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.
- The applicant was provided with pre-application advice.