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Application Number:	P/LBC/2023/01707
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno+=395482
Site address:	116 The Esplanade Weymouth DT4 7EJ
Proposal:	Create WC on ground floor of hotel, within the back stairs
Applicant name:	Mrs Theresa Jenkins-Teague
Case Officer:	Nicola Yeates
Ward Member(s):	Cllr Orrell

1.0 This application has been brought to committee as the building to which the application relates is owned by Dorset Council.

2.0 Summary of recommendation: REFUSE for the following reason:

The proposal by reason of the loss of historic fabric would result in less than substantial harm not outweighed by public benefits, to the detriment of the historic and architectural significance of the Listed building. As such the proposal is contrary to Policy ENV4 – Heritage assets of the West Dorset and Weymouth & Portland Local Plan 2015 and paragraph 203 of the NPPF (2023).

3.0 Reason for the recommendation: The proposal would result in less than substantial harm to the listed building and that harm would not be outweighed by public benefits.

4.0 Key planning issues

Issue	Conclusion
Impact on Heritage Asset	Less than substantial harm to the Listed building not outweighed by public benefits.

5.0 Description of Site

As described within the submitted Design, Access and Heritage Statement the Lawrence of Arabia Hotel is part of a terrace of 16no. C19 properties making up Belvidere Terrace are Nos.116-131. The buildings to this terrace are 3 storeys with attic space and basement. Many are used as B&B, guest houses or hotels and are popular having views over Weymouth Bay to the front elevation. The Lawrence of Arabia Hotel is the end terrace and the return is plain, with paired stacks joined by a flat parapet, and a central sash to the second floor. The entrance, to the front elevation, is via steps to a side porch with hipped roof. The street frontage along the whole

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terrace is finished with spearhead cast-iron railings including each side of the steps, and there is a gate to steps to the basement areas.

No.116 Esplanade is Grade II Listed, a group listing with No.116-131, and is located within the Weymouth Town Centre Conservation Area.

6.0 Description of Development

The proposal seeks to create a WC at ground floor located within the location of the back staircase.

7.0 Relevant Planning History

86/00230/LBC - Decision: GRA - Decision Date: 16/05/1986

Demolition of one rear chimney stack.

93/00506/LBC - Decision: GRA - Decision Date: 20/12/1993

Installation of satellite dish.

88/00398/LBC - Decision: GRA - Decision Date: 16/06/1988

Installation of en-suite facilities to bedrooms and minor alterations at basement level.

99/00509/LBC - Decision: GRA - Decision Date: 07/12/1999

Enlarge opening and install new sash window in side elevation.

02/00608/LBC - Decision: GRA - Decision Date: 02/11/2002

Interior refurbishment to include installation of 8 ensuites, and passenger lift, new fire alarm system and link to No 117.

90/00324/LBC - Decision: WIT - Decision Date: 13/07/1990

Removal of existing roofs and parapet and replacement with single hipped roof.

11/00572/LBC - Decision: GRA - Decision Date: 26/09/2011

Close 5 doorways to create 2 separate units.

P/ADV/2022/05237 - Decision: GRA - Decision Date: 17/11/2022

Installation of 1no. illuminated hanging box sign and 1no. bump top sign.

P/LBC/2022/05238 - Decision: GRA - Decision Date: 17/11/2022

Alterations to facilitate the installation of internal and external signage.

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8.0 List of Constraints

Dorset Council Land (Freehold): DT287880 - Reference 60095 - Distance: 0

Grade II Listed building Belvidere (Terrace), 116-131, Esplanade. HE Reference: 1365868 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

Within the Weymouth Town Centre Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

9.0 Consultations

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

Consultees

1. **Weymouth Town Council:** no objection.
2. **Melcombe Regis Ward:** no comment received.
3. **Historic England:** notification not required.
4. **National Amenity Societies:** no comment received.
5. **DC - Asset & Property** - no comment received.

Representations received – None.

10.0 Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990 - section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

Development Plan

West Dorset Weymouth and Portland Local Plan 2015

The following policies of the Local Plan are considered to be relevant:

- ENV4 - Heritage Assets

Neighbourhood Plans

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Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making.

Other Material Considerations

Supplementary Planning Documents/Guidance

- Weymouth Town Centre Conservation Appraisal (2012)

Emerging Local Plans:

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

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

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assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 16 'Conserving and Enhancing the Historic Environment' - When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

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.

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The proposed alterations to provide a WC in this location would enable WC facilities at ground floor level however to reach the proposed facilities the visitor would also have to negotiate steps from the entrance and also from the reception hall. It is considered that there are potentially more suitable alternative locations for a WC.

14.0 Financial benefits

None.

15.0 Environmental Implications

None.

16.0 Assessment

Impact on Heritage Asset

The proposal seeks to install a WC on the ground floor, within the location of the back staircase. The back staircase is considered an intact original feature of the building however it was noted on site that access has been blocked from the upper storeys and the staircase is currently only accessible from the ground floor.

It is understood from the submitted documentation that the applicant wishes to create a tearoom within the front dining hall and this would require public toilet facilities for visitors who are not staying at the hotel.

The proposal would see the removal of lower-level treads of the staircase to allow adequate space to create a WC. The remaining treads above would be retained.

The existing historic staircase is considered an important architectural feature of this Grade II Listed building and the removal of any element of this staircase would not be reversible and would cause less than substantial harm.

An invitation to submit an alternative layout, which would not involve altering the staircase, for example perhaps utilising the understairs cupboard by removing the existing door, was suggested to the agent but to date no response has been received and therefore there does not seem to be a willingness on the part of the applicant to reconsider the proposed location of the WC.

Whilst it has been indicated that the proposed WC would be to serve a proposed tearoom given that there are potential alternative locations for the WC and therefore the possibility of a WC is not necessarily precluded there is not considered to be sufficient public benefit from this current proposal in order to provide clear and

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convincing justification to outweigh the identified less than substantial harm to this grade II listed building.

17.0 Conclusion

The development has been assessed with regard to the policies of the West Dorset, Weymouth & Portland Local Plan (2015), the NPPF (2023) and all other relevant material considerations. It has been concluded that the proposal would not preserve and enhance the Grade II Listed building and would result in less than substantial harm to the designated heritage asset which would not be outweighed by public benefits. In reaching this conclusion regard has been had to the duties under sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Recommendation: Refuse for the following reasons:

1. The proposal by reason of the loss of historic fabric will result in less than substantial harm not outweighed by public benefits to the detriment of the historic and architectural significance of the Listed building. As such the proposal is contrary to Policy ENV4 – Heritage assets of the West Dorset and Weymouth & Portland Local Plan 2015 and paragraph 203 of the NPPF (2023).

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.

2. The plans that were considered by the Council in making this decision are:

Location and Block Plan 12972 100 dated July 22

Existing and Proposed Floor Plans and Sections 12972 101A dated Jan 22

Design, Access and Heritage Statement dated 23 February 2023

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