

Officer Report

Application Number:	P/FUL/2023/07288
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Charmouth Road Park and Ride car park Charmouth Road Lyme Regis
Proposal:	Erect public toilets/cafe and form a new vehicular access. Install ten electric vehicle charging stations.
Applicant name:	Mr & Mrs Wellman
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Bawden

1.0 In accordance with the Council's Constitution, this application is being referred to the planning committee because it involves land which is within the Council's ownership.

2.0 Summary of recommendation: Refuse for the following reasons:

1. Having regard to the scale of the proposed café and facilities building and its location outside of the town centre and defined development boundary of Lyme Regis, the building is an overly large facility which would fail to follow the sequential approach to the location of food and drink uses contrary to policy ECON4 of the local plan. In the absence of a sequential assessment of available sites, it has not been demonstrated that such a facility is essential or sequentially preferable in the location proposed. The provision of the café would adversely impact upon the vitality of the town centre and not provide opportunities for linked trips. The proposal does not therefore represent sustainable development and is contrary to policies INT1, SUS2 and ECON4 of the West Dorset, Weymouth and Portland Local Plan 2015 and section 7 of the National Planning Policy Framework (2023).
2. Having regard to the size of the proposed building, its elevated position and the use of extensive full height glazing on the south western elevation, the building would result in harm to the landscape and scenic beauty of the Dorset National Landscape, and would represent an overly domestic addition to an otherwise open rural field. The proposal is therefore contrary to policies ENV1 and ENV12 of the West Dorset Weymouth and Portland Local Plan 2015, paragraphs 135 and 182 of the National Planning Policy Framework (2023) and the statutory duty of the Countryside and Rights of Way Act 2000 to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

3.0 Reason for the recommendation:

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- The proposal to alter the access arrangements to the park and ride and to provide electric vehicle charging are considered to be acceptable in principle.
- Although the provision of some additional visitor facilities is considered to be acceptable, the building proposed is considered to be overly large and would conflict with development plan policies.
- The building's size and use of glazing would result in harmful impacts upon the character of the landscape.
- The evidence provided does not indicate that the changes of the scale proposed are essential for the park and ride to continue.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of changes to the access and provision of EV charging is considered acceptable. The proposed building and café provision is however considered to be excessive for this location and for the reasons set out in this report is therefore not considered to be acceptable in principle.
Character appearance and impact upon the landscape	Although the relocation of the building compared to the previously withdrawn scheme is an improvement, the building's size and the incorporation of extensive glazing on the south western elevation results in a harmful impact upon the National Landscape.
Highways and access	The alterations to the access would be beneficial in highways terms and the scheme as a whole would be acceptable, subject to the imposition of conditions.
Crime Prevention	Concern has been expressed in respect of the site's potential to become a focus for crime as a result of the works. Appropriate measures could be secured by condition if required.
Biodiversity	The application has been accompanied by a biodiversity plan approved by the Natural Environment Team. The proposal will not therefore result in harm to biodiversity.
Amenity	In the context of the continuing park and ride use which is well established the proposals will not result in an unacceptable impact upon residential amenity.

5.0 Description of Site

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- 5.1 The application site comprises an area in the north eastern corner of a field which is currently used, on a seasonal basis, as a park and ride serving Lyme Regis. The application site encompasses a portion of the parking area of the park and ride, the access point from the southern side of the A3052, and an area of otherwise agricultural land extending into the north eastern corner of the field.
- 5.2 The field is predominantly laid to grass. There is an area of hard standing at the access point which serves as a turning head and waiting area for busses when the park and ride is operational. However, the remainder of the field remains unsurfaced, with vehicles parking on the grass. There is an access track extending from the hardstanding area initially westwards and then following the boundary of the field towards a group of agricultural buildings to the south.
- 5.3 The field is otherwise undeveloped; aside from the hardstanding, gates and bellmouth at the site access there are no permanent facilities provided for the park and ride. The field is grazed during the off season. The current planning consent for the park and ride, which would be unaffected by this application, allows it to operate between 30 March and 31 October annually. The timetable for 2024 is that the park and ride will run from 4 May. It will run a daily service between 4 and 6 May and between 25 May and 2 June. It will run Saturdays and Sundays between 8 June and 21 July and daily between 24 July and 2 September.
- 5.4 The field occupies an area of high ground to the north of Lyme Regis, outside of the established boundaries of the settlement. The site's boundaries are defined by the A3052 to the north and west, where there are established hedgerows. To the east of the site, lies a housing development, known as Garman's field. The boundary to that development is defined by maturing hedgerows. Internally the park and ride field is separated from adjacent field by post and wire fencing.

6.0 Description of Development

- 6.1 The proposed development comprises alterations to the access to the park and ride, provision of electric vehicle charging points and the construction of a building comprising a café and toilets.
- 6.2 The works to the access of the park and ride include the formation of a new bell-mouth access to the east of the existing bell mouth. Together with additional hardstanding within the site itself, the new access will allow for the creation of an in and out arrangement for cars and buses entering and exiting the site. Within the parking area itself 5 electric vehicle charging kiosks will be located in the northeastern corner of the parking area, providing charging facilities for up to 10 electric vehicles.
- 6.3 The new building is proposed to be located towards the northeastern corner of the site with paths leading to it from the parking areas. The building will provide toilet facilities comprising male and female toilets with three cubicles each and a cafe with kitchen counter and indoor seating as well as an outdoor seating area. A small ancillary building is proposed adjacent to the cafe building which will provide storage for bins and bottled gas.
- 6.4 The proposed building is I-shaped with the outdoor seating area located to the western side of the building and the cafe in the eastern side with South facing patio doors and full height glazing. The toilets would be in the western part of the building

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and the kitchen in the northern part of the building. The building is single storey with a pitched roof with gable ends. The proposed pallet of materials comprises timber cladding to the walls with profiled sheet roofing and upvc windows. The proposal does not seek to amend the operational period of the park and ride, to which the opening of the toilets and café would be linked.

- 6.5 The application is a re submission following the withdrawal of an earlier scheme for similar facilities which had located the proposed café to the west of the existing site access on slightly lower ground. However, that scheme drew concern in respect of the landscape impact of the building given that it would be within a relatively isolated position within the field.

7.0 Relevant Planning History

1/W/93/000106 Decision: GRA - Decision Date: 06/05/1993

Change of use of land from agricultural to park & ride carpark

1/W/95/000510 Decision: GRA - Decision Date: 13/11/1995

Use land for Park and ride car park for 6 weeks each summer each year

WD/D/18/000268 Decision: GRA - Decision Date: 26/03/2018

Extend park and ride car park season (end of March to end of October) and install protective matting to part of site

P/PABA/2021/01032 Decision: PRQ - Decision Date: 20/04/2021

Erection of agricultural storage building

P/PABA2/2021/03696 Decision: PRF - Decision Date: 12/11/2021

Erection of agricultural storage building

P/FUL/2023/03036 Decision: WIT - Decision Date: 29/11/2023

Erect public toilets/cafe and form a new vehicular access

8.0 List of Constraints

Lyme Regis and Charmouth Slope Instability Zones; Zone 1

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Area of Outstanding Natural Beauty; Dorset

Land Outside Defined Development Boundaries;

Article 4 Direction- Distance: 0

Article 4 Direction Distance: 0

Right of Way: Bridleway W2/10; - Distance: 11.23

Dorset Council Land (Freehold): Land for road improvement at Dragons Hill, Lyme Regis

Authorised Landfill Site name and operator: Lyme Regis Golf Club, Driving Range And Practice Area - Hansford Construction Ltd - Distance: 161.58

9.0 Consultations

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

Consultees

- 1. Dorset Police Architectural Liaison Officer** Although not formally objecting I have strong concerns on how the works and infrastructure will be kept secure when the site is not being used as a park and ride facility bearing in mind its isolated location.
- 2. DC - Rights of Way Officer** No comments received.
- 3. DC - Highways** It is the opinion of the Highway Authority that the changes improve highway safety. No objection subject to conditions.
- 4. DC - Dorset Waste Team** No comments received.
- 5. National Highways** No objection.
- 6. DC - Env. Services – Protection** No comments with respect to this application.
- 7. Lyme and Charmouth Ward Councillor** - No comments received.
- 8. Building Control West Team** – No comments.
- 9. Lyme Regis TC** – The Town Council recommends approval of the application because it is in accordance with the approved development plan and does not involve unacceptable material harm to the Conservation Area or heritage assets. (N.B. In addition to the consultation response received, a more detailed letter of support for the proposals from the Town Council has been submitted as a supporting document by the applicant).
- 10. Ramblers Association** – No comments received.

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- 11. DC - Public Health Dorset** Public health Dorset welcomes the addition of a toilet facility and the inclusion of accessible toilets. Public Health Dorset encourages the incorporation of a 'changing places' facility. The commitment to the use of photovoltaic panels is welcomed.
- 12. Natural England** No objection subject to mitigation being secured. NE notes the submission of a Biodiversity Plan but this is not accompanied by a certificate of approval. Provided the BP is agreed the planning authority will have met its duties under section 40 of the Natural Environment and Rural Communities Act 2006 and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017.
- 13. DC - Env. Services - Food, Safety & Port Health** no comments received.
- 14. DC - Asset & Property- Abigail Brooks** no comments received.
- 15. DC - Highways Asset Manager** no comments received.
- 16. DC – Transport Policy** When assessing the application against local and national transport policy, we are supportive of the inclusion of electric vehicle charging stations. The application is only for the additional facilities for the public and a new entrance rather than an application for a park and ride facility as this is long established. It is of the opinion of the Highways Authority that the changes improve safety. From a transport and highway perspective, we are supportive of proposals that uphold the park and ride sites viability.

Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

10.0 Duties

- 10.1 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.
- 10.2 Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

11.0 Relevant Policies

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Development Plan Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

11.1 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
- ENV9 - Pollution and contaminated land
- ENV10 - The landscape and townscape setting
- ENV12 - The design and positioning of buildings
- ENV13 - Achieving High Levels of Environmental Performance
- ENV15 - Efficient and Appropriate Use of Land
- ENV16 - Amenity
- SUS2 - Distribution of development
- ECON4 - Retail and Town Centre Development
- ECON5 - Tourism Attractions and Facilities
- COM7 - Creating a safe & efficient transport network
- COM8 - Transport interchanges and community travel exchanges
- COM10 - The Provision of Utilities Services Infrastructure

Other Material Considerations

Emerging Dorset Council Local Plan:

11.2 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

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- 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).

11.3 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.

National Planning Policy Framework:

11.4 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.

11.5 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 beautiful 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.

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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.
- 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).

National Planning Practice Guidance

Supplementary Planning Document/Guidance

All of Dorset:

- Dorset AONB Landscape Character Assessment
- Dorset AONB Management Plan 2019-2024
- 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.

Supplementary Planning Documents/Guidance For West Dorset Area:

- WDDC Design & Sustainable Development Planning Guidelines (2009)
- Landscape Character Assessment February 2009 (West Dorset)

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.

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12.1 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

13.1 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.

13.2 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. The proposed changes to the car park layout include six designated disabled parking spaces which incorporate space for wheelchair access. The proposed toilet block incorporates accessible toilet cubicles within each of the toilets.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Job Creation	2.5 full time equivalent (seasonal)
Non Material Considerations	
Business rates	Unknown

15.0 Environmental Implications

15.1 The proposals would see the inclusion of 10 spaces within the park and ride car park with charging facilities for electric vehicles, providing support for the expanded use and adoption of electric vehicles. The proposed building would incorporate solar photovoltaic panels on the roof, reducing reliance on fossil fuels.

16.0 Planning Assessment

Principle of development

16.1 The application site is located outside of the defined development boundary of Lyme Regis and is therefore in the open countryside where policy SUS2 of the local plan indicates that new development will be strictly controlled having regard to the

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need for the protection of the countryside. Policy SUS2 does however allow for certain forms of development within the open countryside which include new employment, tourism, education / training, recreational or leisure related development. The park and ride is an established feature within the area having originally been granted planning permission in the 1990s and the current proposals would enhance the facilities that are provided at the park and ride.

- 16.2 In respect of the works to the access of the park and ride itself and the provision of electric vehicle charging points, policy COM8 of the local plan provides support and encouragement for the provision of community travel exchanges in urban and rural areas where they can provide safe access to the public highway including for large vehicles, where they have a space to accommodate sufficient parking and will support existing community facilities located in the area. Therefore, it is considered that the principle of the works to the car park itself to improve access are supported as they would support the ongoing provision of park and ride facilities in the town.
- 16.3 In consideration of the proposed new building the provision of facilities to support the park and ride in particular toilets for arriving visitors is considered to be broadly acceptable. Policy ECON5 does allow for proposals for new tourism facilities such as the cafe however it advises that development should where possible and practical be located within or close to established settlements or make use of existing or replacement buildings. Policy ECON4 of the local plan also seeks to direct retail and town centre uses, including cafe uses, towards town centre locations in the first instance and states that development likely to lead to a significant adverse impact on existing centres will be refused.
- 16.4 Lyme Regis is one of only five towns with a defined town centre within the plan area. The supporting text for policy ECON4 indicates that the defined town centres reflect the concentration of retail shops together with leisure, business and other town centre uses. Paragraph 4.4.5 of the supporting text states that in order to support the vitality and viability of existing centres, these should be the first priority when considering locations for new town centre uses, with a sequential approach being taken to their location.
- 16.5 Given that the proposed building is intended to support a park-and-ride facility which by its nature is appropriately located outside of the town, it is accepted that a strict application of the sequential test is perhaps not appropriate here and that the provision of some facilities for arriving visitors can be accepted. However, it is appropriate to consider the scale of the facility proposed. The park and ride is not the destination in itself but somewhere that arriving visitors would be expecting to wait a short period for a bus to complete their onward journey into Lyme Regis. The floor space of the proposed cafe building is relatively significant along with the extent of the facilities, including not only a kitchen but indoor and outdoor seating indicating an expectation that customers would stop for a more extended period, therefore placing the café into competition with town centre facilities. The café could potentially even become a destination in its own right, should it operate successfully and with a good reputation it could be a draw for local residents to visit the site without the intention of using the park and ride service, further competing with the existing provision of café establishments within the town centre and

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generating single purpose trips. Furthermore, the park and ride only operates for a limited number of days between March and October each year. The information submitted by the Town Council in support of the application indicates that it ran for 89 days in 2022 and 44 days in 2023. The intention for 2024 is that it operates for 86 days of the year. That is just over 12 weeks, so for the other 40 weeks of the year the site would not be operational and if the café/toilets were not open when the site wasn't operational for the vast majority of the year the building would be unused. Conversely if the café were to be operational when the park and ride service wasn't it would contribute to the argument that the café was taking likely custom away from the town centre as a result of single destination trips.

- 16.6 By comparison, the park and ride serving Weymouth does not have a cafe and further afield, more significant and permanent park and ride facilities serving larger cities, including Salisbury, Bath, Winchester and Oxford all operate without these kind of facilities that are proposed and at most have toilets and a kiosk.
- 16.7 The applicant has provided supporting information indicating that the provision of a cafe is important to justify the additional expenditure on the improvements to the car park facilities. However, the applicant has not provided a detailed breakdown of costs of those works nor have they indicated or provided evidence to show that the works to the car park are essential to allow it to continue to operate as a park and ride into the future. The site has been operating as a park and ride for approximately 30 years and none of the provided evidence indicates that the access arrangements are somehow deficient. While a supporting letter supplied by the applicant indicates that the failure to provide these changes would mean a continued poor services for visitors, the applicant's planning statement indicates at paragraph 1.3 that the site operates 'very satisfactorily'. Although there is reference to the site needing to close in very wet weather, the current proposals would not rectify that situation as, beyond the additional turning area and access point they do not propose any works to harden the parking areas which would remain as grass. While the proposed changes have been assessed by the highways authority as representing an improvement that does not mean that they are necessarily essential for the park and ride to continue operating or that the current arrangements unacceptable.
- 16.8 Supporting submissions from the applicant and Lyme Regis town council, which runs the park and ride have indicated concern that it may become difficult to secure bus companies to serve the park and ride without security which may be provided by the provision of the facilities. However, there is no certainty that the provision of these facilities would provide any greater confidence or commitment from bus operators. The planning statement indicates that the site has effectively run on rolling annual contracts. Evidence from the town council has indicated that they have referred to the provision of the facilities in the future when approaching bus companies and that various bus companies have expressed an interest in providing a service from this site. However, there is no confirmation or indication that the provision of the facilities and in particular the cafe facilities is essential for a bus operator to commit to providing a service to the site.

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- 16.9 The applicant has also noted the provision of tourist information through the proposals as a benefit of the scheme. The area identified for that purpose is relatively minimal, being the end of the corridor between the café and the toilets. The weight which this can be given in the planning balance is minimal. As well as being only a very small area, being in the park and ride, the information area would be seen by people who have already made the decision to visit Lyme Regis so would not represent a significant benefit.
- 16.10 The applicant has been advised of officers' concerns in respect of the size of the cafe building, initially in the withdrawn application where the building had been located further to the West. While the change to the location of the building to the north eastern corner of the site has addressed one of the concerns the overall size of the building has been reduced minimally by less than 12 square metres.
- 16.11 In light of the concerns in respect of the size of the building, which would place the facility in to competition with sequentially preferably located facilities within the town centre of Lyme Regis it is considered that the proposed cafe and toilet block is an overly large facility which would not represent sustainable development and which would be contrary to policies ECON 4 and ECON 5 of the West Dorset Weymouth and Portland local plan 2015.

Character appearance and impact upon the landscape

- 16.12 The site is located in a relatively prominent hilltop location within the Dorset national landscape (AONB). Within the national landscape policy ENV1 of the local plan indicates that the area's exceptional landscapes seascapes and geological interest will be protected taking into account the objectives of the Dorset AONB management plan. The policy goes on to state that development should be located and designed so that it does not detract from and where reasonable enhances the local landscape character and that appropriate measures will be required to moderate the adverse impacts of development on the landscape and seascape.
- 16.13 This application follows the withdrawal of a previous Application where the proposed cafe was located further to the West of the access to the park and ride. That scheme led to particular concerns in respect of the landscape impacts associated with the construction of a building in what would have been a particularly isolated location given that for a considerable period of the year during the winter months it would stand alone in the fields without the associated car parking from the park and ride (approximately 40 weeks).
- 16.14 Whereas the park and ride is a seasonal use of the land, meaning that the impacts do not persist into the winter months, the construction of the building would have a year round impact. Following officer's advice during the course of the previous application, the applicant has agreed to relocate the building further to the east of the site. Although this means that the building would be on higher ground, it means also that the building would not be in such an isolated position. It would sit closer to the boundaries of the field and when viewed from the west would be read against the backdrop of the housing development behind. It is therefore considered that the

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relocation of the building has overcome officer's particular concerns in respect of the landscape impacts arising from its location.

- 16.15 Although the proposed building would remain a permanent feature within the landscape as compared to the more temporary nature of the park and ride facility it is considered that the relocation of the building towards the northeastern corner of the site has, on balance, enabled the harmful landscape impacts of the building's siting to be largely mitigated.
- 16.16 However in addition to relocating the building and the minor reduction in its size, the applicant has also incorporated a number of other design changes. Notably these include the provision of a full width patio door on the building's southern elevation with glazing which extends to the full height of the gable. In comparison the withdrawn scheme provided a more modest French door with windows either side and a timber clad gable. The incorporation of the expansive glazing to the southern elevation of the building particularly in such an elevated position has potential to give rise to landscape impacts through glint and glare from the glazing and light spill were the building to be utilised in the evening. While use in the evening could potentially be controlled by condition to limit light spill, the reflectivity of glazing at other times would remain. Whereas the original design was relatively modest and functional, with small openings which had evidently been considered with a winter closure in mind the proposed changes are considered to result in a building of largely domestic character which would continue to be a prominent feature.
- 16.17 Therefore notwithstanding the improvements to the buildings impact that have been achieved through its relocation to the North East of the site these additional elements and changes to the design mean that it would still have a negative impact upon the special character of the national landscape contrary to policies ENV1 and ENV12 of the West Dorset Weymouth and Portland Local Plan 2015. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) also requires that public bodies must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty. In light of the concerns addressed above it is considered that the proposals would run counter to that purpose and therefore the duty incumbent upon the Local Planning Authority.

Highways and access

- 16.18 The proposal includes the formation of a new access onto the A3052, which is the main route into Lyme Regis from the West. This this would facilitate an in and out arrangement from the park and ride. The new access would not therefore increase the utilisation of the road but would separate incoming and outbound traffic. This arrangement has been reviewed by the local highway authority which considers that the change would represent an improvement in highways terms. The local highways authority therefore has no objection to the proposals subject to the imposition of conditions in respect of the surfacing of the access to prevent material being dragged onto the highway; preventing any gates opening outwards; the provision of the turning areas prior to the first use of the site and securing the in and out arrangements; and the provision of appropriate visibility splays.

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16.19 In view of the Highway Authority's position it is considered that, with the conditions recommended the proposals comply with policies COM7 and COM8 of the West Dorset Weymouth and Portland Local Plan.

Crime prevention

16.20 Comments have been received from Dorset Police crime prevention officer. Although not raising an objection to the proposals these comments do raise a concern that the proposed facilities could become the target for crime particularly as they would not be used for a significant portion of the year. It is considered that were the principle of the proposals acceptable in other regards such concerns could be overcome through focused amendments to the scheme to enable the provision of security measures which may be secured by appropriate planning conditions.

Biodiversity

16.21 The application has been accompanied by an Ecological Impact Appraisal and a Biodiversity Plan which sets out measures to address impacts on biodiversity as a result of the proposals. This includes the translocation of hedgerow which would be removed in order to form the second access, and 145m of new native hedgerow planting as well as the provision of bird and bat boxes on the proposed building. The biodiversity plan has been agreed by the Natural Environment Team and therefore, subject to an appropriate condition requiring the implementation of the biodiversity plan, it is considered that the proposal would appropriately provide for the protection and enhancement of biodiversity and would comply with Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan.

Amenity

16.22 While the proposal would result in the creation of a new access to the park and ride site it would not, of itself, result in an intensification of the site's use or the operational period, these matters being subject of other planning consents. Therefore, the impact of the proposals in terms of the utilisation of the park and ride would be neutral.

16.23 The new café and facilities building would result in some additional activity in the north eastern corner of the site, where there is currently none. However, the building would be set just under 30m from the nearest dwelling. There would be a considerable landscape buffer in between and the orientation of the building is such that the openings to the seating areas face away from the site. Environmental protection have not raised any concerns with the proposals. Therefore, in the context of the activities that already take place in association with the operation of the park and ride it is not considered that the proposals would result in harm to the amenity of nearby residents. The proposal is therefore considered to comply with policy ENV16 of the West Dorset Weymouth and Portland Local Plan

17.0 Conclusion

17.1 The proposal to alter the access arrangements to the park and ride and to provide electric vehicle charging are considered to be acceptable in principle. Although the provision of some additional visitor facilities is considered to be acceptable, the

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scale of the proposed building and its use is considered to be inappropriate for the location and would therefore conflict with development plan policies.

- 17.2 The size of the building and incorporation of expansive glazing to the south western elevation would result in a harmful impact upon the Dorset National Landscape.
- 17.2 While the changes to the access would be beneficial in highways terms it has not been shown that the existing arrangement is unacceptable or that the changes to the access are essential for the park and ride to continue. Similarly, the need for a café of the scale indicated has not been shown to be essential in order to allow the benefits which accrue from the park and ride to be secured. On this basis it is not considered that the benefits associated with the proposals are of sufficient weight to justify the grant of planning permission which has otherwise been assessed to conflict with the development plan and the NPPF.

18.0 Recommendation

Refuse for the following reasons:

1. Having regard to the scale of the proposed café and facilities building and its location outside of the town centre and defined development boundary of Lyme Regis, the building is an overly large facility which would fail to follow the sequential approach to the location of food and drink uses contrary to policy ECON4 of the local plan. In the absence of a sequential assessment of available sites, it has not been demonstrated that such a facility is essential or sequentially preferable in the location proposed. The provision of the café would adversely impact upon the vitality of the town centre and not provide opportunities for linked trips. The proposal does not therefore represent sustainable development and is contrary to policies INT1, SUS2 and ECON4 of the West Dorset, Weymouth and Portland Local Plan 2015 and section 7 of the National Planning Policy Framework (2023).
2. Having regard to the size of the proposed building, its elevated position and the use of extensive full height glazing on the south western elevation, the building would result in harm to the landscape and scenic beauty of the Dorset National Landscape, and would represent an overly domestic addition to an otherwise open rural field. The proposal is therefore contrary to policies ENV1 and ENV12 of the West Dorset Weymouth and Portland Local Plan 2015, paragraphs 135 and 182 of the National Planning Policy Framework (2023) and the statutory duty of the Countryside and Rights of Way Act 2000 to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

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

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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.
- The applicant and council have worked together to minimise the reasons for refusal.

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

C2313.04 Highways Access Plan

C2313.01A Location Plan

C2313.02A Block Plan

C2313.03A Elevations and Floor Plans

C2313.05 Gate & EV charging details