

Application Number:	P/LBC/2021/03958
Webpage:	Planning application: P/LBC/2021/03958 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	Gun Cliff SPS Bridge Street Lyme Regis
Proposal:	Install an external 4G antenna to the outside wall
Applicant name:	South West Water
Case Officer:	Charlotte Loveridge
Ward Member(s):	Cllr Turner

1.0 Reason application is going to committee

The application relates to land that is leased by Dorset Council from Crown Estates and the application is therefore being reported to Committee in accordance with Dorset Council's Constitution.

2.0 Summary of recommendation:

That the Committee be minded to delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to grant listed building consent subject to conditions, and subject to there being no adverse comment received from the leaseholder on the lapse of the 21 days notice served on them by the applicant.

3.0 Reason for the recommendation: as set out in paras 15.1 – 15.3

- Para 11d 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 location is considered to be sustainable and the proposal is acceptable in its design and general visual impact in the setting of the heritage assets.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Sea Walls at Gun Cliff - Grade II listed building; less than substantial harm mitigated by public benefit.

5.0 Description of Site

The site location for the antenna is on the top of the buttress on the eastern elevation of Gun Cliff Walls, on the promenade directly south of the Marine Theatre. The single antenna is 7cm diameter and 32cm in height (including metal fixing bracket). The feeder cable is approximately 1cm diameter. The purpose of the antenna is so that South West Water (SWW) can replace the private wire that connects Guncliff Sewage Pumping Station (SPS) with Uplyme Sewage Treatment Works (STW) to support the FTTC (ADSL) circuits at both sites. Guncliff Sewage Pumping Station (SPS) was constructed in the early 1990's by South West Water in order to pump sewage to Uplyme Treatment Works (STW) where it is treated prior to discharge.

The site is within the public realm on Dorset Council land leased from the Crown Estates.

Gun Cliff Walls is a Grade II Listed Building. There are also other Grade II Listed Buildings nearby with Guildhall Cottage (Lyme Regis Town Council Offices), Lyme Regis Museum and the GII* listed 'The Guildhall' which sit above the Gun Cliff Walls in Church Street and Bridge Street. The site also lies within the Lyme Regis Conservation Area.

The South West Coast Path runs just inland along Marine Parade and up through Bridge Street and Church Street; but the promenade provides a popular pedestrian route from Cobb Gate car park to the very eastern end of Marine Parade and the beach at the eastern end of the town.

6.0 Description of Development

Install an external 4G antenna to the outside wall of Gun Cliff Walls.

7.0 Relevant Planning History

1/W/91/000350 Decision: GRA Decision Date: 16/10/1991

Construct new sea walls, new bridge over the river Lim, storm water storage tanks and sewage pumping station

8.0 List of Constraints

SEA WALLS AT GUN CLIFF listed building grade G2. HE Reference: 1324345

GUILDHALL COTTAGE listed building grade G2. HE Reference: 1229434

Grade: II Listed Building: OAKLEY HOUSE List Entry: 1229432.0;

Grade: II Listed Building: LONG ENTRY FLATS List Entry: 1229431.0;

Grade: II Listed Building: SEA WALLS AT GUN CLIFF List Entry: 1324345.0;

Grade: II Listed Building: KENMORE List Entry: 1279208.0;

Grade: II* Listed Building: THE GUILDHALL List Entry: 1228691.0;

Grade: II Listed Building: GUILDHALL COTTAGE List Entry: 1229434.0;

Lyme Regis Conservation Area

Grade II listed building

Within the Lyme Regis Conservation Area

9.0 Consultations

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

Consultees

1. Conservation Officers

- No objection to the principle of the scheme.
- Less than substantial harm which can be outweighed by public benefit.
- Subject to details to minimise the level of visual impact on the setting of various designated heritage assets.
- Conditions recommended.

2. Lyme and Charmouth Ward No comments received.

3. Lyme Regis TC

- No material listing considerations to warrant its refusal.

Representations received

No other representations received.

10.0 Relevant Policies

West Dorset, Weymouth & Portland Local Plan (2015)

ENV4 – Heritage assets

Other material considerations

NPPF (2021)

Section 16 (Paragraphs 190,192,199,194, 200, 201,202 203, 207)

Conservation Area Appraisal: Lyme Regis adopted October 2010

HE Advice Notes 2: Making Changes to Heritage Assets

Conservation Principles

BS: 7913 Conservation of Historic Buildings

HE Good Practice advice Note 2: Managing Significance in Decision Taking

Statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990.

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11.0 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 is not considered to prejudice the Human Rights of the applicant or any third party.

12.0 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. The proposed development is not considered to have any impact on persons with protected characteristics.

13.0 Financial benefits

To safeguard critical process control communications from Guncliff Sewage Pumping Station to Uplyme Sewage Treatment Works.

14.0 Climate Implications

None.

15.0 Planning Assessment

15.1 Principle of development

The installation of the communications apparatus would be permitted development conferred to South West Water as a Statutory Water and Sewerage undertaker and a Telecoms Code Operator under Schedule 2, Part 16 (communications), Class A (electronic communications code operators) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); so the

principle of development is accepted and an application for planning permission is not required. This application is to assess the harm to the heritage assets as the structure is being fitted to is a Grade II Listed Building, as such Listed Building Consent is required.

15.2 Scale, design, impact on character and appearance

The scale of the proposal is minimal. The location is determined largely by the subterranean nature of the building. The antenna unit is 30cm in height and will be sited at the top of the projecting buttress just south of the double gates in the wall.

The cabling will be drilled through the 1m thick wall near to the door frame of the gates, and will follow the route of existing mortar joints and will follow the corner joint where the projecting buttress meets the walls to minimise its visibility. The antenna and cabling will be painted to match the colour of the stonework as closely as possible.

15.3 Impact on heritage assets

Correspondence with the Conservation & Design Officer in August 2021 established that the drilling through the frontage and routing of the cable was acceptable and the impact of the antenna will be minimal on the heritage assets. The proposal has been designed to create minimal visual intrusion, which will create less than substantial harm which is considered to be offset by the public benefit. It is considered that the public benefit is the reduced risk of failure for the critical process control communications between Guncliff Sewage Pumping Station (SPS) with Uplyme Sewage Treatment Works (STW). The 4G radio based communications act as a fallback for the newly installed FTTC (ADSL) circuits at both sites.

16.0 Conclusion

The proposal is considered acceptable, and the less than substantial harm to the heritage asset is outweighed by the public benefit of the 4G communications. As such the development is supported by policy ENV4 of the adopted local plan and paragraph 203 of the NPPF (2021).

17.0 Recommendation

That the Committee be minded to delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to grant listed building consent subject to conditions, and subject to there being no adverse comment received from the leaseholder on the lapse of the 21 days notice served on them by the applicant.

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

Location Plan 1 – 400m
Location Plan 2 – 100m
Site Plan – Antenna Location
Entrance Doorway Plan
Dimensioned Photo Gun Cliff
4G Antenna Height photo
4G Antenna Cable Route photo

Reason: To preserve the architectural and historical qualities of the building.

3. The antenna and antenna cable shall be painted in RAL 7030 – Stone Grey and maintained as such thereafter.

Reason: To safeguard the historic setting and significance of the designated heritage assets and AONB.

4. Any fixings for the routing of the antenna cable and the antenna shall be fitted into the existing mortar joints.

Reason: To preserve or enhance the character and appearance of the heritage asset.