

Application Number:	P/FUL/2023/00766
Webpage:	Planning application: P/FUL/2023/00766 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	The Town Mill Mill Lane Lyme Regis DT7 3PU
Proposal:	Alterations include:- Replace wooden gates with metal gates. Replace closed gate and install access stairs. Replace railings with hooped railings. Replace and enlarge main entrance with glass door. Replace archway to car park.
Applicant name:	Mr R McLaughlin – The Town Mill Trust
Case Officer:	Robert Parr
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 land within the application site.

2.0 Summary of recommendation: Grant permission subject to conditions.

3.0 Reason for the recommendation:

- Improvement to a Community Facility.
- No harm to character and appearance or amenity.
- No harm to Heritage Assets and proposals considered to enhance their significance.
- No highway concerns identified.
- Flood risk is acceptable.
- Impact of ground instability zone 2 is considered acceptable.
- No adverse impact on European Protected Site.
- There are no material considerations that would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Within Defined Development Boundary and as such principle of development is accepted.
Wildlife and habitat/Environment	No adverse impact identified.
Heritage	No harm to Heritage Assets identified.
Flood Risk	Acceptable.
Impact on ground stability	Acceptable.
Design	Acceptable.
Highways	No adverse impact identified.

Amenity	No adverse impact identified.
---------	-------------------------------

5.0 Description of Site

The Town Mill site is located to the immediate north of the centre of Lyme Regis and adjoins the River Lim. The site is considered to be a visitor attraction in Lyme Regis with a diverse range of businesses and activities focussed on the restored working flour Mill. The site is within the Defined Development Boundary, includes a Listed Building, is within the setting of other Listed Buildings, is within the Lyme Regis Conservation Area and is within the Dorset Area of Outstanding Natural Beauty. The site is in a high flood risk area being within Flood Zones 2 & 3 and is in an area recorded as having a 1:30 and 1:100-year risk of surface water flooding. Public Right of Way ref: W2/11 runs from east to west through the site and leads to The Lynch, which contains the leat that serves the restored working Mill. The site is also within Slope Instability Zone 2.

6.0 Description of Development

The proposed development is to carry out alterations to The Town Mill site that include, replacing the double wooden gates into the Millers Garden with new metal gates, replacing the pedestrian gate into the Millers Garden from The Lynch path and installing access stairs from the pedestrian gate into the Millers Garden. The alterations also include replacement railings at various locations, replacing the main entrance to the Shop with a glass door and installing an archway entrance feature to the Broad Street Car Park.

7.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
P/PAP/2022/00613	Developing spaces further at Town Mill. Replace and extend railings. Proposed new entrance & steps into Miller's Garden. Replace large municipal wooden gates with metal gates. Replace current archway. Replace and enhance lighting. Temporary canvas canopy over entrance to Malthouse Gallery.	Withdrawn	14/09/2022
P/ADV/2023/01041	Replace existing entrance sign with new entrance sign over footpath.	Under consideration	
P/LBC/2023/00767	Alterations include- Replace wooden gates with metal gates. Replace closed gate and install access stairs. Replace railings with hooped railings. Replace and enlarge main entrance with glass door. Install serving hatch. Replace archway to car park.	Under consideration	

P/LBC/2021/05051	Internal alterations includes additional WC and infilling of a ceiling void to provide storage at first floor level. Install one stud wall. Cover some existing windows and doors with timber boarding.	Granted	20/04/2022
1/D/13/000198	Upgrading existing and providing additional signage	Granted	03/05/2013
1/D/13/000199	Fascia signs and hanging banners	Granted	03/05/2013
1/D/09/001277	Change of use & alterations to form community areas with offices and micro-brewery	Granted	15/10/2009
1/D/09/000434	Change of use (including alterations) to form community areas (with two offices) and workshop	Granted	12/06/2009
1/W/06/000604	Install micro hydroelectric generation plant	Granted	22/05/2006
1/W/05/000237	Change of use of part of Mill Building (Display Area) to Bakery	Granted	23/03/2005
1/W/04/001579	Erect footbridge, stairways and pedestrian footway. Relocate Mill Yard gates with new timber screen panels	Granted	13/10/2004
1/W/04/001580	Erect footbridge, stairways and pedestrian footway. Relocate Mill Yard gates with new timber screen panels	Granted	13/10/2004
1/W/04/001589	Carry out internal and external alterations	Granted	14/10/2004
1/W/92/000436	Change of use of stables and store to tea room/craft workshops/ educational purposes with minor retail use	Granted	23/12/1992
1/W/92/000435	Demolition of link building, and make external and internal alterations	Granted	23/12/1992
1/W/88/000767	Restore Water Mill with craft workshops in conjunction with Theatre / Arts Centre in Malthouse	Granted	05/01/1989
1/W/88/000766	Restore water mill with craft workshops in conjunction with Theatre/ Arts Centre in Malthouse	Granted	05/01/1989
1/W/88/000443	Convert existing workshop/store to 2 dwellings and construct car parking spaces	Refused	25/08/1988
1/W/87/000716	Change of use from storage depot to theatre/ art centre	Granted	15/12/1987

8.0 List of Constraints

Grade: II Listed Building: TOWN MILLS, MILL HOUSE List Entry: 1230633

Grade: II Listed Building: OLD LYNCH List Entry: 1229968

Grade: II Listed Building: CHURCH VIEW List Entry: 1278986

Lyme Regis Conservation Area
Lyme Regis Defined Development Boundary
Area of Outstanding Natural Beauty (AONB); Dorset
Town Centre Areas; Lyme Regis
Lyme Regis and Charmouth Slope Instability Zones; Zone 2
Right of Way: Footpath W2/11
Risk of Surface Water Flooding Extent 1 in 30
Risk of Surface Water Flooding Extent 1 in 100
Dorset Council Land (Freehold)
EA - Flood Defences
Main River Consultation Zone
Flood Zone 3
Flood Zone 2
Radon: Class: Less than 1%

9.0 Consultations/Notifications

Lyme Regis Town Council - Lyme Regis Town Council supports the application.

Ward Councillors – No reply.

Highway Authority - No objection.

Conservation – Support subject to conditions.

Rights of Way - No reply.

Coastal Risk Management Team – No objection.

Assets & Property - No reply.

The Environment Agency - No objection.

Historic England - No reply.

Dorset Wildlife Trust - No reply.

Ramblers Association - No reply.

Scottish & Southern Energy - No reply.

Representations received – None.

10.0 Development Plan

Relevant Policies

West Dorset and Weymouth & Portland Local Plan (2015)

INT1 - Presumption in favour of sustainable development

SUS2 - Distribution of development

ENV1	-	Landscape, seascape and sites of geological interest
ENV2	-	Wildlife and habitats
ENV4	-	Heritage assets
ENV5	-	Flood risk
ENV7	-	Coastal erosion and land instability
ENV10	-	The landscape and townscape setting
ENV12	-	The design and positioning of buildings
ENV16	-	Amenity
ECON4	-	Retail and town centre development
ECON5	-	Tourism attractions and facilities
COM2	-	New or improved local community buildings and structures
COM7	-	Creating a safe and efficient transport network

Material Considerations

National Planning Policy Framework (2021)

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 taking: 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 84 and 85 '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 12 'Achieving well designed 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 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is

indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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 great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). Paragraphs 179-182 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 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

Statutory 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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Section 85 of the Countryside and Rights of Way Act (2000) requires that regard is had to the purpose of conserving and enhancing the natural beauty of the AONB

Other Material Considerations

Emerging Dorset Council Local Plan:

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).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

Supplementary Planning Document/Guidance

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

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

Lyme Regis Conservation Area Appraisal adopted October 2010

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 does not 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. It is considered that given the type and nature of the development proposed it would have no adverse impact on people with protected characteristics.

13.0 Financial benefits

No direct financial benefits have been identified or detailed in the application.

14.0 Environmental Implications

The Environment Agency highlighted in their consultation response that The Lyme Bay and Torbay Special Area of Conservation (SAC) is located downstream of the application site and recommended we consult Natural England. As the competent authority, we have a duty to carry out an assessment under the Habitats Regulations, known as a habitats regulations assessment (HRA), to test if a plan or project proposal could significantly harm the designated features of a European site.

Step 1 of a HRA is screening the proposals and in this instance, it is considered that the site is not within or directly linked to the SAC and there is approximately 100m of separation. Furthermore, the characteristics of the proposals are minor in nature and are considered unlikely to generate materials or activities that would create an impact beyond the application site. Therefore, it is considered that the proposed development would not significantly harm the SAC and as such the next stages of the HRA are not triggered. In view of this screening assessment on this occasion it was not considered necessary to consult Natural England.

15.0 Planning Assessment

15.1 Principle of development

The application site is located within the Defined Development Boundary where development that meets the needs of the local area will normally be permitted. The proposed development relates to a Community Facility/Tourist Attraction and as such the principle of development is accepted under Local Plan Policy SUS2.

15.2 Design

Through the process of assessing the application the applicant has submitted amended drawings to address concerns raised in regard to heritage impact and design. It is considered that the design of the various elements included in the proposals are modest in scale and proportion and are in keeping with the site and its setting. The proposed materials are considered to be sympathetic to the surroundings and relate well to the existing buildings/landscape. The proposed new railings should improve the safety of the site to the public's benefit and are considered an enhancement to what is existing. The proposed gates and entrance archway have been designed to relate to the historic use of the site, are bespoke and as such would provide a richness of design currently lacking in the existing gates/entrance. However, the bespoke designs for these elements are still at an illustrative level of detail and as such it is considered appropriate and necessary that the final detailed designs of these elements are controlled by condition to ensure a satisfactory visual appearance of the development.

The proposals are considered to be an enhancement to the Lyme Regis Town Centre, The Town Mill tourist attraction and community facility. Therefore, subject to conditions

the proposals are considered to be acceptable in design terms and in accordance with Local Plan Policies ENV1, ENV10, ENV12, ECON4, ECON5 and COM2.

15.3 Impact on heritage assets

The site is located within the heart of the historic core of the Conservation Area (CA). The Listed Building known as the Town Mills is one of a group of historic buildings located adjacent to the River Lim and consisting of restaurants, galleries, microbrewery, other artisan workshops and shops. Of particular relevance to this application are the Malthouse and Bakehouse buildings, which although not specifically listed are considered to be curtilage listed by virtue of their close proximity and historic association with the Town Mills.

The Town Mills is a Grade II Listed Building constructed of rubble stone and slate. The earliest parts of the mill are understood to date from the 16th Century, with substantial fabric from the 17th, 18th, and 19th centuries. The building still retains a quantity of historic fabric, and the building contributes positively to the historic setting and to the CA overall. In summary the mill complex is considered to form an enclave of historical and evidential value that in addition to its early date, and continued use as a working flour mill is of high significance.

Also within the setting of the application site are the Listed Buildings known as Church View and Old Lynch. Church View is Grade II three-storey house C17 and early C19, originally one dwelling but now forms no.6 & 6A and has individual and group historic significance with other nearby buildings. The Old Lynch is a Grade II traditional two-storey cottage circa C19 and as such has individual historic significance in addition to its contribution to the mill complex historical enclave.

Potential harm to heritage assets

Replacing the double wooden gates into the Millers Garden with new metal gates

The gates do not appear to be historic fabric, although they are hung on historic pintles, which will be used to hang the new gates. The proposal to incorporate public art in the form of decorative metalwork picking up on the wheatsheaf theme of the mill is considered a positive enhancement and no harm is identified.

Replacing the pedestrian gate into the Millers Garden from The Lynch path and installing access stairs from the pedestrian gate into the Millers Garden

The existing and currently closed metal gate does not appear to be historic fabric and the proposed replacement gate would have a similarly designed wheatsheaf theme to the proposed double gates above. The proposed metal steps would provide improved access from The Lynch down into the Millers Garden and then to the mill itself, which is likely to increase footfall in the area and better reveal the heritage asset to the public. The possible increased footfall is not considered to cause harm and the gates and steps are considered to be sufficiently in keeping with the heritage assets and setting. Therefore, no harm to heritage assets is identified.

Replacement railings at various locations

The existing barriers/railings are of a mixture of designs and do not appear to be historic fabric. The proposed mix of hoop topped railings on The Lynch and vertical bar railings with timber handrail adjacent to the Malthouse are considered to be sufficiently modest in scale/appearance and in keeping with the setting to not significantly detract

from the heritage assets and as such are considered to cause no harm to the heritage assets.

Replacing existing timber door to the shop with a glass door

The door presently installed dates from the late 20th Century and is not of historic significance. It is clear that the opening to the building here has been through a number of changes through history and was at one stage a much larger opening. The proposed new door is not considered to harm the significance of the listed building.

Installing an archway entrance feature to the Broad Street Car Park

The existing modern signage at the entrance to The Town Mill complex from Broad Street Car Park is not considered to be of any heritage significance and can be described as municipal in character. The proposed artist designed archway/entrance sign would provide a bespoke feature in the streetscene that is considered to be an enhancement to the heritage setting of the Conservation Area. Furthermore, by encouraging increased public access to this part of the site by virtue of an eye catching and welcoming entrance feature, the proposal is considered to contribute towards better revealing the significance of the historical enclave.

Conclusion on impact on heritage assets

Therefore, subject to conditions to control the detail and protect historic fabric in regard to fixings, replacement door and gates, the proposals are considered to be acceptable in heritage impact terms and in accordance with Local Plan Policy ENV4.

15.4 Flood risk

The application site is within Flood Zones 2 & 3 and has a surface water flood risk of 1 in 30 and 1 in 100 years. As such the applicant has provided a Flood Risk Assessment (FRA) in accordance with the requirements of the NPPF 2021. Having reviewed the FRA it is considered that there is nothing to indicate that the proposals would exacerbate any flooding issues by virtue of the relatively minor scale of alterations to an existing site and that no intensification of uses or activities is proposed. Therefore, it is considered that taken as a whole the proposed development is acceptable in terms of flood risk when assessed against Local Plan Policy ENV5.

15.5 Impact on ground stability

The application site is in land instability zone 2 where problems may arise due to the reactivation of movements on old landslide slopes, for example due to inappropriate construction activity.

The applicant has provided a ground instability assessment in support of their application, and this sets out that the development does not include construction of any built form, there are no excavations or new concrete foundations required and that most of the alterations are replacing one product with another of a different style.

The Dorset Council Project Engineer has assessed the proposed development and has set out that the proposed alterations are mostly aesthetics with limited impact on existing structures and, consequently, are unlikely to exacerbate any instability risks present in the area.

Having assessed the proposed scheme, including the consultation responses received, it is considered that by virtue of the minor scale of the proposed development, a ground stability assessment is not required, and the development is acceptable when assessed against Local Plan Policy ENV7.

15.6 Impact on highway safety/public access

The application does not propose any alterations or development that would alter the public highway or generate a significant increase in movement or volume of traffic. The Highway Authority has set out that it has no objection to the proposals and therefore it is considered that the proposed development is acceptable in highway terms and is in accordance with Local Plan Policy COM7.

15.7 Amenity

The application by virtue of the proposed design and scale is not considered to represent development that would cause a significant adverse impact on amenity. As such the proposals are considered acceptable when assessed against Local Plan Policy ENV16.

16.0 Conclusion

The development has been assessed against the policies of the West Dorset, Weymouth & Portland Local Plan 2015, the policies of the NPPF (2021) and other material considerations. It has been concluded that the development would accord with the development plan, be an improvement to community facilities and would not result in any harm that would justify refusal in the public interest. The recommendation has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

17.0 Recommendation

Grant subject to conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Location plan	–	Dwg No. C2254.01A
A- Replacement gates	-	Dwg No. C2254.03
B- New gate and stairs	-	Dwg No. C2254.04B
C- Replacement railings	-	Dwg No. C2254.05C

E- Replacement door	-	Dwg No. C2254.06C
F- Archway details	-	Dwg No. C2254.07C
Proposed site plan	-	Dwg No. C2254.08C

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

3. Prior to installation on site of the new Archway from Broad Street Car Park, detailed drawings and specifications showing the design and construction of the new Archway (at a scale no less than 1:10) shall be provided to the Local Planning Authority and agreed in writing. Details and drawings shall include colour and materials which shall match those set in Dwg No. C2254.07C unless otherwise first agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

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

4. Prior to installation on site of the gates to the Millers Garden and the gate to the Millers Garden from The Lynch, detailed drawings and specifications, showing the design, materials, colour and construction of the gates (at a scale no less than 1:10) shall be provided to the Local Planning Authority and agreed in writing. Thereafter, the development shall be carried out in accordance with the agreed details.

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

5. Prior to installation of the external door, detailed drawings and specifications showing the design and construction of the external door (at a scale no less than 1:10) shall be provided to the Local Planning Authority and agreed in writing. Thereafter, the development shall be carried out in accordance with the agreed details.

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

6. All metal railings hereby approved shall have fixings secured into mortar joints and not stonework.

Reason: To protect and safeguard the fabric of the heritage asset.

Informatives

Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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