

<b>Application Number:</b>	P/LBC/2023/00767
<b>Webpage:</b>	<a href="https://dorsetcouncil.gov.uk/planning-application/P/LBC/2023/00767">Planning application: P/LBC/2023/00767 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>
<b>Site address:</b>	The Town Mill Mill Lane Lyme Regis DT7 3PU
<b>Proposal:</b>	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.
<b>Applicant name:</b>	Mr R McLaughlin – The Town Mill Trust
<b>Case Officer:</b>	Robert Parr
<b>Ward Member(s):</b>	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 consent subject to conditions.

**3.0 Reason for the recommendation:**

- Less than substantial harm to Heritage Assets outweighed by public benefits.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Heritage	Less than substantial harm outweighed by public benefits.

**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 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. In addition to the proposals already mentioned the application proposes to install a serving hatch within the Bakehouse building.

## 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/FUL/2023/00766	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.	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

## 9.0 Consultations/Notifications

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

**Ward Councillors** – No reply.

**Conservation** – Support subject to conditions.

**Historic England** - No comment.

**Representations received** – None.

## 10.0 Relevant Policies

**West Dorset and Weymouth & Portland Local Plan (2015)**

ENV4 - Heritage assets

### **National Planning Policy Framework (NPPF)**

In determining the proposals due consideration has been given to Section 16 Paragraphs 192,199,194,195,197, of the NPPF.

### **Statutory Duties**

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 states that in determining applications for listed building consent, special regard shall 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 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Other Material Considerations**

#### **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 Assessment**

#### **15.1 Impact on heritage assets**

The site is located within the heart of the historic core, designated as a 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 Conservation Area in full. 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 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 acceptable in heritage terms.

##### *Replacing existing timber door to the shop with a glass door*

The door presently installed dates from the late 20<sup>th</sup> 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 in the CA. 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.

##### *Installing a serving hatch into the Bakehouse*

The wall where the proposed serving hatch would be installed would originally have been an external wall, however it is now internal due to the modern kitchen extension to its west. The proposal would therefore involve the loss of some historic fabric of an original solid stone exterior wall.

The applicant's design and heritage statement provides historic map evidence to demonstrate that this part of the complex was constructed in the mid-19th Century as a bakehouse, a complementary function to the flour mill and the malthouse that make up the other main buildings of the mill complex. It is possible but unlikely that the relevant section of wall pre-dates this as a wall in this orientation is shown on earlier maps, however it is considered likely that this earlier yard wall was demolished to make way for the new bakehouse building rather than incorporated within it. Therefore, it is probable that the historic fabric proposed for removal dates from the mid-19<sup>th</sup> Century. It is therefore an area of lower sensitivity than the 17<sup>th</sup> and 18<sup>th</sup> Century parts of the mill complex, but it does have historic significance.

It is considered that the great majority of listed buildings need a viable use consistent with their conservation if they are to survive into the future. The Town Mill Trust has a track record of securing viable uses for the buildings that make up the mill complex and achieving this with high conservation standards. Securing a viable use is a public benefit, which can be weighed in the planning balance.

Having assessed the proposals it is considered that the loss of the historic fabric to create the serving hatch would result in less than substantial harm to the heritage asset. However, when this is weighed against the public benefits of securing the buildings optimum viable use, it is considered that in this instance sufficient public benefits outweigh the loss of the historic fabric in this part of the building.

#### Conclusion on impact on heritage assets

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

## **16.0 Conclusion**

Subject to conditions, the majority of the development is considered to preserve the character and appearance of the heritage assets identified in this report and although it is considered the installation of a serving hatch would result in less than substantial harm to the heritage asset, this is outweighed by the public benefits of the scheme as set out in the report. This conclusion has been reached having regard to: (1) section 72(1) and (2) section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving the building or its setting and preserving or enhancing the character or appearance of a conservation area; (3) Local plan policies ENV4, of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 16 of the NPPF (2021).

## **17.0 Recommendation**

Grant subject to conditions:

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 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
6 – Serving hatch	-	Dwg No. C2254.09

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

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 works shall be carried out in accordance with the agreed details.

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

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 works shall be carried out in accordance with the agreed details.

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

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 works 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.

7. All demolition (or alteration by way of partial demolition) work pursuant to this consent shall be carried out by hand and/or by tools held in the hand. No power-driven tools shall be used.

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