

Application Number:	P/FUL/2024/01216
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Charmouth Road Car Park Charmouth Road Lyme Regis
Proposal:	Erect 15m mast for CCTV.
Applicant name:	Mr Jonathan Smith
Case Officer:	Rob Piggot
Ward Member(s):	Cllr Bawden

1.0 This application is before Planning Committee because the development to which the application relates is on Council Owned Land.

2.0 Summary of recommendation: GRANT subject to conditions

3.0 Reason for the recommendation:

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity, highway safety or further risk of flooding as result of the development.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable, within Lyme Regis, sited within an existing carpark and skatepark.
Scale, design, impact on character and appearance	Acceptable, would not be out of place within an infrastructural/functional setting.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable, sufficiently distanced from any residential properties.
Impact on landscape or heritage assets	Acceptable, within a wider built up and urban setting, with limited impact to archaeology given small scale nature of development.
Flood risk and drainage	Acceptable, low risk development.
Highway impacts, safety, access and parking	Acceptable, not located within carpark, being separated by a steel barrier fence.

5.0 Description of Site

5.1 The proposed development would be located on a thin margin of land in the eastern extent of Charmouth skate park, being in the northeastern corner of Charmouth Road Pay and Display Car Park.

- 5.2 Directly to the north of the site is a well-established tree and hedgerow boundary which separates the carpark and skate park from Lyme Regis Football Club. Directly to the east is a tree and hedgerow boundary also, which separates the skatepark from a large area of allotments.
- 5.2 The site, and wider carpark, is located on a moderate slope, with land levels falling away to the south.

6.0 Description of Development

- 6.1 Installation of a 15m high galvanised steel tilt-down closed-circuit television camera (CCTV). The camera would be erected off a small concrete foundation, being 2m W x 2m L x 1m D.
- 6.2 The CCTV camera would serve the purpose of providing additional security measures.

7.0 Relevant Planning History

WD/D/14/001110 - Decision: INV - Decision Date: 01/01/1900
Wheeled sports park and associated landscaping

WD/D/14/002477 - Decision: GRA - Decision Date: 19/03/2015
Wheeled Sports Park and Associated Landscaping

WD/D/15/002198 - Decision: RES - Decision Date: 11/11/2015
Request for confirmation of compliance with conditions 1, 2, 3, 4, 5, 6, 7 & 8 of planning approval WD/D/14/002477

8.0 List of Constraints

Dorset National Landscape (AONB)

Potential cliff top recession 100yr (5% probability; Coastal Erosion and Land Instability

Potential cliff top recession 50yr (5% probability; Coastal Erosion and Land Instability
Lyme Regis and Charmouth Slope Instability Zones; Zone 3

Article 4 Direction

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Heritage Coast WEST DORSET

9.0 Consultations

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

Consultees

- 1. Dorset AONB Team**

The height of the mast is relatively tall, could this be reduced and could the mast be constructed from timber rather than steel. Finally, if steel is to be used, could the colour be changed to either matt brown (e.g. RAL 8014) or grey/green (e.g. RAL 6006), being more recessive in nature.

2. **Lyme and Charmouth Ward** - No comment received.
3. **Lyme Regis Town Council** - No comment received.
4. **Coastal risk management** - No Objection
5. **Historic England** - No comment, consult local specialist.

Representations received - None

10.0 Duties

Section 38(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.

Section 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 the Dorset National Landscape (previously the Dorset AONB).

11.0 Relevant Policies

Development Plan

Adopted West Dorset and Weymouth & Portland Local Plan:

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
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV 16 - Amenity
- SUS2 - Distribution of development

Material Considerations

Emerging Local Plans:

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

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

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 material considerations

All of Dorset:

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

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.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. This proposal is not considered to impact upon persons with protected characteristics.

14.0 Financial benefits - None

15.0 Environmental Implications - None

16.0 Planning Assessment

Principle of development

16.1 The development would be within the town centre of Lyme Regis, with the proposed CCTV camera providing additional security measures to protect users of an existing skatepark and wider carpark and thus would be acceptable in principle.

Scale, design, impact on character and appearance

16.2 The mast and CCTV camera would be a visible addition, given its height, however it would not appear particularly out of place, given the functional setting of the carpark and skatepark it would sit within. It is notable that there are other utility features in the near setting, with a telecommunications mast being erected alongside the toilet block on the southern boundary of the carpark.

Impact on the living conditions of the occupants and neighbouring properties

16.3 It is not considered that there would be any impact to the residential amenity of neighbouring properties given that it would be significantly distanced from the nearest residential dwelling, approximately 95m to the southwest.

Impact on landscape or heritage assets

16.4 It is considered that the mast and camera would not adversely affect the wider setting of Dorset National Landscape (AONB), where it would be read alongside other infrastructural elements in close proximity, as noted in paragraph 16.2, and other features of the built-up urban setting of Lyme Regis, notably the carpark it would sit within, the field of allotments to the east, and football grounds to the north,

16.5 In response to the AONB Officer's comments regarding height, the applicant has noted that the mast would need to be 15m to ensure adequate reception to its receiver point for data communications closer to town. In respect of the colour of the mast it is proposed to be galvanised steel. The applicant has considered a coloured finish but thinks it wouldn't dull down as quickly and is more likely to become tatty over time and require more maintenance. Given the context of the application site and the nearby existing telecommunications mast it is considered that a galvanised steel mast would be acceptable in respect of visual amenity.

16.5 The application site falls within a Monument designation, being identified under HER Number MDO29501 as Post Medieval or early 20th century drainage features. The Council's Archaeologist has reviewed the proposed works for impact to any historical features and has stated that they have no concerns, given the site is a carpark and has most likely been heavily disturbed. Given this, and for the fact that the proposal has a relatively small footprint, it is not considered that there would be any harm to monument features found within the application site.

Flood risk and drainage

16.6 The development would be within land which has been designated as being subject to moderate to high risk of surface water flooding, however it is considered to be acceptable in terms of flood risk. There would be limited impact to the development as a result of flooding, given its purpose as security infrastructure, with it posing as low risk in terms of consequential flooding to neighbouring land, given it would be small scale.

Highway impacts, safety, access and parking

16.7 The proposal is considered to be acceptable in terms of highway safety. The development would be located in close proximity to a large carpark, however, it would not be located in the carpark itself, being sited behind a steel railing fence which surrounds the skatepark, being approximately 1m high.

17.0 Conclusion

17.1 The proposed CCTV camera and mast is considered acceptable as it would not harm the character or setting of the area, or residential amenity, and would be safe in terms of highway impact and flood risk. It is therefore considered to comply with the NPPF and the policies of the adopted local plan.

18.0 Recommendation

Grant subject to the following 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 and Block Plan C2405.01

Proposed Site Plan C2405.02

Proposed Elevations C2405.04

Proposed Mast Details C2405.05

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

Informative Notes:

1. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The application was acceptable as submitted and no further assistance was required.