



Appeal Decision

Site visit made on 16 January 2024

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/D1265/W/24/3344905

Lyme Regis Nursing Home, Pound Lane, Lyme Regis, Dorset DT7 3HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Vinay Nathwani against the decision of Dorset Council.
- The application Ref P/FUL/2024/00833 is dated 12 February 2024.
- The development proposed is described as '*change of use (only - no physical alterations amounting to development under s.55 of the 1990 Act) of care home C2 to hotel C1*'.

Decision

1. The appeal is allowed and planning permission is granted for change of use of care home C2 to hotel C1 at Lyme Regis Nursing Home, Pound Lane, Lyme Regis, Dorset DT7 3HX in accordance with the terms of application Ref P/FUL/2024/00833, dated 12 February 2024, subject to the conditions in the attached schedule.

Procedural Matters

2. I have referred to the description of development in my decision above only insofar as it refers to the proposed development.
3. A revised block plan Ref O2 Rev B has been submitted with the appeal. Whilst the appeal process should not be used to evolve a scheme, the revisions in this case are modest and amount to the reconfiguration of parking spaces within the proposed parking areas. Considering the most recent relevant case law on this subject¹ and given that the Council and interested parties were afforded the opportunity to comment on the revisions during the appeal, I have had regard to the revised site plan without prejudice to any party.

Main Issues

4. The main issues are (i) whether or not the proposal would provide sufficient parking and (ii) the effect of the proposal on the living conditions of neighbouring residents within Lyme Bay Court.

Reasons

Parking

5. The site comprises a former hospital, now in use as a care home, and associated grounds fronting Pound Lane within Lyme Regis. There are parking areas to the front and back of the complex of buildings on site. Directly to the rear, and accessed through the site, is the apartment block Lyme Bay Court.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Four of the properties within the block each have an allocated parking space at the far end of the nursing home's rear car park.

6. The scheme seeks a hotel with 30 guest bedrooms. For non-residential schemes, such as hotels, Policy COM9 of the West Dorset, Weymouth and Portland Local Plan 2011-2031 (adopted 2015) (the Local Plan) requires that the parking provision accord with the standards of local parking guidance. For hotels, the guidance suggests a parking space for each guest bedroom, and one for every two members of full-time staff. Whilst the proposal does not set out the intended employee number, 7 spaces are allocated for staff, and 14 full-time staff appears a realistic total for a hotel use of this scale.
7. A parking space for each guest bedroom is also shown on the block plan. However, the appeal is not accompanied by vehicle swept path analysis. In the absence of such, I share the opinion of interested parties that the parking design appears on the optimistic side. The layout of the lower end of the rear car park is at a density where access and egress may be impossible if spaces are simultaneously occupied. For instance, G26. The layout also appears tight in terms of access for service vehicles. On this basis, the evidence draws the conclusion that in practice there could be a modest shortfall of usable spaces.
8. I am equally mindful that the hotel would not always be full, and any modest shortfall could be met by the busy, but large, Holmbush car park under 100m away. Taking the pragmatic approach espoused by the guidance, I am satisfied that the revised block plan demonstrates that a policy compliant level of parking could be delivered within the site. The delivery of a suitably accessible and functional parking arrangement could be secured by a condition. Moreover, the reservation of the Lyme Bay Court spaces for residents of the apartments is a matter that could be managed, for example by appropriate signage. It follows that the proposal would accord with the relevant objectives of Policy COM9 of the Local Plan and the National Planning Policy Framework (the Framework).

Living conditions

9. Lyme Bay Court caters for people of retirement age. Age is a protected characteristic under the terms of the Public Sector Equalities Duty (PSED). I have had due regard to the aims of the PSED to (a) eliminate discrimination, harassment, victimisation and any other prohibited conduct (b) advance equality of opportunity between persons who share a protected characteristic and those do not and (c) foster good relations between those persons.
10. The apartment block and its outside spaces are already well overlooked from the care home, albeit the apartment building itself has very few openings facing towards the appeal site. The change of use to a hotel, with no additional apertures, would not significantly alter this established situation. On this basis, a condition to secure obscure glazing would not be necessary to make the development acceptable in planning terms.
11. As for noise and odour, the Council accepts that a well-managed hotel could sit alongside Lyme Bay Court. The care home's kitchen is already close to the apartments, and in terms of outside space it is likely that noise effects would be mitigated by the design of the apartment block, effectively turning its back on the appeal site. As such, I see no compelling reason why these matters could not be addressed by a suitably worded condition requiring the agreement of a management plan prior to the commencement of development and the

subsequent adherence to said plan. Consequently, within the context of the PSED, I am satisfied that the proposal would accord with the residential amenity objectives of Policy ENV16 of the Local Plan and the Framework.

Other Matters

12. It has been suggested that the proposed parking to the front of the building would restrict visibility at the site access when certain spaces are occupied. However, this area is already used for parking, so the proposal would not have a greater impact upon highway safety in this respect. In terms of the capacity and safety of the wider network, the modest increased pedestrian and vehicle trips associated with this change of use would have little tangible effect.
13. Concern is raised about the prospect of a hostel or house in multiple occupation land use occurring at the site. However, either of these uses would require the submission of a planning application to be assessed on its own merits. Whilst I recognise the importance of the Wyndham Payne murals within the care home to history and to the community, they are not part of the development and so are beyond the scope of this appeal. In respect to the loss of the care home, I understand that the development plan does not make explicit provision for the protection of such. It does on the other hand promote the tourism industry.
14. The care home is in the Lyme Regis Conservation Area also the setting of the Grade II listed building Kersbrook Cottage. I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and a duty to consider the impact of the proposal on the setting of the listed building. Given that no external changes are proposed, and as a hotel use would adopt a similar character to a care home in terms of its occupation and use by people, no harm would arise to the significance of either designated heritage asset in this case.

Conditions

15. It is not necessary to impose a plans condition for proposals involving a change of use only. In addition to the aforementioned management plan condition, conditions are also necessary in the interest of neighbouring residents to secure the appropriate installation of any future plant and/or external lighting. Given the likely impracticality of certain aspects of the proposed parking arrangement, a more detailed parking plan must be secured prior to the commencement of the development.

Conclusion

16. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Prior to the commencement of the development hereby approved, a hotel management plan shall be submitted to and agreed in writing by the Local Planning Authority. The management plan shall include arrangements for the management of deliveries, the emptying of storage, the collection of refuse, kitchen extraction and the use of external areas, including hours of use of any such areas. Thereafter the use shall be carried out strictly in accordance with the details approved.
- 3) Before installation of plant or similar equipment, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the Local Planning Authority. The written report shall follow the BS4142 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report should predict the likely impact upon sensitive receptors in the area; all calculations, assumptions and standards applied should be clearly shown. Where appropriate, the report should set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measure shall be fully implemented and permanently retained thereafter.
- 4) No lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details.
- 5) Prior to the commencement of the development, a detailed parking plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall identify parking spaces and demonstrate access and egress to those parking spaces. The parking shall be laid out in accordance with the approved parking plan prior to the first occupation of the hotel by guests and retained as such thereafter.