



# Western and Southern Area Planning Committee

**Date:** Thursday, 25 July 2024  
**Time:** 10.00 am  
**Venue:** Council Chamber, County Hall, Dorchester, DT1 1XJ

## Members (Quorum 6)

Dave Bolwell (Chair), Belinda Bawden, Louise Bown, Simon Christopher, Neil Eysenck, Paul Kimber, Craig Monks, David Northam, Louie O'Leary, Pete Roper, David Shortell and Kate Wheller

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact [Joshua.kennedy@dorsetcouncil.gov.uk](mailto:Joshua.kennedy@dorsetcouncil.gov.uk) 01305 224710

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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## Agenda

Item	Pages
<b>1. APOLOGIES</b>	
To receive any apologies for absence	
<b>2. DECLARATIONS OF INTEREST</b>	
To disclose any pecuniary, other registerable or non-registerable interest as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

**3. MINUTES** 3 - 18

To confirm the minutes of the meeting held on 20 June 2024.

**4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee. [Guide to Public Speaking at Planning Committee](#).

The deadline for notifying a request to speak is 8.30am on Tuesday 23 July 2024.

**5. PLANNING APPLICATIONS**

To consider the applications listed below for planning permission

- |    |   |         |
|----|---|---------|
| a) | Application P/LBC/2024/02588 8 Custom House, Custom House Quay, Weymouth, DT4 8BE<br>External works for a painted mural on building's east elevation to commemorate the RNLI's 200th Anniversary.           | 19 - 28 |
| b) | Application P/ADV/2024/02643 8 Custom House, Custom House Quay, Weymouth, DT4 8BE<br>Painted mural on building's east elevation to commemorate the RNLI's 200th Anniversary including 'RNLI logo and flag'. | 29 - 40 |

**6. URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972

The reason for the urgency shall be recorded in the minutes.

**7. EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

**There is no scheduled exempt business.**



## WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON THURSDAY 20 JUNE 2024

**Present:** Cllrs Dave Bolwell (Chair), Chris Kippax (Vice-Chair), Belinda Bawden, Neil Eysenck, Paul Kimber, Craig Monks, David Northam, Louie O'Leary, Pete Roper, David Shortell and Kate Wheller

**Present remotely:** Cllrs Simon Christopher

**Officers present (for all or part of the meeting):**

Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Joshua Kennedy (Democratic Services Officer), James Lytton-Trevers (Lead Project Officer), Robert Parr (Planning Officer), Elaine Tibble (Senior Democratic Services Officer), Katrina Trevett (Development Management Team Leader) and Nicola Yeates (Conservation and Design Officer)

1. **Apologies**

No apologies for absence were received at the meeting.

2. **Declarations of Interest**

Cllr Kimber declared an interest in item 5g as he knew the applicant and therefore, stated that he would not take part in the debate or vote.

Cllr Wheller declared that she was predetermined on application 5a and would not take part in the debate or vote.

Cllr Roper declared that item 5g had been considered by the Portland Town Council Planning Committee, however he had not taken part in the meeting during that item, so was not predetermined.

Cllr Northam declared an interest in item 5a, because he had previously spoken on this item as a Town Council Member and therefore, would not take part in the debate or vote.

3. **Minutes**

The minutes of the meeting held on 18 April 2024 were confirmed and signed.

4. **Planning Applications**

Members considered written reports submitted on planning applications as set out below.

5. **Application P/MPO/2023/03270 Phases 2-4 Curtis Fields Land south of Chickerell Road Weymouth DT4 0TR**

The Lead Project Officer introduced the application and explained that it was coming to the committee after being deferred at a previous meeting to allow negotiations with the applicant to take place. The details of the application were summarised, with the main issue being the reduction in affordable housing provision from 30% to 26.24%.

It was explained that the applicant contended that due to abnormal and unforeseen costs associated with the development they were unable to meet the affordable housing contribution. Following an independent report from the District Valuer it was concluded that a contribution of 26.24% would allow the developer to make a profit of 17.5%, which was considered within the reasonable range of 15% - 20%.

Public representation was received from Cllr Sutton, who spoke in objection to the application, noting that there was not a significant difference between the two figures and emphasised the importance of the 18 affordable homes that would be lost, should the application be approved.

Cllr Northam also spoke, as a representative of Weymouth Town Council. He felt that it was wrong that the developers' profits were protected in this phase of the development, while they were still able to make profit from the other phases. He also noted that the District Valuer had stated in their report that it was surprising that the applicant did not foresee the abnormal costs that arose, causing the reduction in affordable housing.

Cllr Northam and Cllr Wheller left the meeting at 10:24.

In response to a question from one member the Lead Project Officer explained that the NPPF didn't exist in its current form when the original application was made and the applicant was able to contest viability now.

Having had the opportunity to discuss the merits of the application, several members expressed concerns over the loss of affordable housing and did not come to the same conclusions that had been expressed within the report. Members were also concerned that approval of this application would set a precedent for reducing affordable housing provision going forward and were reluctant to do this.

The Lead Project Officer reiterated that the applicant had originally sought to reduce affordable housing provision and financial contributions to 0, however following the report from the District Valuer, had come to an agreement to provide the full financial contributions and 26.24% affordable housing provision.

The Committee adjourned from 10:50 – 11:02 to allow officers to find out further information to assist members.

In response to one member's question, the Development Management Area Manager explained that they did not know the number of affordable houses that could still be provided, if the scheme were to be based on achieving a 15% profit rather than the 17.5% that was calculated in the District Valuers report.

It was considered, that having regard to policy HOUS1, part iii in the Weymouth and Portland Local Plan and based on the information provided by the applicant, that it had not been proven that the development was economically unviable, while providing the 30% affordable housing contribution.

Proposed by Cllr O'Leary and seconded by Cllr Bawden.

Decision: That the application be refused.

Cllr Northam and Cllr Wheller returned to the meeting at 11:09.

6. **Application P/HOU/2023/06594 18 Osbourne Road, Bridport, Dorset, DT6 3AN**

The application was presented by the Development Management Team Leader, who explained that the application was for the erection of an annex within a residential garden, located in Bridport. The application site was shown to members, with the boundary of the site highlighted and an aerial photograph was also provided to show the relation of the site to the surrounding area.

Photographs of the front of the property showed that the annex would not be visible from the street and photographs of the garden were provided to give members an idea of the location and surroundings of the proposed annex. There was currently a garden room situated in the location of the proposed annex. Photographs of the boundary of the garden were shown to members, which indicated that there was sufficient screening from neighbouring properties to prevent overlooking.

The presenting officer summarised the key considerations of the application, noting that the proposed annex was supported by planning policy and that there would be no impact on neighbouring amenity due to the screening in place and the elevation changes in the garden. It was explained that usage of the annex would be conditioned to be ancillary to the residential property and it was not proposed to be used as a holiday let.

Public representation was received from Mr McCormick, whose statement was read by the Democratic Services Officer and contained concerns about overlooking onto the neighbouring properties.

The applicant, Mr Wright, also spoke in support of the application, stating that the intended use of the annex was for his son, so that he could live more independently and mature boundary features meant that there wouldn't be any overlooking onto the neighbouring properties.

In response to members questions the Development Management Team Leader explained that the current garden room was 18sqm, while the proposed annex

would be 33 sqm and that the usage of the annex would be conditioned to prevent holiday lettings.

Members discussed the merits of the application and felt that the application complied with the neighbourhood plan, although recognised objections that had been submitted by the Town Council.

Proposed by Cllr Monks and seconded by Cllr O'Leary.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

**7. Application P/LBC/2024/01189 Weymouth Seafront, The Esplanade, Weymouth**

The application was presented by the Conservation and Design Officer, who explained that it had been brought to the committee for determination because the structures relating to the application were owned by Dorset Council. The application related to the installation of downlighters in the roofs of shelters situated on Weymouth seafront.

Members were shown the location of the shelters, as well as photographs of the existing structures and it was explained that the shelters held historical and architectural significance. It was considered that the installation of the downlighters would enhance the appearance of the shelters and encourage usage of them in the evenings and that this would outweigh the less than substantial harm caused by the loss of historic material.

Members were in agreement that this application would have a positive impact on the area.

Proposed by Cllr Wheller and seconded by Cllr O'Leary.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

**8. Application P/LBC/2024/01599 9 The Esplanade, Weymouth, DT4 8EB**

Using the aid of a visual presentation, the Conservation and Design Officer presented the application for the modification of the internal layout of a listed building, which included the relocation of the bathroom and kitchen.

A summary of the application was provided to members and photographs of the Georgian listed building, that was located within the Weymouth Town Conservation Area, were shown.

The case officer explained that there would be no loss of historic fabric and that the proposed works would not impact on other nearby listed buildings or the Conservation Area.

In response to a question from one member, the Conservation and Design Officer explained that the rear door would still be functional and provide access from the utility room to the courtyard.

Proposed by Cllr O'Leary and seconded by Cllr Wheller.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

9. **Application P/FUL/2024/01216 Charmouth Road Car Park, Charmouth Road, Lyme Regis**

The Planning Officer presented the application for the installation of a 15m tall CCTV mast in the skate park located within the Charmouth Road Car Park. The application had come to the committee for determination because the applicant was Lyme Regis Town Council and the land was owned by Dorset Council.

An aerial image of the skate park and surrounding car park was shown to members, with the proposed location of the mast highlighted, as well as plans detailing the size and specifications of the mast.

Several members expressed approval of the application and noted that the application was supported by the Town Council.

Proposed by Cllr Bawden and seconded by Cllr Northam.

Decision: That the application be granted subject to the minutes set out in the appendix to these minutes.

10. **Application P/ADV/2024/01585 Fence on land running adjacent to the entrance to Bradford's Building Supplies, Sea Road South, Bridport, DT6 3DW**

The Planning Officer presented the application for the installation of a non-illuminated banner, advertising the Bridport Leisure Centre. The application had come to the committee for determination because the land was owned by Dorset Council.

Members were shown the location of the application site, photographs of the site and views from the road towards the proposed location of the advertising board. The Planning Officer summarised the key constraints of the application and noted that Dorset and National Highways had been consulted and no objections had been raised.

Proposed by Cllr O'Leary and seconded by Cllr Shortell.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

11. **Application P/FUL/2023/02429 Part of Tout Quarry, Prior Road, Portland**

The Planning Officer explained that the application had come to the committee for determination because Dorset Council owned the land on the application site. The details of the application were summarised for members and included the relocation of a Portland stone archway from a Grade II listed building in London and various other works throughout the site.

The application was considered acceptable and it was noted that the work would be in keeping with the character of the area and there would be no adverse impacts as a result of the application.

Public representation was received from Cllr Kimber who expressed support for the application and was pleased to see Portland stone being returned to the local area, he subsequently left the Council Chamber at 12:28. The applicant Ms Sofaer, also spoke in support of the application and expressed the importance of the application for the Quarry Trust for delivering educational opportunities to visitors.

In response to a question from one member, the Planning Officer explained that the structural stability of the arch was not considered within the planning application, as it would be covered by other legislation, but assured the committee that the applicant had been working with structural engineers to ensure the arch would be structurally sound.

Proposed by Cllr O'Leary and seconded by Cllr Wheller.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

12. **Urgent items**

There were no urgent items.

13. **Exempt Business**

There was no exempt business.

14. **Update Sheet**

**Appendix**

**Duration of meeting:** 10.00 am - 12.33 pm

**Chairman**

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## Western & Southern Area Planning Committee 20 June 2024 Decision List

**Application:** P/MPO/2023/03270

**Site Address:** Phases 2-4 Curtis Fields Land South of Chickerell Road Weymouth DT4 0TR

**Proposal:** Modify section 106 agreement dated 17 August 2016 - Relating to Phases 2-4 at Curtis Fields (WP/14/00777/OUT) - to modify a portion of the affordable housing requirements from 30% to 26.24% following receipt of independent viability report (revised description)

**Recommendation:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to approve subject to the completion of a deed of variation of the s106 dated 17th August 2016 to secure 26.24% affordable housing.

**Decision:** That the application be refused for the following reason:

Having regard to Policy HOUS1 (iii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the information submitted with the application, it is considered that requiring 30% affordable housing and financial contributions in accordance with the extant permission and legal agreement would not make the development economically unviable and hence the proposal is contrary to Policy HOUS1 of the adopted local plan.

**Application:** P/HOU/2023/06594

**Site Address:** 18 Osbourne Road Bridport Dorset DT6 3AN

**Proposal:** Erect residential annexe.

**Recommendation:** Grant subject to conditions.

**Decision:** That the application be granted 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:

Block Plan Rev 7 - 05/06/2024

Floorplan, Elevation and Roof Drawings Rev 07 - 05/06/2024

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

3. The development permitted shall not be occupied at any time other than for purposes ancillary to the residential dwelling known currently as 18 Osbourne Road.

Reason: The accommodation is not considered suitable as a separate dwelling, because of the relationship with adjacent dwelling(s), the single point of access to the site and its location outside of a defined development boundary.

4. Prior to first occupation of the development hereby approved, the windows in the north elevation and west elevation that are illustrated as being obscure glazed on the elevation plan titled Floorplan, Elevation and Roof Drawings Rev 07 - 05/06/2024 shall obscure glazed to a minimum Pilkington glazed obscurity level of 3 and shall be retained as such thereafter.

Reason: To protect residential amenity.

**Informative:**

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

**Application:** P/LBC/2024/01189

**Site Address:** Weymouth Seafront, The Esplanade, Weymouth

**Proposal:** Installation of 6 downlighters to each of the 7 Victorian shelters along the Esplanade.

**Recommendation:** Grant subject to conditions.

**Decision:** That the application be granted subject to the following 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:

2024 03 01 Location site plan

2024 03 02 Location site plan, floor plan and elevations

2024 03 03 Proposed details plan

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

### **Informative Notes:**

1. Informative: National Planning Policy Framework Statement

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- 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 applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

**Application:** P/LBC/2024/01599

**Site Address:** 9 The Esplanade, Weymouth, Dorset DT4 8EB

**Proposal:** Modifying internal basement layout; relocation of bathroom and kitchen; creating utility/laundrette; creating access through doorway to coal shed from kitchenette; changes to electrical lines and water pipes.

**Recommendation:** Grant subject to conditions.

**Decision:** That the application be granted subject to the following 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:

PP-12908829v1 Location Plan  
Basement existing and proposed floorplans

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

**Informative Notes:**

1. Informative: National Planning Policy Framework Statement

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- 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.

2. Informative: Vents and Flues

If during the works the need for any new vents or flues is found, an application for Listed building consent will be required and the applicant should consider whether planning permission will also be required.

**Application:** P/FUL/2024/01216

**Site Address:** Charmouth Road Car Park Charmouth Road Lyme Regis

**Proposal:** Erect 15m mast for CCTV.

**Recommendation:** Grant subject to conditions.

**Decision:** That the application be granted 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

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- 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.

**Application:** P/ADV/2024/01585

**Site Address:** Fence on land running adjacent to the entrance to Bradford's Building Supplies Sea Road South Bridport DT6 3DW.

**Proposal:** Display a non-illuminated vinyl banner on a hard backed board advertising Bridport Leisure Centre and what it offers - Swim, Gym, Classes. It will display the Centre logo along with what exit to take at the approaching Crown Roundabout.

**Recommendation:** Grant subject to conditions.

**Decision:** That the application be granted subject to the following conditions.

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

TQRQM24103113811852 V01 Location and Block Plan  
Proposed banner  
01 V01 Banner Elevation Dimensions

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

2. The permitted advert must be static, have no moving parts, no flashing lights, no animation, no reflective material and no images that could lead it to being confused with a formal road sign.

Reason: To prevent possible distraction and confusion to drivers.

3. No associated external lighting and/or floodlighting shall be installed at the site.

Reason: To ensure that drivers aren't dazzled or distracted by the light, and that there is no harm to residential amenity.

4. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8. No advertisement shall be sited or displayed so as to; a)danger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

b)obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or c)hinder the operation of any device used for the purposes of security or surveillance or for measuring the speed of any vehicle.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

**Application:** P/FUL/2023/02429

**Site Address:** Part Of Tout Quarry Priory Road Portland

**Proposal:** Enhancement of existing aggregates pathway in the Tout Quarry Sculpture Park & Nature Reserve with geological interpretation spaces & erection of Portland stone archway to be relocated from Grade II listed building at 81 Fleet Street, London.

**Recommendation:** Grant subject to conditions.

**Decision:** That the application be granted 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 plan – Dwg No. PSQT\_001 Rev: D

Arch details, Elevation and Plan - Dwg No. PSQT\_002 Rev: B  
Proposals Plan – Dwg No. PSQT\_003 Rev: D

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

3. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:
- construction vehicle details (number, size, type and frequency of movement)
  - a programme of construction works and anticipated deliveries
  - a framework for managing abnormal loads
  - contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
  - wheel cleaning facilities
  - vehicle cleaning facilities
  - a scheme of appropriate signing of vehicle route to the site
  - a route plan for all contractors and suppliers to be advised on
  - temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

4. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on 02/02/2024 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan/ the LEMP) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

5. Scrub clearance required to be carried for the development hereby approved must be undertaken outside the nesting season of March to August.

Reason: To enhance or protect biodiversity.

### Informatives

Informative: National Planning Policy Framework Statement



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

**Informative Note: Contact Dorset Highways**

The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

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<b>Application Number:</b>	P/LBC/2024/02588
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	8 Custom House Custom House Quay Weymouth DT4 8BE
<b>Proposal:</b>	External works for a painted mural on building's east elevation to commemorate the RNLI's 200th Anniversary.
<b>Applicant name:</b>	The Royal National Lifeboat Institution
<b>Case Officer:</b>	Josh Cawsey
<b>Ward Member(s):</b>	Cllr Orrell

**1.0** This application is brought before the committee at the request of the Service Manager for Development Management and Enforcement following discussion with the chair of the committee.

**2.0 Summary of recommendation:**

Refuse listed building consent for the following reason:

1. Number 8 Custom House Quay, a former Custom House, is a pleasing, characterful, preserved heritage building that is Grade II listed and which sits prominently on the north side of Weymouth Harbour. The building remains relatively intact with its features and character and clearly reflects historic Weymouth and its part in the running of Weymouth Harbour in historic times. It makes a valuable contribution to the heritage character of Custom House Quay and Weymouth Town Centre Conservation Area. As such, the proposed mural on the east elevation by virtue of its dominant scale, graphics, colour, modernity and inclusion of historic window features visually dominates and conflicts with historic qualities of the building, with the original building character diminishing and the mural becoming the defining, inappropriate feature when viewing the gable end. It is considered that the mural neither preserves or enhances the character and appearance of the Conservation Area or the setting of non-designated heritage assets (23 East Street, 6 – 7 Custom House Quay) and results in less than substantial harm to designated heritage assets not outweighed by public benefit. It therefore fails to comply with policy ENV4 of the West Dorset, Weymouth & Portland Local Plan (2015), advice within the listed buildings & Conservation Areas SPD (2002) and paragraphs 205, 208 & 209 of the NPPF (2023).

**3.0 Reason for the recommendation:**

- Scale, appearance (graphics/modernity) and dominance of the proposed mural is detrimental to the character and special interest of designated heritage assets resulting in less than substantial harm not outweighed by

public benefit. The Weymouth Town Centre Conservation Area would not be preserved or enhanced.

#### 4.0 Key planning issues

Issue	Conclusion
Impact on designated heritage assets	Considered to result in less than substantial harm not outweighed by public benefits.

#### 5.0 Description of Site

The application site is 8 Custom House Quay. The building is a three-storey building with an attic space above. Whilst occupied by HM Coastguard between 1988 to 2015, the current use houses a café to the ground floor with flats to the upper floors.

The property is a Grade II Listed Building of late 18<sup>th</sup> Century origin, but with much modified fabric from the early 19<sup>th</sup> Century. The site is located centrally within the Weymouth Town Centre Conservation Area.

##### Official listing description:

SY6878NW CUSTOM HOUSE QUAY 873-1/24/62 (North side) 18/06/70 No.8  
Custom House

GV II

Warehouse and living accommodation, later Custom House, currently occupied by HM Coastguard. Late C18 original fabric, much modified early C19. English bond brickwork front with some darker brick to quoins and jambs, and diaper decoration, rendered returns and back, slate roof. PLAN: building returns to East Street at an obtuse angle, and the back is in Helen Lane; the original layout had the main staircase to the right, between 2 principal rooms, and the second floor was one large storage space, but there have been later sub-divisions. EXTERIOR: 3 storeys and attic; the Quay front is 2 windows wide, but with an inserted square, flat-roofed oriel to the second floor, with glazing bars to a 2-light front and single-light return, with transom, and vertical boarded skirt. This is flanked by 6-pane centre-hung casements to cambered heads, above 2 large 12:12:12-pane oriels with panelled frieze, dentil cornice, and panelled mullions, to plain skirts over paired 4-pane sashes to a wide mullion and stone sills. At the centre a pair of panelled doors in an arched opening has a C20 channelled surround, with open triangular pediment on heavy consoles. Above this is a painted Royal Arms in cast-iron. There is a plinth, stone frieze mould and cornice, blocking-course and coped parapet. The left return, rendered, has a large stack. The front to East Street is rendered, with a 9-pane pivot window flanked by louvres over a 12-pane sash in flush moulded box; at ground floor is a 4-pane sash, and two 6-panel doors in heavy Roman Doric pilaster doorcases. Eaves stack at the centre. Rear, in 2 sections, has a flat-roofed dormer with slate

cheeks, with central 6-pane light flanked by horizontal boarding. At second floor are 3- and 2-light casements with transoms to wide segmental heads, and 2 small 4-pane lights, above 2 paired 12-pane sashes with mullion, to segmental heads, and at the ground floor a blocked doorway, broad replacement door, and a 2-light window to heavy sill. The second unit, to the right, which returns to a squared rubble double gable end, has a similar dormer, but to a hipped roof, above a broad 3-light with transom under segmental head, paired 12-pane sash, and a 2-light, plus doors with louvres. There is some stonework in the lower walls of both rear sections, and the left-hand end has flush Portland stone quoins. INTERIOR: not inspected, but RCHME records moulded cornice and dado to the first-floor front room, and the roof supported by composite king-post trusses. HISTORICAL

NOTE: a panel in the entrance lobby records that the building was used as a warehouse by Messrs Robilliard and Ahier from 1794; Robilliard lived on the ground floor. The large wheel and gibbet, on display, were part of the hoist system in Helen Lane. By 1810 both men were out of business. In 1874 the property was owned by Sir Frederick Johnstone, who leased it to HM Customs. It was purchased by the Secretary of State in the 1970s, but vacated by Customs in 1985. In July 1988 it was taken over by HM Coastguard. (RCHME: Dorset, South-East: London: 1970-: 339).

## **6.0 Description of Development**

The proposal seeks to paint a mural on the East elevation of the building, upon the currently white rendered wall at a high level. The mural depicts the 'Ernest and Mabel' lifeboat which is moored within the harbour. The mural is proposed to commemorate the RNLI's 200<sup>th</sup> anniversary.

## **7.0 Relevant Planning History**

None.

## **8.0 List of Relevant Constraints**

CUSTOM HOUSE listed building grade G2. HE Reference: 1272115 - Distance: 0

Setting of Grade: II Listed Building: JOHN DEHEERS WAREHOUSE List Entry: 1272117.0; - Distance: 15.997

Locally important (non-designated heritage assets) – 23 East Street, 6 – 7 Custom House Quay

Weymouth Town Centre Conservation Area - Distance: 0

Important Local Buildings, Record Key = 3619, 3207, 3563,

Neighbourhood Plan Area; Name: Weymouth; Status Designated 18/05/2020; - Distance: 0

Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Within the Weymouth Town Centre Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

## 9.0 Consultations

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

Consultation Responses	No Objection	Object	Brief Summary Of Comments
Town or Parish Council	x		No objection to the proposals.
Ward Member(s)	x		Support – original comments withdrawn.
Historic England			No comments.
Conservation Officer	X		Comments included below.

### Representations received

Total - Objections	Total - No Objections	Total - Comments
2	31	33

#### **Summary of comments of objection:**

Excessively bright colours will impact on adjacent occupiers.  
Too large and garish, overwhelming. Not respectful of the Conservation Area.

#### **Summary of comments of support:**

Nice visual tribute.  
RNLI are an essential service in the area and shows them support.  
Adds a vibrant focal point and is a fitting tribute.  
Great tourist attraction.  
Provides much needed publicity.  
Adds vibrancy to the mundane gable end.  
In keeping with the maritime heritage of the harbour and town.

## 10.0 Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is

to 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.

## 11.0 Relevant Policies

### Development Plan

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

The following policies are considered to be relevant to this proposal:

- ENV4 - Heritage assets

#### **NPPF (2023):**

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.

- Section 4. Decision making: 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 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 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Paragraph 205. When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset's conservation** (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance

Paragraph 208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### 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.

#### **Supplementary Planning Guidance:**

Listed buildings and Conservation Areas (2002)

### **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. The proposal will not impact on people with protected characteristics.

#### **14.0 Financial benefits**

Highlighting the service of the RNLI resulting in potentially increased revenue for the charity.

#### **15.0 Environmental Implications**

The application site is within a sustainable area where access for the artist to paint the mural and visitors viewing the resulting mural can travel through various sustainable travel methods.

#### **16.0 Planning Assessment**

##### **16.1 Impact on designated heritage assets (8 Custom House Quay and Weymouth Town Centre Conservation Area) and non-designated assets:**

The use of murals within the Council area is a known form of advertisement and visual expression seen throughout the County; as well as it being known that RNLI have dedicated murals also nationally. There are several examples of mural type advertisements within Weymouth itself, the one of most notable comparison to this scheme being the tall ship mural located at the corner junction of Custom House Quay with St Mary Street.

16.2 Whilst the request to recognise the valuable work of the RNLI is fully acknowledged, it is considered that the proposed mural in its scale, dominant colours, modernity in comparison to the building and visual dominance on the east elevation of the Grade II listed building is excessive. The Custom House has in the majority, retained its external heritage presence on the north side of Custom House Quay being one of few properties not to have been significantly altered. It remains pleasing, characterful and visually reminiscent of traditional Weymouth.

16.3 Whilst comparisons can be made to the tall ship mural example nearby, that mural is depicted as a shadow which is not excessively bright or domineering visually but has subtle impact. It also reflects a historic ship as per the historic character of the area.

Whereas, the scale, bold colours/graphics, extent of dominance over the east elevation, use of the very modern RNLI boat (which can be seen in the harbour close by in any event) all contribute to the mass and overdominance of the mural. Revisions had been suggested and initial sketches reducing the mural, visually, so it remains relatively large but the sea colour lightened, the boat becoming more of a pastel type shade and the depth of 'sea' reduced so both listed windows are effectively removed from the mural, were progressing. However, the applicants have chosen to stay with the original concept which is now being considered.

- 16.4 It is noted that some of the comments received on the application also consider the mural to be visually intrusive and again, whilst supportive of the principle, would prefer to see it take a more traditional form. It is also noted that the Conservation officer raises no objection stating the following:

### **SUMMARY**

*Based on the assessment detailed below the proposal is considered to not have a detrimental effect on the Listed building, the neighbouring Listed buildings nor the Conservation Area. There is no objection to this application.*

### **COMMENTS ON PROPOSAL**

*This application is for the addition of a large mural to the eastern elevation of No.8. The mural would be at high level and provide a design that commemorates the RNLI. The historic connection with the harbour activities and the RNLI adds to the cultural significance of this building and therefore the proposal would enhance this significance further highlighting the local connection.*

*Large, high level, sign writing is not uncommon on historic buildings as demonstrated on the neighbouring Deheers building and there are several examples of murals on the side of buildings in the vicinity. The proposed mural would be a suitable design for the character of the harbour and street scene.*

*Ordinarily, paint to historic buildings should be breathable to avoid damage by moisture retention to the historic fabric. In this instance, the existing white painted render appears to be a non-breathable cement render (viewed from the pavement) therefore the proposed masonry paint would be acceptable.*

### **RECOMMENDATIONS**

*Just as an observation, perhaps an interpretation information plaque at lower level, detailing the relationship between the RNLI and the local area and the RNLI's significant contribution to the local community, could be added to further engage with the public. This could also give detail of the artist.*

- 16.5 Whilst acknowledging that the conservation officer has raised no objection, it is for the planning officer to fully assess the scheme and come to a final recommendation, even if that recommendation differs from internal advice. The Conservation officer did acknowledge through later discussions that there was significant debate regarding this scheme within the conservation team when discussed. However, it is not agreed that the scheme is acceptable in conservation terms for the policy reasoning explained herein.

16.6 The NPPF suggests that any proposals that impact on designated heritage assets (the building being Grade II listed, being within the setting of other listed and locally important buildings (non-designated heritage assets 23 East Street, 6 – 7 Custom House Quay) and being within the Weymouth Town Conservation Area) should place greater weight on the assets conservation. Supplementary Planning Guidance states:

Listed Buildings & Conservation Areas (2002) at para 2.18

In such assessments the following will need to be considered: ~ *the importance of the building, its intrinsic architectural and historic interest, its rarity in both national and local terms:*

*~ the particular physical features of the building which may include its design, plan, materials or location that justify its inclusion in the list. This may include internal architectural details as well as external appearance that are of importance, but not referred to in the list description.*

*~ the setting of the building and its contribution to the local scene. For example, where it is part of a terrace or group that share architectural details and materials.*

16.7 When considering the level of ‘harm’ caused to designated heritage assets by this scheme, it is considered to be less than substantial given the physical material of the building is not being removed or significantly changed, it is the physical features which make the building characterful, pleasing and which altogether enhance this part of Weymouth and the Conservation Area, which will visually diminish, with the mural then taking the visual prominence which is regrettable. There are also further concerns in terms of what happens after the 200<sup>th</sup> anniversary is celebrated and how, over time, the mural will age and degrade visually. No maintenance plan or details have been received so the ongoing harm from this mural, will also need to be considered.

16.8 Whilst the public benefit of raising the profile of the RNLI is recognised, it is considered that the presence of the lifeboat itself within the harbour and the RNLI station contributes to this to a much larger extent, with the limited public benefit of the mural not weighing significantly in the balance when compared to the harm to the designated heritage assets and setting of non-designated heritage assets. It is also considered that the Conservation Area is not preserved or enhanced as a result of the proposal. As such, the scheme fails to comply with policy ENV4 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF.

## **17.0 Conclusion**

The proposed mural is considered excessively large, overly dominant through its graphics/colour and modernity and will visually degrade the Grade II listed building by diminishing its features and making the pleasing historic building appear visually diminished in comparison to the mural. The scheme for the above reasons will not preserve or enhance the character and appearance of the Weymouth Town Centre Conservation Area and results in less than substantial harm to designated and non-designated heritage assets. The public benefit to be attached to the scheme is considered to be very limited and does not outweigh the harm to heritage assets. Hence the development is contrary to the NPPF and development plan.

## 18.0 Recommendation

18.1 Refuse listed building consent for the following reason:

1. Number 8 Custom House Quay, a former Custom House, is a pleasing, characterful, preserved heritage building that is Grade II listed and which sits prominently on the north side of Weymouth Harbour. The building remains relatively intact with its features and character and clearly reflects historic Weymouth and its part in the running of Weymouth Harbour in historic times. It makes a valuable contribution to the heritage character of Custom House Quay and Weymouth Town Centre Conservation Area. As such, the proposed mural on the east elevation by virtue of its dominant scale, graphics, colour, modernity and inclusion of historic window features visually dominates and conflicts with historic qualities of the building, with the original building character diminishing and the mural becoming the defining, inappropriate feature when viewing the gable end. It is considered that the mural neither preserves or enhances the character and appearance of the Conservation Area or the setting of non-designated heritage assets (23 East Street, 6 – 7 Custom House Quay) and results in less than substantial harm to designated heritage assets not outweighed by public benefit. It therefore fails to comply with policy ENV4 of the West Dorset, Weymouth & Portland Local Plan (2015), advice within the listed buildings & Conservation Areas SPD (2002) and paragraphs 205, 208 & 209 of the NPPF (2023).

<b>Application Number:</b>	P/ADV/2024/02643
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	8 Custom House Custom House Quay Weymouth DT4 8BE
<b>Proposal:</b>	Painted mural on building's east elevation to commemorate the RNLI's 200th Anniversary including 'RNLI logo and flag'.
<b>Applicant name:</b>	The Royal National Lifeboat Institution
<b>Case Officer:</b>	Josh Cawsey
<b>Ward Member(s):</b>	Cllr Orrell

**1.0** This application is brought before the committee at the request of the Service Manager for Development Management and Enforcement following discussion with the chair of the committee.

**2.0 Summary of recommendation:**

Refuse advertisement consent for the following reason:

Number 8 Custom House Quay, a former Custom House, is a pleasing, characterful, preserved heritage building that is Grade II listed and which sits prominently on the north side of Weymouth Harbour. The building remains relatively intact with its features and character and clearly reflects historic Weymouth and its part in the running of Weymouth Harbour in historic times. It makes a valuable contribution to the heritage character of Custom House Quay and Weymouth Town Centre Conservation Area. As such, the proposed mural on the east elevation by virtue of its dominant scale, graphics, colour, modernity and inclusion of historic window features visually dominates and conflicts with historic qualities of the building, with the original building character diminishing and the mural becoming the defining, inappropriate feature when viewing the gable end. It is considered that the mural neither preserves or enhances the character and appearance of the Conservation Area or the setting of non-designated heritage assets (23 East Street, 6 – 7 Custom House Quay) and results in less than substantial harm to designated heritage assets not outweighed by public benefit. It therefore fails to comply with policies ENV4, ENV12 and ENV14 of the West Dorset, Weymouth & Portland Local Plan (2015), advice within the listed buildings & Conservation Areas SPD (2002) and paragraphs 205, 208 & 209 of the NPPF (2023).

**3.0 Reason for the recommendation:**

- Scale, appearance and dominance of the proposed mural is detrimental to visual amenity within the street scene and results in harm to heritage assets without sufficient public benefit to outweigh the identified harm.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Principle of supporting public art/advertisements is supported in principle by policy ENV14 of the West Dorset, Weymouth & Portland Local Plan (2015).
Scale, design, impact on character and appearance	Considered to be over scaled, overly dominant and visually intrusive to amenity within the street scene/historic area.
Highway impacts, safety, access and parking	Highways amenity/safety impact is considered acceptable.
Impact on designated heritage assets	Considered to result in less than substantial harm not outweighed by public benefits in terms of the impact on designated and non-designated heritage assets, including the application building which is grade II listed and the character and appearance of the Conservation Area.

#### 5.0 Description of Site

The application site is 8 Custom House Quay. The building is a three-storey building with an attic space above. Whilst occupied by HM Coastguard between 1988 to 2015, the current use houses a café to the ground floor with flats to the upper floors.

The property is a Grade II Listed Building of late 18<sup>th</sup> Century origin, but with much modified fabric from the early 19<sup>th</sup> Century. The site is located centrally within the Weymouth Town Centre Conservation Area.

Official listing description:

SY6878NW CUSTOM HOUSE QUAY 873-1/24/62 (North side) 18/06/70 No.8  
Custom House

GV II

Warehouse and living accommodation, later Custom House, currently occupied by HM Coastguard. Late C18 original fabric, much modified early C19. English bond brickwork front with some darker brick to quoins and jambs, and diaper decoration, rendered returns and back, slate roof. PLAN: building returns to East Street at an obtuse angle, and the back is in Helen Lane; the original layout had the main staircase to the right, between 2 principal rooms, and the second floor was one large storage space, but there have been later sub-divisions. EXTERIOR: 3 storeys and attic; the Quay front is 2 windows wide, but with an inserted square, flat-roofed oriel

to the second floor, with glazing bars to a 2-light front and single-light return, with transom, and vertical boarded skirt. This is flanked by 6-pane centre-hung casements to cambered heads, above 2 large 12:12:12-pane oriels with panelled frieze, dentil cornice, and panelled mullions, to plain skirts over paired 4-pane sashes to a wide mullion and stone sills. At the centre a pair of panelled doors in an arched opening has a C20 channelled surround, with open triangular pediment on heavy consoles. Above this is a painted Royal Arms in cast-iron. There is a plinth, stone frieze mould and cornice, blocking-course and coped parapet. The left return, rendered, has a large stack. The front to East Street is rendered, with a 9-pane pivot window flanked by louvres over a 12-pane sash in flush moulded box; at ground floor is a 4-pane sash, and two 6-panel doors in heavy Roman Doric pilaster doorcases. Eaves stack at the centre. Rear, in 2 sections, has a flat-roofed dormer with slate cheeks, with central 6-pane light flanked by horizontal boarding. At second floor are 3- and 2-light casements with transoms to wide segmental heads, and 2 small 4-pane lights, above 2 paired 12-pane sashes with mullion, to segmental heads, and at the ground floor a blocked doorway, broad replacement door, and a 2-light window to heavy sill. The second unit, to the right, which returns to a squared rubble double gable end, has a similar dormer, but to a hipped roof, above a broad 3-light with transom under segmental head, paired 12-pane sash, and a 2-light, plus doors with louvres. There is some stonework in the lower walls of both rear sections, and the left-hand end has flush Portland stone quoins. INTERIOR: not inspected, but RCHME records moulded cornice and dado to the first-floor front room, and the roof supported by composite king-post trusses. HISTORICAL

NOTE: a panel in the entrance lobby records that the building was used as a warehouse by Messrs Robilliard and Ahier from 1794; Robilliard lived on the ground floor. The large wheel and gibbet, on display, were part of the hoist system in Helen Lane. By 1810 both men were out of business. In 1874 the property was owned by Sir Frederick Johnstone, who leased it to HM Customs. It was purchased by the Secretary of State in the 1970s, but vacated by Customs in 1985. In July 1988 it was taken over by HM Coastguard. (RCHME: Dorset, South-East: London: 1970-: 339).

## **6.0 Description of Development**

The proposal seeks to paint a mural on the East elevation of the building, upon the currently white rendered wall at a high level. The mural depicts the 'Ernest and Mabel' lifeboat which is moored within the harbour. The mural is proposed to commemorate the RNLI's 200<sup>th</sup> anniversary.

## **7.0 Relevant Planning History**

None.

## **8.0 List of Relevant Constraints**

CUSTOM HOUSE listed building grade G2. HE Reference: 1272115 - Distance: 0

Setting of Grade: II Listed Building: JOHN DEHEERS WAREHOUSE List Entry: 1272117.0; - Distance: 15.997

Locally important (non-designated heritage assets) – 23 East Street, 6 – 7 Custom House Quay

Weymouth Town Centre Conservation Area - Distance: 0

Important Local Buildings, Record Key = 3619, 3207, 3563,

WEY4; Custom House Quay and Brewery Waterfront; Custom House Quay and Brewery Waterfront - Distance: 0

Neighbourhood Plan - Emerging; Name: Weymouth NP; Status Reg 14 consultation completed; - Distance: 0

Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Within the Weymouth Town Centre Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

## 9.0 Consultations

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

Consultation Responses	No Objection	Object	Brief Summary Of Comments
Town or Parish Council	x		No objection to the proposals.
Ward Member(s)	x		Support – original comments withdrawn.
Highways Officer	X		No objection.
Conservation Officer	X		No objection – see comments further below.

### Representations received

Total - Objections	Total - No Objections	Total - Comments
5	4	1

### Summary of comments of objection:

Supportive of artwork, but objection to the proposed design – too modern, out of keeping, not suitable image.



Not supportive of the location and design – too large and too modern.  
Objection to the design, not the principle.  
Too garish for the setting.  
Too bright and “showy”, lacks artistic creativity in dealing with the top small window.

**Summary of comments of support:**

An appropriate place for the mural. Has a historic connection to the buildings use by the RNLI.

**10.0 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Town and Country Planning (Control of Advertisement) (England) Regulations require that decisions on advertisement applications are made in the interests of amenity and public safety, taking into account the Development Plan and any other relevant factors. Factors relevant to amenity include any features of historic, architectural, cultural or similar interest which includes listed buildings.

**11.0 Relevant Policies**

Development Plan

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

The following policies are considered to be relevant to this proposal:

- COM7 - Creating a safe & efficient transport network
- ENV4 - Heritage assets
- ENV12 - The Design and Positioning of Buildings
- ENV 14 - Shop Fronts and Advertisements
- ENV 16 - Amenity

Material Considerations

**NPPF (2023):**

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.

- Section 4. Decision making: 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 12 'Achieving well designed and beautiful 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 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Para 141 states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

- 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 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Paragraph 205. When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset's conservation** (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance

Paragraph 208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-

designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### Other 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.

#### **Supplementary Planning Guidance:**

Listed buildings and Conservation Areas (2002)

### **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. The proposal will not impact on people with protected characteristics.

#### **14.0 Financial benefits**

Highlighting the service of the RNLI resulting in potentially increased revenue for the charity.

#### **15.0 Environmental Implications**

The application site is within a sustainable area where access for the artist to paint the mural and visitors viewing the resulting mural can travel through various sustainable travel methods.

#### **16.0 Planning Assessment**

##### Principle of development:

16.1 Policy ENV14 of the West Dorset, Weymouth & Portland Local Plan (2015) supports proposals for advertisements including painted murals provided:

- *they are compatible with and respect the character, appearance and scale of the building, and do not result in the loss of historic fabric in the case of a heritage asset;*
- *they are compatible with and respect the building’s surroundings in terms of size, proportions, form, design, materials, and use of colour and level of illumination;*

As such, there is policy support in principle for this scheme subject to the consideration of other material considerations considering amenity and public safety only.

##### Impact to visual amenity within the Weymouth Town Centre Conservation Area:

16.2 The use of murals within the Council area is a known form of advertisement and visual expression seen throughout the County; as well as it being known that the RNLI have dedicated murals also nationally. There are several examples of mural type advertisements within Weymouth itself, the one of most notable comparison to this scheme being the tall ship mural located at the corner junction of Custom House Quay with St Mary Street.

16.3 Whilst the request to recognise the valuable work of the RNLI is fully acknowledged it is considered that the proposed mural in its scale, dominant colours, modernity in comparison to the building and visual dominance on the east elevation of the Grade II listed building is excessive. The Custom House has in the majority, retained its external heritage presence on the north side of Custom House Quay being one of few properties not to have been significantly altered. It remains pleasing, characterful and visually reminiscent of traditional Weymouth.

- 16.4 Whilst comparisons can be made to the tall ship mural example nearby, that mural is depicted as a shadow which is not excessively bright or domineering visually but has subtle impact. It also reflects a historic ship as per the historic character of the area. Whereas, the scale, bold colours/graphics, extent of dominance over the east elevation, use of the very modern RNLI boat (which can be seen in the harbour close by in any event) all contribute to the mass and overdominance of the mural. Revisions have been suggested and initial sketches reducing the mural, visually, so it remains relatively large but the sea colour lightened, the boat becoming more of a pastel type shade and the depth of 'sea' reduced so both listed windows are effectively removed from the mural, were progressing. However, the applicants have chosen to stay with the original concept which is now being considered.
- 16.5 It is noted that some of the comments received on the application also consider the mural to be visually intrusive and again, whilst supportive of the principle, would prefer to see it take a more traditional form. It is also noted that the conservation officer raises no objection stating the following:

### **SUMMARY**

*Based on the assessment detailed below the proposal is considered to not have a detrimental effect on the Listed building, the neighbouring Listed buildings nor the Conservation Area. There is no objection to this application.*

### **COMMENTS ON PROPOSAL**

*This application is for the addition of a large mural to the eastern elevation of No.8. The mural would be at high level and provide a design that commemorates the RNLI. The historic connection with the harbour activities and the RNLI adds to the cultural significance of this building and therefore the proposal would enhance this significance further highlighting the local connection.*

*Large, high level, sign writing is not uncommon on historic buildings as demonstrated on the neighbouring Deheers building and there are several examples of murals on the side of buildings in the vicinity. The proposed mural would be a suitable design for the character of the harbour and street scene.*

*Ordinarily, paint to historic buildings should be breathable to avoid damage by moisture retention to the historic fabric. In this instance, the existing white painted render appears to be a non-breathable cement render (viewed from the pavement) therefore the proposed masonry paint would be acceptable.*

### **RECOMMENDATIONS**

*Just as an observation, perhaps an interpretation information plaque at lower level, detailing the relationship between the RNLI and the local area and the RNLI's significant contribution to the local community, could be added to further engage with the public. This could also give detail of the artist.*

- 16.6 Whilst acknowledging that the conservation officer has raised no objection, it is for the planning officer to fully assess the scheme and come to a final recommendation even if that recommendation differs from internal advice. The Conservation officer did acknowledge through later discussions that there was significant debate regarding this scheme within the conservation team when it was discussed.

However, on consideration, it is not agreed that the scheme is acceptable in conservation terms for the policy reasoning explained herein.

16.7 Policy suggests that any proposals that impact on designated heritage assets (the building being Grade II listed, being within the setting of other listed and locally important buildings 23 East Street, 6 – 7 Custom House Quay and being within the Weymouth Town Conservation Area) should place greater weight on the assets conservation. Supplementary Planning Guidance states:  
Listed Buildings & Conservation Areas (2002) at para 2.18  
In such assessments the following will need to be considered: ~ *the importance of the building, its intrinsic architectural and historic interest, its rarity in both national and local terms:*

*~ the particular physical features of the building which may include its design, plan, materials or location that justify its inclusion in the list. This may include internal architectural details as well as external appearance that are of importance, but not referred to in the list description.*

*~ the setting of the building and its contribution to the local scene. For example, where it is part of a terrace or group that share architectural details and materials.*

16.8 When considering the level of ‘harm’ caused to designated heritage assets by this scheme, it is considered to be less than substantial given the physical material of the building is not being removed or significantly changed, it is the physical features which make the building characterful, pleasing and which altogether enhance this part of Weymouth, the Conservation Area and setting of other designated & non-designated heritage assets, which will visually diminish with the mural becoming the key feature of the building in its visual prominence. There are also further concerns in terms of what happens after the 200<sup>th</sup> anniversary is celebrated and how, over time, the mural will age and degrade visually. No maintenance plan or details have been received so the ongoing harm from this mural, will also need to be considered particularly also when seen in the setting of both designated & non-designated heritage assets.

16.9 Whilst the public benefit of raising the profile of the RNLI is recognised and clearly supported by various letters of support, it is considered that the presence of the boat itself within the harbour and the RNLI station contributes to this to a much larger extent with the limited public benefit of the mural not outweighing the harm to the designated and non-designated heritage assets. As such, the scheme fails to preserve visual amenity of the area, resulting in less than substantial harm to designated and setting of non-designated heritage assets, including the Conservation Area and fails to comply with policies ENV4, ENV12 & ENV14 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF.

Impact to public safety:

16.10 Given this scheme seeks to paint a mural only, there is considered to be no significant impact to public safety. The highways team has been consulted and raised no objection. Whilst the mural can be visually eye catching, speed restrictions are in place which should limit that impact. As such, the scheme does comply with policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015) which seeks to ensure highway safety.

## **17.0 Conclusion**

**17.1** The proposed mural is considered excessively large, overly dominant through its graphics/colour and modernity and will visually degrade the Grade II listed building by diminishing its features and making the pleasing historic building appear visually diminished in comparison to the mural. The scheme, for the above reason, will not preserve or enhance the character and appearance of the Weymouth Town Centre Conservation Area and results in less than substantial harm to designated and non-designated heritage assets. The public benefit to be attached to the scheme is considered to be very limited and does not outweigh the harm to heritage assets. Hence the development is contrary to the NPPF and development plan.

## **18.0 Recommendation**

**18.1** Refuse advertisement consent for the following reason:

Number 8 Custom House Quay, a former Custom House, is a pleasing, characterful, preserved heritage building that is Grade II listed and which sits prominently on the north side of Weymouth Harbour. The building remains relatively intact with its features and character and clearly reflects historic Weymouth and its part in the running of Weymouth Harbour in historic times. It makes a valuable contribution to the heritage character of Custom House Quay and Weymouth Town Centre Conservation Area. As such, the proposed mural on the east elevation by virtue of its dominant scale, graphics, colour, modernity and inclusion of historic window features visually dominates and conflicts with historic qualities of the building, with the original building character diminishing and the mural becoming the defining, inappropriate feature when viewing the gable end. It is considered that the mural neither preserves or enhances the character and appearance of the Conservation Area or the setting of non-designated heritage assets (23 East Street, 6 – 7 Custom House Quay) and results in less than substantial harm to designated heritage assets not outweighed by public benefit. It therefore fails to comply with policies ENV4, ENV12 and ENV14 of the West Dorset, Weymouth & Portland Local Plan (2015), advice within the listed buildings & Conservation Areas SPD (2002) and paragraphs 205, 208 & 209 of the NPPF (2023).

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