

<b>Application Number:</b>	WP/21/00055/FUL
<b>Site address:</b>	The Esplanade Row Weymouth Dorset
<b>Proposal:</b>	Installation of two sculptural installations created by two different artists, sited at two locations in Weymouth
<b>Applicant name:</b>	Dorset Council
<b>Case Officer:</b>	Thomas Whild
<b>Ward Member(s):</b>	Cllr Heatley, Cllr Sutton and Cllr Wheeler

**1.0** In accordance with the Council's scheme of delegation, all applications where the Council is the applicant must be determined by committee.

**2.0 Summary of recommendation:** That the Committee be minded to grant planning permission subject to the planning conditions listed at paragraph 17 of this report and recommends the Head of Planning determines the application accordingly.

**3.0 Reason for the recommendation:** as set out in para 16.1 of this report.

- Enhancements to public realm and local character
- No harm to heritage assets
- No contribution to flood risk.

#### **4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The proposals are supported in principle as they would enhance local character and relate to the ecological, geological and historical interest of the area.
Conservation and heritage	The proposals would not give rise to any harm in heritage terms.
Flood Risk	The development is in flood zones 2 and 3. The proposals would not give rise to any increased risk of flooding.

#### **5.0 Description of Site**

5.1 The application relates to two sites on the Esplanade, Weymouth. The first is located to the east of the Jubilee Memorial Clock opposite the junction with the Esplanade and King Street. The second is located approximately 25m to the south of the war memorial, currently comprised of a landscape planter.

#### **6.0 Description of Development**

6.1 The proposal is for the installation of public artworks as part of the Weymouth Arts Trail project. The arts trail project will comprise 6 installations at various points around Weymouth Town Centre. Four of the six installations may be carried out without requiring planning consent either as they don't constitute development, or

they constitute permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Development by Local Authorities). This application therefore relates solely to two of the proposed installations, located on The Esplanade.

- 6.2 The first piece is located at point 5 on the trail, opposite the Jubilee Memorial Clock. The piece, titled 'Tipping Point' is based on data and scientific reports on rising sea levels and comprises clear resin set within a circular stainless steel rim, moving from clear to turquoise from bottom to top, with a laser cut inscription. The piece will be mounted between existing stone benches at the edge of the esplanade.
- 6.3 The second piece is located at point 6, to the south of the war memorial in a raised planter. The piece comprises three stone carvings of marine species based on researching the coral reefs off the coast of Weymouth. The species depicted are: Weymouth Carpet Coral, Adreus Fascicularis (a tough, wiry sponge, consisting of a group of pointed cylindrical branches attached at the base), and Crater Sponge (a sponge that grows in a thin sheet or cushion in patches 10-15cm across and thrives in our waters). Each piece is carved from a block of Portland stone, and they will sit together forming a group, surrounded by contrasting coastal planting within the existing planter.

## **7.0 Relevant Planning History**

None

## **8.0 List of Constraints**

- Grade: II\* Listed Building: THE WHITE HART PUBLIC HOUSE (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Grade: II Listed Building: PROMENADE SHELTER OPPOSITE NUMBER 88 (NUMBER 88 NOT INCLUDED) (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Grade: II Listed Building: JUBILEE CLOCK TOWER List Entry (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Grade II Listed Building: WEYMOUTH D-DAY PORT MEMORIAL (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- 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)
- Defined Development Boundary; Weymouth
- Weymouth Town Centre Strategy; Weymouth Town Centre

- HE World Heritage Site: Dorset and East Devon Coast (List Entry: 1000101.0);
- Flood Zone 3
- Flood Zone 2

## 9.0 Consultations

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

### Consultees

**1. DC – Highways** – As the Planning Case Officer has confirmed they are to be located on the Esplanade (footway as opposed to carriageway) which is not highway maintainable at the public expense in these locations the Highway Authority has **NO OBJECTIONS**

**2. DC - Conservation Officers - Support** – The public art installations vary from benches to sculptures, but all unified by a design theme revolving around Weymouth and its relationship with water (D&A Statement p. 5). The installations are therefore intended to tell stories with some relevant to their location under this broad theme. In general, all the installations are modest in scale and will enhance the visitor experience and engagement with the town and streetscapes. We do not consider that they, individually or cumulatively will result in detrimental impacts to the character and appearance of the Conservation Area.

For the above reason, we consider that the proposals will result in **no harm** to the asset's significance.

**3. Weymouth Town Council** – This planning application has been reviewed by members of the Planning and Licensing Committee. The Council has no objection to the proposals.

### Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

## 10.0 Relevant Policies

### Development Plan

### West Dorset Weymouth and Portland Local Plan 2015

10.1 So far as this application is concerned the following policies of the Local Plan are considered to be relevant:

- ENV4 – Heritage assets
- ENV5 – Flood risk
- ENV10 – The landscape and townscape setting
- ENV12 – The design and positioning of buildings.
- WEY1 – Weymouth town centre strategy

### National Planning Policy Framework (2021)

10.2 So far as this application is concerned the following sections and paragraphs are considered relevant;

- 12 – Achieving well-designed places
- 16 – Conserving and enhancing the historic environment
- Paragraph 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, including brownfield registers and permission in principle, 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.

### **Other material considerations**

- Weymouth Town Centre Masterplan SPD
- Weymouth Town Centre Conservation Area Character Appraisal

### **11.0 Human rights**

- Article 6 - Right to a fair trial.
- Article 8 - Right to respect for private and family life and home.
- The first protocol of Article 1 Protection of property.

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

### **12.0 Public Sector Equalities Duty**

12.1 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.

12.2 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. In this case it is not considered that the proposals would impact upon any persons with protected characteristics.

### **13.0 Financial benefits**

13.1 There would be no direct financial benefits as a result of this proposal.

### **14.0 Climate Implications**

14.1 The proposal would contribute to raising awareness of the climate emergency and impacts upon sea levels.

### **15.0 Planning Assessment**

#### Principle of development

15.1 The artworks are to be sited within the town centre boundary of Weymouth, where development proposals are generally supported. The proposals are supported by policy ENV10 (iv) which states that opportunities to incorporate features that would enhance local character, including public art or that relate to the historical, ecological or geological interest of a site should be taken where appropriate. In this instance not only would the proposals be for public art which would enhance local character but the artworks themselves are intended to relate to the ecological, geological and historical interest of the area.

15.2 The artworks would contribute to achieving the objectives of the Weymouth Town Centre Masterplan of achieving a diverse, thriving town centre, providing high quality destination streets creating an attractive and vibrant town centre and providing an active waterfront. They are also supported by policy WEY1 (Weymouth Town Centre Strategy ) of the Local plan, which has the aims of retaining and enhancing the areas character, having an attractive public realm, supporting a thriving town centre and improving first impressions of the area.

#### Heritage

15.3 The Council’s conservation officer has considered the scheme and notes that there would be no harm in heritage terms to the character or appearance of the conservation area or the setting of nearby listed buildings and the Jurassic Coast World Heritage Site. Officers agree that the installations will enhance the visitor experience and engagement with the town and streetscapes as set out in the conservation comments.

#### Flood risk

15.4 The installations on the esplanade are within flood zones 2 and 3. While they are therefore in an area at risk of flooding, they will be art installations which are added to existing hard landscaping and infrastructure features which already form part of

the seafront. Owing to the nature of the proposals they would not result in increased surface water run off and would not present any additional hazard in flood risk terms. They would not therefore result in additional flood risk. The works themselves may be considered 'water compatible development' being associated with the use of amenity open space (The Esplanade and Seafront). Therefore it is not necessary to apply the sequential or exceptions tests.

## **16.0 Conclusion**

16.1 The proposed art installations on the esplanade are considered to enhance the visitor experience and public realm of Weymouth and are supported by policies ENV10 and WEY1 of the West Dorset Weymouth and Portland Local Plan 2015, and the Weymouth Town Centre Masterplan. The proposals would not result in any harm to heritage assets and would not contribute to flood risk.

## **17.0 Recommendation**

That the Committee be minded to grant planning permission subject to planning conditions and recommends the Head of Planning determines the application accordingly:

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:

006406 L100 Revision A

006406 L105

006406 L305

006406 L106

006406 L306 Revision A

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