

<b>Application Number:</b>	P/FUL/2022/01910
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Seascape Cafe Greenhill Gardens Weymouth
<b>Proposal:</b>	Installation of Mural Artwork on cladding boards
<b>Applicant name:</b>	Weymouth Town Council
<b>Case Officer:</b>	Suzanna Knowles
<b>Ward Member(s):</b>	Cllr Orrell

**1.0** In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council is the landowner.

**2.0 Summary of recommendation:** Grant subject to conditions.

**3.0 Reason for the recommendation:**

- Enhancements to public realm and local character
- Less than substantial harm to heritage assets outweighed by public benefits
- 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 historical interest of the area.
Conservation and heritage	The proposals would give rise to less than substantial harm which would be outweighed by the public benefits.
Flood Risk	The proposals would not give rise to any increased risk of flooding.

**5.0 Description of Site**

The application site is located on the south east side of Greenhill Gardens. The building is unlisted but is identified as being an important local building and is within the Town Centre Conservation Area so would be considered to be a non-designated heritage asset. The building is in the south-west corner of Greenhill Gardens, elevated from the promenade, facing towards the sea with an outdoor seating area in front of the building. The north elevation is the side of the building and faces the gardens. This elevation includes a large blank expanse of wall. It is on this elevation that a mural is proposed.

**6.0 Description of Development**

The application seeks to install mural artwork on the side of the café building with partial cladding.

The proposed materials would be constructed of plywood with applied fireproof system and fire retardant paint (eggshell paints). All proposed fixings are to be a minimum of marine grade 316L stainless steel. The edges of every butt joint will be coated with a thin layer of clear intumescent external sealant to prevent water ingress. The Town Council plan bi-annual inspection and any required maintenance of all boards. The mural painting itself depicts a colourful seaside image of Weymouth with historical reference to King George.

## **7.0 Relevant Planning History**

P/PAP/2021/00508 – Pre application advice sought for Mural Trail of Artwork at 10 locations around the town

## **8.0 List of Constraints**

- 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
- Important Local Buildings
- Weymouth Town Centre Strategy
- Flood Zone 3
- Flood Zone 2

## **9.0 Consultations**

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

### **Consultees**

- 1. Highways – No Objection**
- 2. Weymouth Town Council – No Objection**
- 3. Conservation Officer – Would result in less than substantial harm.**
- 5. Cllr Orrell – No Objection**

### **Representations received**

Weymouth Civic Society – Objection The illustration draws heavily but inaccurately from a well-known contemporary drawing of King George III bathing in the sea. The illustration is too large in the setting and would not look attractive. Would prefer part of the wall to be visible on all sides.

## 10.0 Relevant Policies

### 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
- WEY1 – Weymouth town centre strategy
- CON7 – Highway safety

### **Other material considerations**

### 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.
- 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.

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

## 12.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. It is considered that given the type and nature of the development proposed it would have no impact on people 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 None.

### **15.0 Planning Assessment**

#### Principle of development

15.1 The mural is 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 historical interest of the area.

15.2 The mural 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. The building itself has been identified as being an important local building, a non-designated heritage asset and the site is within the Conservation Area. The Conservation Officer considers that the impacts of the mural on the designated heritage asset – Conservation Area and the non-designated heritage asset – important local building, will amount to less than substantial harm at the lower end of the scale. The consideration remains a balance of public benefit given the positive impact the proposal would have in this public realm. Given the fact the proposal is removable and would lead to less than substantial harm being created as the site can easily be restored back to its former state and it is considered that the public benefit of the art which would create an interesting vista and cause attraction to the area would outweigh the less than substantial harm. The Conservation Officer suggested that it be conditioned that the mural be removed after 1 – 2 years but such a condition is not considered necessary given that the public benefits are considered to outweigh the less than substantial harm of the proposal.

#### Flood risk

- 15.4 The installation is within flood zones 2 and 3. However, it will be added to the side of an existing building. Owing to the nature of the proposals it is not considered that it would contribute to additional risk of flooding.

#### Highway Safety

- 15.5 The proposed development would not give rise to any highway concerns and as such would be considered acceptable.

### **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 public benefits in this instance outweigh the less than substantial harm to this non-designated heritage asset in the Conservation Area, given the visual attraction and promotion of the area and the fact that the art is removable and the proposal therefore accords with the NPPF. The proposal would not contribute to flood risk or adversely affect highway safety.

### **17.0 Recommendation**

GRANT subject to 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

Elevation and Design

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

#### 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 applications/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.