

Application Number:	P/LBC/2024/01189
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=403867
Site address:	Weymouth Seafront, The Esplanade, Weymouth
Proposal:	Installation of 6 downlighters to each of the 7 Victorian shelters along the Esplanade
Applicant name:	Deborah Juile Anne
Case Officer:	Nicola Yeates
Ward Member(s):	Cllr Orrell

1.0 This application has been brought to committee as the structures to which the application relates are owned by Dorset Council.

2.0 Summary of recommendation: Grant subject to conditions.

3.0 Reason for the recommendation: The proposal would create less than substantial harm to the Listed structures however this level of harm would be offset by the wider public benefit.

4.0 Key planning issues

Issue	Conclusion
Impact on Heritage Asset, Setting and Conservation Area.	Impact offset by wider public benefit.

5.0 Description of Site

The application sites are 7no. seafront shelters located along the promenade to the east of The Esplanade. All of the shelters are individually Grade II Listed. As noted within the Conservation Area Appraisal, the seafront shelters are examples of late Victorian cast iron technology, with overhanging roofs and glazed screens to provide shelter from inclement weather.

The significance of these shelters is derived from their architectural, historical and group value and make a positive contribution to the seafront scene and wider Conservation Area.

6.0 Description of Development

The proposal seeks to install 6no. downlighters within the ceiling of each of the 7no. shelters.

7.0 Relevant Planning History

89/00005/HIST - Decision: DEF - Decision Date: 23/10/1989

Non illuminated wall mounted local information map.

P/PAP/2023/00708 - Decision: RES - Decision Date: 30/11/2023

Improvements to Esplanade Lighting, Weymouth.

8.0 List of Constraints

Grade II Listed PROMENADE SHELTER TO EAST OF NUMBER 135 HE Reference: 1328298 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

Grade II Listed PROMENADE SHELTER APPROXIMATELY 55 METRES NORTH OF THE JUBILEE CLOCK TOWER HE Reference: 1328299 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

Grade II Listed PROMENADE SHELTER APPROXIMATELY 65 METRES SOUTH OF THE JUBILEE CLOCK HE Reference: 1328301 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

Grade II Listed PROMENADE SHELTER OPPOSITE NUMBER 88 (NUMBER 88 NOT INCLUDED) HE Reference: 1328297 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

Grade II Listed PROMENADE SHELTER OPPOSITE CHESTERFIELD PLACE HE Reference: 1328303 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

Grade II Listed PROMENADE SHELTER OPPOSITE BOND STREET HE Reference: 1328302 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

Grade II Listed PROMENADE SHELTER OPPOSITE EDWARDES STATUE HE Reference: 1328305 (*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.

Consultees

1. **Environment Agency:** no comment received.
2. **Weymouth Town Council:** no objection.
3. **Melcombe Regis Ward Member:** no comments received.
4. **Historic England:** refer to LPA.
5. **Natural England:** no comments received.
6. **DC - Asset & Property:** no comments received.

Representations received

Total - Objections	Total - No Objections	Total - Comments
1	0	This is not in keeping with the original historic design of the shelters and a surface mounted conduit no matter how it is boxed in will look out of place. A lot of time and effort was spent prior to the Olympics to restore these shelters sympathetically and in keeping, to fit down lighters is not in keeping.

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

West Dorset Weymouth and Portland Local Plan 2015

The following policies of the Local Plan are considered to be relevant:

- ENV4 - Heritage Assets

Neighbourhood Plans

Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making.

Other Material Considerations

Supplementary Planning Documents/Guidance

- Weymouth Town Centre Conservation Appraisal (2012)

Emerging Local Plans:

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. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

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).

National Planning Policy Framework

Relevant NPPF sections include:

- 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).

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

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

None.

15.0 Environmental Implications

None.

16.0 Planning Assessment

Impact on Heritage Asset, Setting and Conservation Area

- 16.1 The proposal seeks to install downlighters within each of the 7no seafront shelters with the aim to enhance the use of these seating areas, especially during the evenings. As noted within the submitted Planning and Heritage Statement, uplighters were previously installed within the pavement around the shelters however these are now no longer functioning. As further noted within the statement and discussed during the pre-application meeting, the replacement of the existing uplighters and their underground wiring is not considered to be practical, the logistics surrounding the replacement of the existing separate cable runs is considered by the applicant to be problematic in terms of repair of the existing and the future maintenance.
- 16.2 The proposed downlighters would be located within the existing ceiling of the shelters with a total of 6no. downlighters per shelter. The existing ceilings have a flat finish and are painted white. The proposed downlighters would be flush fitting and white in colour.
- 16.3 Each set of downlighters would have a single cable run from the nearest supply point and would have a concealed cable run into the ceiling void.
- 16.4 It is considered that the proposed location, design and colour of the downlighters would enable a discrete addition and is considered to avoid any harmful visual impact on the setting of the listed structures and the wider Conservation Area.
- 16.5 The proposed downlighters and cable run, as detailed on drawing 2024-03-03, would cause harm to the historic fabric of the shelters however it is considered that this would be less than substantial harm.
- 16.6 The proposal would improve lighting for the shelters and the wider promenade, particularly during the evenings, enhancing the appearance and encouraging the use of these facilities. Therefore, it is considered that the less than substantial harm identified would be offset by the wider public benefit of the proposal.
- 16.7 Having regard to all of the above it is considered therefore that the development accords with Policy ENV4 of the adopted local plan and the NPPF.

17.0 Conclusion

It has been concluded that the proposal would not be detrimental to the setting of the neighbouring Listed buildings and the Weymouth Town Centre Conservation Area. Furthermore, it is concluded that the proposal would cause less than substantial harm to the Listed building however this harm would be offset by the wider public benefit. In reaching this conclusion the proposal has been assessed with regard to the duties

under sections 16 of the NPPF (2021) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

18.0 Recommendation: Grant listed building consent 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

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