

<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).