

Application Number:	P/FUL/2025/01150
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Site outside / fronting 11 South Street Dorchester
Proposal:	Erect a statue of Sylvia Townsend Warner, information board & associated foundations
Applicant name:	Mr Joe Doak
Case Officer:	Jane Green
Ward Member(s):	Cllr Canning and Cllr Fry

1. Reason application is going to committee:

The application is to be heard at committee, in line with the Council's adopted scheme of delegation, as the application site is within Dorset Council ownership.

2. Summary of recommendation:

GRANT subject to conditions as set out at the end of this report

3. Key planning issues

Issue	Conclusion
Principle of development	The principle of public art is acceptable.
Scale, design, impact on character and appearance	The statue is life-size and appropriate in terms of scale and appearance
Impact on the living conditions of the occupants and neighbouring properties	No significant impact.
Impact on landscape or heritage assets	No harm to the setting of heritage assets
Economic benefits	There is the potential for visitors to the statue to spend money in the town's shops, cafes and facilities
Highway impacts, safety, access and parking	No unacceptable impact
Environmental Implications	No significant implications

4. Description of site

The site of the proposed bench/statue is in South Street where an existing pair of benches are sited outside the department retail store, Goulds. South Street is a pedestrian street located in the Dorchester Town Centre within the Primary Shopping Frontage. The site is also within the designated Conservation Area and there are a number of listed buildings, the nearest being NatWest bank approximately 30m away, with the others further to the north and further to the south of the site.

5. Description of development

The proposal sees the removal of the existing north bench and works to install a new bench with the erection of the statue and associated works. The statue will be life-size and will measure 1.28 metres in height. The statue will be cast in bronze, mounted on a square 8mm thick plate measuring 800mm by 800mm attached to a 50mm stainless steel box section of the same size. This will be anchored to the ground by a concrete sub-base measuring approximately 900mm by 900mm and sunk into the ground to a depth of 500mm. The sculpture will be fixed to the concrete sub-base by stainless steel studding. The statue will be designed so that it is perched above the bench and will remain entirely independent of it so that if it ever needs to be replaced the sculpture will remain unaffected.

The bench will measure 1.8m by 1.28m by 0.62m and of a cast iron framed seat with hardwood slats.

The information board will be of a metal frame and supports and will measure 84cm by 59cm with the bottom edge of the board being placed at 75cm about ground level. It will be located in the gap between the two benches.

6. Background and relevant planning history

No relevant planning history but it is worth a short explanation on how the proposal came about. Information taken from the submitted Planning, Sustainability and Heritage Statement.

Sylvia Townsend Warner was a writer and poet whose career spanned six decades. She is a contemporary of writers such as Virginia Woolf and Djuna Barnes, but her name is rarely mentioned. Her contributions have already been honoured by University College London, which facilitated the formation of the Sylvia Townsend Warner Society in 2000. Townsend Warner's personal life was just as remarkable as her literary achievements. She spent most of her adult life in West Dorset with poet Valentine Ackland, her long-term partner. At a time when same-sex relationships were heavily stigmatised, their partnership defied societal expectations, positioning both Townsend Warner and Ackland as pioneers for LGBTQ+ visibility and acceptance.

During 2023/24 Visible Woman UK ran a campaign and competition to celebrate local women from the past whose contributions had been overlooked. Following a public vote, Sylvia Townsend Warner was selected to be honoured with a statue to enrich Dorchester's literary and visual heritage. As Sylvia was an avid cat lover and often photographed with her feline

companions it was felt fitting to include a cat in the sculpture modelled on the famous 'Susie the Cat'.

The statue is to be sculpted by Denise Dutton who created the Mary Anning statue in Lyme Regis.

7. List of constraints

Application is within Dorchester conservation area

Within the defined development boundary

Within the Town Centre Area

Within the Primary Shopping Frontage

Within the Primary Shopping Area

Public Right of Way: Footpath S2/4; - Distance: 31.73

Site of Special Scientific Interest (SSSI) impact risk zone;

Scheduled Monument: Part of Roman, Saxon, and medieval town in grounds of Wollaston House (List Entry: 1002384.0); - Distance: 122.81

Scheduled Monument: Dorchester Roman walls (List Entry: 1002449.0); - Distance: 182.64

Scheduled Monument: Outer defences of Roman town, W of St Genevieve's Convent (List Entry: 1002380.0); - Distance: 237.86

Scheduled Monument: Colliton Park Roman house (List Entry: 1002721.0); - Distance: 464.73

Radon: Class: Class 1: Less than 1%

8. Consultations

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

Consultees

1. **DC - Rights of Way Officer** – No comments received
2. **DC – Highways** – No objection
3. **DC - Conservation Officers** – No comments received
4. **P - Dorchester Town Council** – No comments received
5. **Ramblers Association** – No comments received
6. **W - Dorchester West 1** – No comments received
7. **W - Dorchester West 2** – No comments received
8. **DC - Asset & Property** – No comments received

Representations received

Total - objections	Total - No objections	Total - comments
6	79	85

Summary of comments of objections:

- Position of statue would be better by the town pump, which is a nicer, more prominent position rather than outside a department store
- Makes no sense in this location. Should be in garden of the author’s home.
- Waste of money
- Not needed
- Not relevant to Dorchester and author’s work is not well known enough to warrant this honour
- Trip hazard

Summary of comments of support:

- Worthy contribution to the welcoming and open nature of Dorchester
- Recognises a major writer whose significance is recognised more widely every year – her stories are of local and global importance and Dorchester should be proud to host this statue
- Would bring history and create engagement, reflection and learning opportunities into a communal space
- Interactive proposal, inspiring, focal point for the community
- Will enhance the town centre, will be an attraction to tourists/visitors and is well-designed and a benefit to Dorchester

9. 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 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard 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.

10. Relevant policies

Development plan

Adopted West Dorset and Weymouth & Portland Local Plan:

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

INT1: Presumption in favour of sustainable development
ENV1: Landscape, seascape & sites of other geological interest
ENV2: Wildlife and habitats
ENV4: Heritage assets
ENV10: The landscape and townscape setting
ENV12: The design and positioning of buildings
ENV13: Achieving High Levels of Environmental Performance
ENV14: Shopfronts & advertisements
ENV16: Amenity
SUS2: Distribution of development
ECON4: Retail and town centre development
ECON5: Tourism attractions and facilities
COM7: Creating a safe & efficient transport network
DOR3: Dorchester Roman town area

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 plan should be accorded very limited weight in decision making.

Neighbourhood plans

None

National Planning Policy Framework 2024 (as amended 2025)

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - 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 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places' This 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.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty. Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says that 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. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

Other material considerations

National Planning Practice Guidance:

Design: process and tools 01 October 2019 Guidance

Historic environment: 23 July 2019 Guidance

Town centre and retail: 18 September 2020 Guidance

Supplementary Planning Guidance:

West Dorset District Council Design and Sustainable Development Planning Guidelines
Adopted February 2009

Dorchester Conservation Area Appraisal Adopted July 2003

Dorchester Town Council policy statements:

Dorchester Heritage Tourism Strategy (2020)

Dorchester Town Council Community Implementation Plan (2023-28)

Dorchester Town Council Corporate Plan (2025-29)

All of Dorset:

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.

11. 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. 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 not considered that the proposal will disadvantage any persons with certain protected characteristics and any persons with disabilities or mobility impairments or pushing buggies are accommodated and access for all remains.

13. Planning Assessment

Principle of development

The principle of public art is acceptable. Paragraph 135 of the NPPF encourages development that is sympathetic to local character and history, establishes a strong sense of place and create places that are safe, inclusive and accessible and which promote health and wellbeing. Policy ENV10 of the Local Plan states new development should make a positive contribution to local distinctiveness and incorporates features that would enhance local character, including public art.

Scale, design, impact on character and appearance

The statue is to be life-sized and the according to the submission will be very detailed and a true representation of the subject. It will be of bronze composition and of the highest quality in design. The sculptor is Densie Dutton who is widely known for her representation of Mary Anning located in Lyme Regis which is now regarded as a tourist attraction with many visitors a year enjoying the piece.

Whilst art is subjective it is considered the sculpture has an historical relationship with the area and would contribute positively to local identity and distinctiveness.

As such the proposal would enhance local character and would be a positive focal point and would active addition to the sense of place.

Impact on the living conditions of the occupants and neighbouring properties

It is considered the proposal will not have an unacceptable impact on amenity of neighbouring properties and in fact it is hoped it will have an impact in terms of increased footfall to the town and in turn to the retail shops and cafes and other facilities of South Street and the rest of Dorchester.

Impact on landscape or heritage assets

The site lies within the Dorchester Conservation Area and two listed buildings lie approximately 5m (number 10 South Street) and 15m (numbers 7-9 South Street, as a group) to the north of the bench on which the statue is proposed to be located. 10 South Street is a Grade II* 18th century building which was the house of the Mayor of Casterbridge in Hardy's novel of that name. 7-9 South Street consists of three three-storey 18th century properties with grey and red

brick fronts above modern shops and these are Grade II listed. On the west side of South Street approximately 30m from the site is the NatWest Bank, a late 19th century Grade II building dressed in Ashlar Bath stone. Other listed buildings on South Street lie at some distance from the site to the north and south.

The statue is not considered to detract from the setting of the heritage assets, the proposal is justified and there are public benefits to be gained. As such it is considered that policy ENV4 of the Local Plan is adhered to.

In the absence of any other issues or concerns having been raised to the contrary it is considered that therefore the proposal would not result in any harm to the Conservation Area nor the setting of listed buildings. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway impacts, safety, access and parking

The proposed statue is to be located where an existing public bench is sited. The current bench is to be replaced with the statue placed on it (but slightly separated so the bench could be replaced if needed in the future). The existing bench to the south is to be retained. As there is little difference to that which exists in terms of street furniture, it is not considered that the proposal will introduce any significant obstruction. This part of the pedestrian area is wider due to the Goulds building and the adjacent bank being set back further than the other properties which further mitigates the situation. The area is also well lit with streetlights and lights projecting from the retail shops at night.

The proposed information board is to be located between the two benches so again this is not considered to introduce any new obstacles in the street.

Noting the subject will be sitting down it is considered this will provide further inclusivity as wheelchair users and people with mobility issues may well find the statue more accessible than usual standing pieces.

Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits.

Material considerations

There is the potential for visitors to the statue to also frequent the shops, cafes and facilities of the town which would enhance the local economy.

Non-material considerations

Public art can contribute to the sense of place and local identity and can educate and inspire audiences and can create social awareness and improve well-being.

Environmental implications

No significant implications

14. Summary of issues and the planning balance

Noting the significant public support for the statue and for reasons as set out above, the proposal is considered to accord with all relevant policies of the West Dorset, Weymouth & Portland Local Plan, in particular policy ENV10 and the paragraph 135 of the National Planning Policy Framework and is recommended for approval with conditions. The proposal would comply with the development plan, taken as a whole, and there are no material considerations that indicate otherwise.

15. Recommendation

GRANT of planning permission subject to:

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:

PP-13671395v1 Location plan
12 February 2025 Site plan
0.1 Statue Specification Overall Dimensions
0.2 Statue Specification Ground Fixings

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

Informative Notes:

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one

or more of the statutory exemptions or transitional arrangements in the list below are considered to apply.

- Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Read more about Biodiversity Net Gain at <https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

2. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the

dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

3. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 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 application was acceptable as submitted and no further assistance was required.