

<b>Application No:</b>	<a href="#">3/21/18/081</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	Easting: 297187    Northing: 146626
<b>Applicant</b>	Mrs MacLean
<b>Proposal</b>	Installation of sculpture pole with 2 downward pointing projecting lights
<b>Location</b>	The Esplanade, Minehead
<b>Reason for referral to Committee</b>	<b>The recommendation is contrary to the views of the Town Council</b>

## Recommendation

Recommended decision: Refuse

### Reasons for refusal:

The proposed erection of a single pole with two downlighting projection units, would lead to additional visual clutter in this area of The Esplanade when added to the recent addition of the new art installations and this will be accentuated by lighting the sculpture.

Whilst it is understood that the sculpture is proposed to be part of a larger project to help improve tourism to Minehead it is considered that the additional visual clutter created does not outweigh the harm to the character and appearance to this part of the Conservation Area and is therefore not in accordance with local plan policies NH1 and NH2 of the West Somerset Local Plan to 2032, retained policy TO/2 and Section 16 of the National Planning Policy Framework.

### Informative notes to applicant

#### 1 **STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority. During the course of pre-application discussions the applicant was informed that, in the view of the local planning authority, the proposal was considered to be unacceptable in principle because it was contrary to the strategic policies within the

Development Plan / policies within the National Planning Policy Framework, as such the applicant was advised that it was likely that should an application be submitted it would be refused. Despite this advice the applicant choose to submit the application. The concerns raised during the pre-application discussions/ correspondence remain and, for the avoidance of doubt, were reiterated to the applicant during the course of the application.

The development would not improve the environmental conditions of the area.

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

## **Proposal**

It is proposed to install a 5m high metal sculpture pole with 2 downward pointing projecting lights that are fixed to the top of the pole to project a wave pattern onto the ground at night. The aluminium pole base has a diameter of 150mm and the head diameter will be 76mm and would be fixed to the current tarmaced surface. The projected wave pattern would be projected through the light fittings onto the ground with a surface area of approximately 2.5m diameter.

Also fixed to the pole is a sculpture of two metal 'eel' features, winding down the pole in a double helix shape. The eels are approximately 2m long and include detail such as fins, scales, eyes and mouth. The pole is proposed to be sited to the north western of the series of 8 gabion art display structures and north east of the concrete letter seats (spelling Minehead).

## **Site Description**

There is an existing open air gallery comprising of 8 gabion baskets that are sited on tarmaced land on an area of open space between Jubilee Gardens Cafe and the adjoining shelters and the gabions which form a ring around the Wessex Water's pumping station cabinet. The proposed pole would be sited to the north east of the gabion ring on The Esplanade. The site area is approximately 750sqm (which includes the pumping station and seating area containing the individual letters 'Minehead').

To the east of the proposal site is the Millennium clock tower as well as the beach front to the north. The site is within the Wellington Square Conservation Area and is also located within Flood Zone 3.

The site does not have vehicular access and is a pedestrian area of the Esplanade opposite the West Somerset Railway. It is noted that this area has previously evolved into a motorbike parking area which has at times obstructed the pedestrian

walkway/pavement.

## Relevant Planning History

The Esplanade has a long and varied history, the most relevant are;

3/21/91/109 - Renovate and change roofs of 3 shelters and erect 1 new shelter. Granted on 03/6/91.

3/21/98/098 - Enhancement of seafront - paving, lighting, street furniture, new car park & associated ramps. Granted on 22/7/98.

3/21/11/017 - Erection of a clock tower to a height of 8.50m. Granted on 4/4/2011.

3/21/14/068 - Erection of a clock tower to a height of 5.90m (amended scheme to 3/21/11/017). Granted on 29/8/14.

3/21/17/109 - Change of use of part of shelter to form retail unit and retail storage area. Granted on 05/01/18.

3/21/17/113 - Concurrent applications for interpretation panels on the Esplanade. Granted 31/1/18

3/21/17/114 - Change of use of land and erection of 8 gabion baskets to form an open air exhibition. Granted 31/1/18

## Consultation Responses

*Minehead Town Council* - The committee can see no material planning reason to refuse this application.

*Highways Development Control* - This application seeks consent for the erection of a sculpture pole with 2 No downward pointing projecting lights on the Esplanade in Minehead.

### 1. Highway safety

This is a desktop study of the information provided. No site inspection has been carried out in relation the proposed works.

It is assumed that SCC would grant consent under s144 of the Highways Act 1980. As such the District Council (in terms of CDM is the client) and has appointed a designer. Presumably, they (the District Council and designer) retain such CDM roles and associated paperwork throughout the life of the structure.

It is noted that in the s144 legislation it states that the Highway Authority may give their consent on such terms as they see fit. Suggested terms include removal / reinstatement and reasonable costs associated.

The SCC Infrastructure Improvements Group should review the conditions attached to a standard s144 notice to ensure they are inclusive of Road Safety Audit and CDM requirements.

It is difficult to adequately assess the potential impact of illuminated projection on the roads approaching the structure until it is installed. It is further recommended that stages of audit, as defined in HD19/03, be applied to the proposed structure.

In the spirit of co-operation, SCC should provide any pre-construction information (e.g. underground apparatus) that we have available, but it is assumed that the designer will undertake the appropriate stats enquiries and ensure the contractor has the relevant health and safety information prior to the commencement of construction.

It is expected that the designer will ensure the client is aware of their CDM responsibilities; the design should take account of pre-construction information and the principals of prevention, with consideration for H&S risks.

Whilst the Highway Authority does not have a CDM duty holder role, we would expect to be notified of any risks and would need to consider how we secure such information to ensure it is accessible to maintenance operatives etc in the future.

#### Problem

Location The Esplanade, Minehead

Summary Driver distraction

The lighting of the proposed sculpture may present a distraction to motorists.

The proposed location for the feature appears to be aligned to westbound traffic on the Esplanade. Westbound traffic is travelling around a left-hand bend with a defined uncontrolled pedestrian crossing point. Light distraction may result in vehicle/pedestrian conflict. The sketch below indicates sight lines of approaching traffic; the pedestrian uncontrolled crossing and the approximate location of the feature.

It is assumed that the projection is on to the ground. The projection of light should not impact on approaching motorists.

#### Recommendation

The lighting designer should ensure that the lighting design does not cause an unnecessary distraction to motorists.

## **2. Highway lighting**

The proposal should not affect the lighting onto the carriageway as the projector is a fixed colour and highly focused beam of light.

Consideration will need to be given to the power supply to the units; it will either need a mini pillar to house the isolation point and metered supply.

The designer will need to ensure the wiring of the unit is to the correct wiring regulations.

For clarity, SCC will not be accepting these units for maintenance and will not

accept any responsibility for them. The maintenance and energy charges will all need to be funded by another party. Somerset County Council do not maintain any architectural or decorative lighting.

### **3. Structures**

Please provide details of the sculpture, loading, pole details and foundation details, preferably with suppliers calculations justifying the design.

Considering the above comments, the Highways Authority has no objection to the principle of the development.

Should the Local Planning Authority be minded to grant consent the Highways Authority recommend the following condition be attached:

- Prior to the erection of the sculpture pole full details of the sculpture, loading, pole details and foundation details, with suppliers calculations, shall be provided to and approved in writing by the Local Planning Authority.

In the event of permission being granted I would recommend that the following notice is attached to the Planning Certificate:

The applicant will be required to secure a licence from the Highway Authority for works on or adjacent to the highway necessary as part of this development, and they are advised to contact Somerset County Council at least four weeks before starting such works.

*Conservation Officer* - The metal sculpture is proposed to be sited near the junction of The Esplanade, The Avenue and Warren Road on the open space area that accommodates two shelters, seating, a clock and more recently the art installations together with other items of street furniture. A number of buildings at Minehead Railway Station are Grade II listed buildings and The Beach Hotel, 1-4 The Esplanade together with the former bandstand (The Jubilee Café building) are buildings of local interest. These are, according to the Conservation Appraisal, "Buildings of modest quality, which although not meriting listing, are valued for their contribution to the local scene or for their local historical association." The sculpture would also be located within Wellington Square Conservation Area

The character of this area was one of an open area that was and is used for people to congregate either to sit and while the time away, to eat or to meet others. This was recognised by a Planning Inspector on an appeal against the refusal for the siting of a mobile unit (3/21/00/55) on this area. The appeal was dismissed as whilst recognising that there was an accumulation of street furniture the site was part of an attractive well defined space and marks the transition between fast food outlets (eg the ice cream kiosk and the café in the railway carriage and other buildings) and amusement arcades which characterise the approach to Butlins and the more restrained atmosphere of the The Avenue and The Esplanade with their traditional Victorian buildings.

The area is now more cluttered than it was due to the addition of the new art

installations, which, on reflection it is considered that these do not preserve the character of this part of the Conservation Area. The addition of the eel sculpture with down lighting will add further visual clutter and this will be accentuated by lighting the sculpture.

In addition why were eels chosen as these fish are common throughout the country whereas Minehead is known for its breeding grounds of Herring for example. More detail about this can be found in a recent edition of the West Somerset Free Press. The types of fish that are generally caught around Minehead include mullet, bass, sole, rays, smoothounds and cod. Should a sculpture be erected perhaps a fish that is more relevant to Minehead would be appropriate.

In conclusion I consider that whilst it is understood that the sculpture is proposed to be part of a larger project to help improve tourism to Minehead it is considered that this does not outweigh the harm to the character and appearance to this part of the Conservation Area and is therefore not in accordance with local plan policies NH1 and NH2. The sculpture however will not adversely affect the setting of the nearby listed buildings due to the location and distance between the buildings and the listed buildings.

*Economic Regeneration and Tourism* - No comments received.

## **Representations Received**

None received.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
MD1	Minehead Development
NH1	Historic Environment

NH2	Management of Heritage Assets
NH13	Securing high standards of design
CC2	Flood Risk Management
EC1	Widening and strengthening the local economy
EC8	Tourism in settlements

## **Retained saved policies of the West Somerset Local Plan (2006)**

TO/2      Tourism Development in Minehead

## **Determining issues and considerations**

The main issues and considerations in the determination of this application are;

- Principle
- Impacts on the character and appearance of the area
- Impacts on residential amenity
- Flooding
- Highway Safety

### **Principle**

The proposed development is to be located within the built development limits of Minehead on The Esplanade, opposite the West Somerset Railway Station. The site is within a designated flood zone and within the designated Wellington Square Conservation Area. The two most relevant local plan policies are SC1 and MD1. SC1 states that development will be concentrated in the main area of Minehead/Alcombe and rural centres and the development is to be on a scale generally proportionate to the role and function of Minehead. Policy MD1 states that development must support and strengthen the settlement's role as a main service and employment centre particularly in terms of the diversity and quality of its historic and natural environment, sustain and enhance the historic environment and maintain and enhance Minehead's attractiveness as a tourist destination.

It is considered that the erection of one 5m pole with a the pair of light projectors and incorporating two eels complies with policy SC1 but does not completely comply with MD1 in relation to sustaining and enhancing the historic environment for the reasons discussed in the next section.

### **Impacts on the character and appearance of the area**

The applicant has submitted a Heritage Assessment to accompany this proposal which reiterates that development within a designated Conservation Area must consider the following;

New development or the change of use in conservation areas, should maintain an areas social and economic functions, however, the development must contribute to the preservation or enhancement of an area's character and conserve all the main elements of architectural and historic importance. It is therefore aimed to retain features other than buildings and structures upon which the designated status is based including trees, hedges, walls, fences, open areas, ground surfaces and historic road patterns.

The current character of the Esplanade has already changed considerably with the recent structures, gabion baskets (art displays), insertion of steel shells into the surface of the Esplanade along the millennium mile, the addition of a millennium wall plaque, millennium clock tower and several non-illuminated lectern and wall mounted interpretation panels, all of which have the benefit of previous planning permissions. The site therefore already has significant cumulative clutter when the aforementioned is added to the Victorian shelters, trees, phone box, letter box and refuse bin and utility cabinets.

Comments received from the Council's Conservation Officer can be seen above in this report. It is considered that the character of this part of the seafront was an open area for people to congregate and that a previous appeal was made for the siting of a mobile unit in the same area in 2000. However, since then several developments have the benefit of planning permission and the site is now cluttered in appearance especially with the addition of the recent art installations, which on reflection, do not preserve the character of this part of the conservation area.

There are a number of buildings in the area such as the Minehead Station that are Grade II listed buildings. The Beach Hotel, 1-4 The Esplanade and the former bandstand (Jubilee Cafe), and the Victorian shelters are buildings of local interest as defined in the Conservation Area Appraisal in 2003.

It is noted that the proposal seeks permission for the erection of a single pole with a pair of downward projecting lights which are to project a wave pattern of approximately 2.5m and would light this area of The Esplanade. The addition of the eel sculpture with down lighting is considered to add further to the visual clutter and be accentuated by lighting the sculpture.

The Agent, has explained the rationale of the development and states that conger eels are regularly caught in the area. The lighting would light a poorly lit area, the lighting being more important than the sculpture which could be removed from the scheme if required. The Agent agrees that the area is increasingly cluttered with the introduction of the gabions (thought to be temporary elements), and that as part of the future public realm resurfacing works the gabions would be taken down and when rebuilt, 2 of the gabions would need to be relocated as they are restricting access to the Wessex Water equipment. The Agent's preference would be to relocate the gabions off from the Promenade (the small public car park behind Channel Adventure was suggested). These alternatives have been raised for the planning committee to consider should they be minded to approve the application.



It is concluded that whilst this single development is part of a large public realm project to help improve tourism to Minehead, it does not outweigh the harm to the character and appearance to this part of the Conservation Area which does not preserve or enhance the conservation area due to additional visual clutter and is therefore not in accordance with local plan policies NH1 and NH2. The sculpture however will not adversely affect the setting of the nearby listed buildings due to the location and distance between the buildings and the listed buildings

### **Impacts on residential amenity**

No comments have been received from members of the local community on this proposal. It is also noted that Minehead Town Council can see no material planning reason to refuse this application.

In terms of residential amenity, the light projection from this single pole is not considered to impact on residential amenity due to the distances involved to the nearest residential properties along the Esplanade or The Beach Hotel and the angle of the projected light.

### **Flooding**

The whole of seafront area is located within flood zone 3 due to tidal flooding.

The Agent has submitted a flood risk assessment (FRA) in support of this proposal. This report also considers other future proposed changes to the Public Realm which may affect flood protection issues. However, in this instance consideration is limited to the erection of this sculpture pole which is to be fixed to the current surface of The Esplanade.

The specified Flood Mitigation Notes within the FRA confirm that;

1. The existing levels and drainage feature across the site are to remain and all surface water discharged as per existing arrangements.
2. Robust water resilient material (marine grade stainless steel) is to be used for the new street furniture (including this pole).
3. The Environment Agency has been consulted during the design process regarding the relationship of the new proposals to the existing sea wall.
4. All new electrical installations are to be run off of existing power sources and have been fully designed by qualified electrical sub-consultants and in conjunction with the input and approval of West Somerset Councils DLO maintenance team who have the responsibility for the maintenance of the electrical equipment along the Promenade.
5. The new planting areas will introduce a small area of permeable surface as

compared to the existing situation, otherwise there is little change.

The flood risk assessment, confirms that surface water drainage will be as the existing arrangements and no foul drainage is required for this development. It is therefore accepted that although fixed to the ground, this new sculpture pole will not have a significant impact on surface water or general flooding events. It is considered that the development accords with local policy CC2 of the West Somerset Local Plan to 2032.

## **Highway Safety**

A detailed response has been received from the Highway Authority on this proposal, whose comments have considered highway safety, highway lighting and structures. They have no objections to the principle of the development and suggest imposing a condition and informative notes to any approval. The condition requests full details of the sculpture, loading and foundation details, and the note advises that a licence would be required for works on or adjacent to the highway.

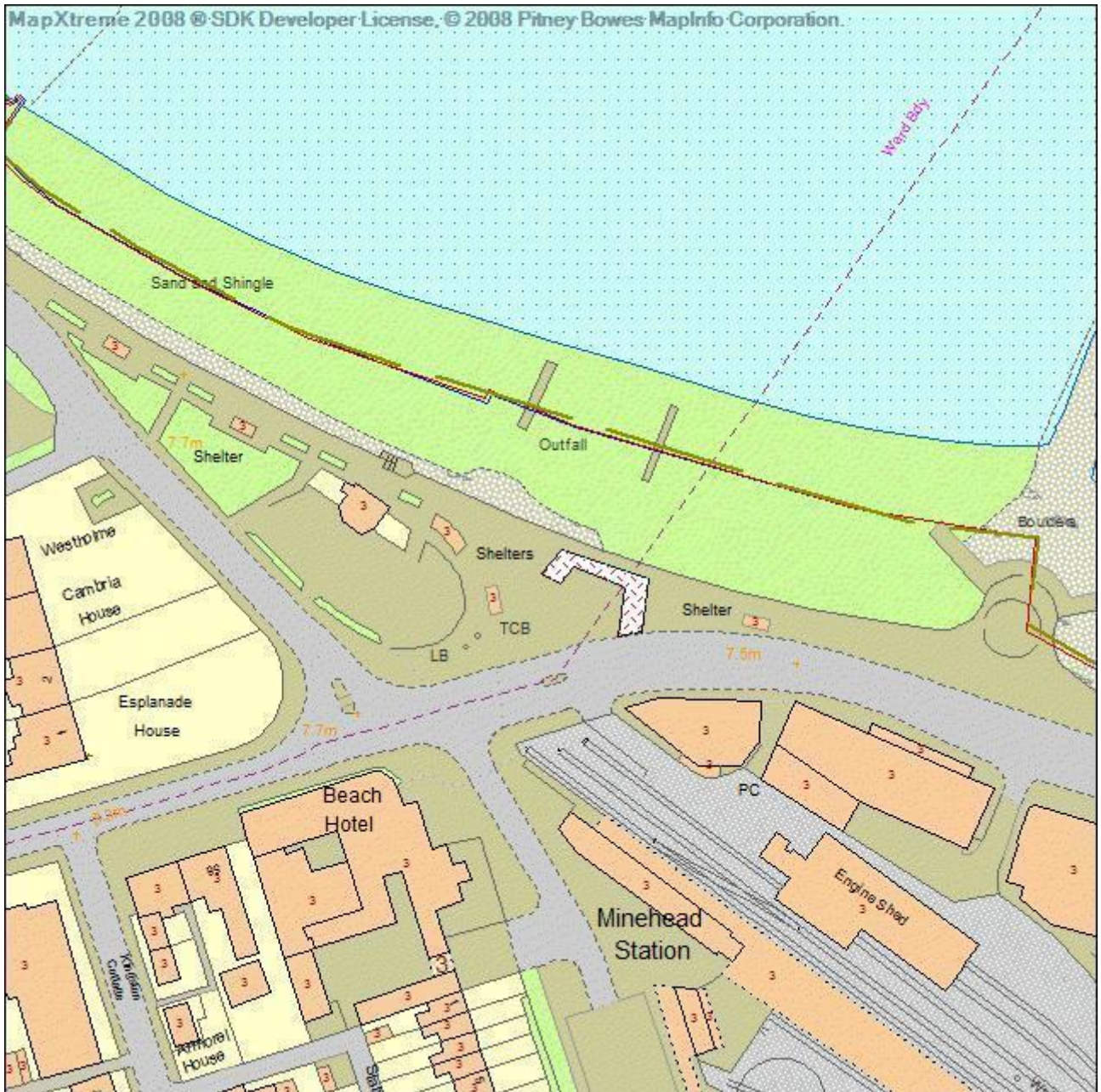
As there are no highway safety issues the development it is considered that this aspect of the proposal is acceptable.

## **Conclusion**

This scheme centres on the erection of one sculpture pole in order to light this area of the promenade as part of a larger Public Realm improvement plan. It is noted that if the pole was no more than 4m in height it would be permitted development. It is important however, to consider that the site is located within a designated Conservation Area which was originally designed for its open space, the convergence of various parts of the town and the visual open appearance of the area and surrounding structures.

It is accepted that previous planning permissions have already meant an increase in the cumulative clutter in this small but prominent area and in order to satisfy all of the relevant local and national policies along with the comments returned from the Council's Conservation Officer, the principle consideration is the balance of conserving and enhancing the historic environment with a desire to improve the appeal to attract tourist to the area and the economy of the town of Minehead. It is considered that the desire to improve the appeal to attract tourists to the area and the economy of Minehead does not outweigh the harm found to the character and appearance to this part of the Conservation Area and is therefore not in accordance with local plan policies NH1 and NH2 of the West Somerset Local Plan to 2032, saved policy TO/2 of the West Somerset District Council Local Plan 2006 and section 16 of the national Planning Policy Framework. It is therefore recommended that the application is refused.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.



Application No 3/21/18/081  
 Installation of sculpture pole with  
 2 No. downward pointing  
 projector lights  
 The Esplanade, Minehead



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