

<b>Application Details</b>	
Application Reference Number:	3/37/22/019
Application Type:	Full Planning Permission
Earliest decision date:	07 February 2023
Expiry Date	16 February 2023
Extension of Time Date	
Decision Level	Planning Committee
Description:	Erection of memorial to Derek the Goose (retention of works already undertaken)
Site Address:	Land at the Marina Edge, The Esplanade, Watchet, TA23 0AJ
Parish:	37
Conservation Area:	Watchet Conservation Area
Somerset Levels and Moors RAMSAR Catchment Area:	N/A
AONB:	NO
Case Officer:	Ben Gilpin
Agent:	Mr John Richards
Applicant:	Ms Carron Clark
Committee Date:	
Reason for reporting application to Committee	Town Council and 4 persons express views contrary to the officer's recommendation.

## **1. Recommendation**

1.1 That permission be GRANTED subject to conditions.

## **2. Executive Summary of key reasons for recommendation**

2.1 The retention of the memorial is not considered incongruous or detrimental to the character of the Watchet Conservation Area. The retention of the memorial would not interfere with the safe operation of Watchet Harbour and would not impede vehicle / pedestrian flows. The proposal accords with policies of the Development Plan, notably NH1, NH2 and NH13.

## **3. Planning Obligations and conditions and informatives**

### 3.1 Conditions (full text in appendix 1)

1. Time Limit (retrospective)
2. Plans

### 3.2 Informatives (full text in appendix 1)

#### 3.2.1 Proactive Statement

### 3.3 Obligations

None

## **4. Proposed development, site and surroundings**

### 4.1 Details of proposal

The Public Art, as in situ, is 1.75m tall, and 0.5m wide. The public art piece is finished to stainless steel and has 4 x low level solar powered spotlights directed onto the form.

### 4.2 Sites and surroundings

The public art is positioned at the edge of the Esplanade and is not on the highway or footpath.

The site is in the Watchet Conservation area but has no other statutory designations.

## **5. Planning (and enforcement) history**

None directly applicable

## **6. Environmental Impact Assessment**

N/A

## **7. Habitats Regulations Assessment**

N/A

## **8. Consultation and Representations**

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 22 December 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 12 January 2023

8.4 Site Notice Date: 17 January 2023

8.5 Statutory Consultees the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
<u>Watchet Town Council</u>	The Committee wish to	The Town Council have

	<p>support local artists and community initiatives and are supportive of the efforts of all involved in commissioning the design and production of this tribute piece in memory of Derek the goose but consider that as this memorial has been sited within a conservation area subject to stringent requirements it is in the wrong location. As a result, the Town council would like to see it re-sited elsewhere around the harbour side and is probably best suited to a site on the eastern quayside.</p> <p>Therefore, the Council recommend refusal of this retrospective application.</p> <p>The Council regrets that planning permission was not sought before proceeding to put the statue in place which would have enabled consultation to take place within the community.</p> <p>The reason for this recommendation is that the installation breaches policy CA/1 of the Local Plan to 2032 in multiple respects.</p> <p>The policy states:</p> <p>POLICY CA/1: New Development and Conservation Areas Development proposals in conservation areas will be permitted only where they are compatible with the</p>	<p>objected to the proposal on heritage grounds (it is their belief that the public art does not preserve or enhance the Conservation area).</p>
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	<p>preservation or enhancement of the architectural and historic character or appearance of the conservation area. In particular, proposals should meet the following requirements: The proposal must be in keeping with the scale, architectural quality and features of the area and not detract from the setting of historic or architecturally important buildings. External building materials must be appropriate to those that are traditional in the conservation area. The proposal should not detract from the existing landscape elements of the conservation area including trees, hedgerows, walls, banks, footpaths and open spaces.</p> <p>The proposal is out of scale with the mass and height of nearby features. The preserved sea anchor recovered mine and statues of the Ancient Mariner and Yankee Jack are substantial landscape features whereas the proposal is flimsy and see through in places.</p> <p>The proposed sculpture is by a developing local artist and contains an advert for his work. There is a plaque containing a poem attached to railings. Previously, the District Council has not granted licences for the promotion of artists and businesses</p>	
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along the Esplanade railings. The adjacent Ancient Mariner statue is by a respected internationally renowned artist, Alan B Herriot, responsible for the internationally respected statue of Donald Dewar outside the Scottish parliament in Edinburgh. The statue of the Ancient Mariner was unveiled in 2003 by Dr Katherine Wyndham who at the time was the heir of the local Wyndham family. The Yankee Jack statue situated further along the Esplanade is also by Alan B Herriot.

The proposal sits behind the marina railings overlooking the site where Derek the goose was frequently observed. There is a small copper model of a goose on top of one of the pontoon polls in the marina nearby already to commemorate him / her. The proposal has nothing in common with the maritime features of area which are exemplified by the marina setting, the adjacent preserved sea anchor, the reclaimed wartime mine repurposed as a collection box for the distressed sailors fund and the two statues. One commemorates a sea farer immortalised in the poem by Samuel Taylor Coleridge, written in Watchet and important cultural draw for visitors. The second is a statue to a

local sailor, Yankee Jack who came to fame in the American Civil war and became an important source of sea shanties preserved by Cecil Sharp - he is also commemorated by a plaque outside his cottage in the town.

The proposed statue is made of stainless steel. This material is completely absent in the surrounding area. The mine, anchor and the aforementioned statues are not made of stainless steel but are cast in bronze which is a recognised standard for sculptures and statues in the public realm. Stainless steel is much used in the new East Quay building which suggests again that the proposal would be better sited at the other end of the Esplanade from where it is proposed.

The lighting of the proposed statue introduces a new element by using a solar panel connected to four lights with the cabling contained within white plastic ducts. Whilst the use of solar power is welcome in terms of carbon reduction, the white plastic is a visually intrusive element in an area dominated by dark colours.

For these reasons, the Council believe the proposal is in breach of policy CA/1 which is designed to protect and

	enhance conservation area status.	
<u>Highways Development Control</u>	No observations	Neither support or object
<u>Conservation Officer</u>	<p>Application Details</p> <p>The application site is located on the corner of the Esplanade and Market Street at Watchet Harbour. This is located within the Watchet Conservation Area and in the vicinity of several Listed Buildings - including the Grade II Listed No. 1 Market Street (National Heritage List for England (NHLE) List Entry Ref. 1345583, Dec 1982), as well as several Locally Listed structures, comprising several public art features - such as the bronze statue of the Ancient Mariner (Somerset Historic Environment Record (HER) 47103). The historic core of the town and harbour are designated by the Watchet Conservation Area. Many of the Listed or Locally Listed building in the vicinity have origins as local amenities, serving the core of the historic coastal village.</p> <p>A site visit was undertaken by the Conservation Officer on the 08 February 2023.</p> <p>Proposed works Erection of memorial to Derek the Goose (retention of works already undertaken).</p> <p>Significance The Watchet Conservation Area is focused on the</p>	It is stated that, from a professional heritage perspective, the retention of the proposal will as a minimum preserve the heritage assets

	<p>historic core of the town, harbour and coastline. Therefore, the conservation area and the buildings within it have significance focused on their illustrative historic interest, in the information that they provide about past activity, ways of life in this area and the historic development of the amenities of the town. Its setting, as a coherent group of buildings within the historic core of the town and harbour, the visual connection with its predecessor, the high-status settlement at Daw's Castle to the west, and view towards the surrounding hills to the south, west &amp; east, have aesthetic, communal and illustrative historic values and makes a positive contribution to its significance.</p> <p>The harbour area of the town and conservation area also holds a degree of communal value, as a focal point in the town, where the existing public art contributes to a sense of history and place for the community. This also makes a positive contribution to the significance of the conservation area.</p> <p>Assessment of harm</p> <p>The memorial is small in scale and its open and see-through form reduces the visibility of the feature.</p>	
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	<p>Due to the height of the memorial, elements of the surrounding street furniture obscure the memorial from several views. It is also not visible from the east side of the harbour, due to its scale and mass.</p> <p>The scale of the memorial also means that it does not form a visual intrusion with the Conservation Area, in the key views from Market Street towards the harbour, or across the harbour from either the west or east. Nor does it form a visual intrusion in the setting of the adjacent heritage assets.</p> <p>The memorial has communal value, compliments the street scene of the Esplanade, and contributes to the sense of place that the existing public art and street furniture creates.</p> <p>Recommend approval.</p>	
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8.6 Internal Consultees the following were consulted:

Consultee	Comment	Officer comment
Watchet Conservation Society	<p>RE - COMMENTS FROM WATCHET CONSERVATION SOCIETY 25 JAN 2023</p> <p>Following further discussion, it is clear that a Watchet Conservation Society should take a neutral position in regard to this application and withdraws its objection</p>	The Conservation Society has a neutral position

SWT Coastal, Leisure and Assets Team	No comment on the memorial beyond that I believe it is located where it cannot cause a trip hazard. If permitted it will become 'another' statue in the area alongside at least 2 that are there already. Maintenance may become an issue and this must be the responsibility of the Town Council, in particular to repair any damage and ensure that the lights, if permitted, are both checked for safety and working as intended so as not to cause light pollution. It won't affect traffic or pedestrians, beyond that it's a question of whether it's permitted under planning regulations	No objection is recorded
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### 8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

59 letters have been received at the time of writing (4 objections; 1 neutral; 54 support) making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Effect on Heritage Asset	Consideration is given in the Heritage section / wider report below
Support	Officer comment
Point of Interest	The memorial to a period in the history of Watchet Harbour is acknowledged
Contributes to Character	Consideration is given in the Heritage section / wider report below

#### 8.7.1 Summary of objections - non planning matters

None

## 8.7.2 Summary of support - non planning matters

None

## 9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are listed below:

NH1	Historic Environment
NH2	Management of Heritage Assets
NH13	Securing high standards of design
SC1	Hierarchy of settlements
SD1	Presumption in favour of sustainable development
T/14	Harbour Facilities at Minehead and Watchet

### Neighbourhood Plans:

Stogumber Neighbourhood Plan

### Supplementary Planning Documents:

District Wide Design Guide, December 2021

### Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022)

## 9.1 National Planning Policy Framework

## **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

### **10.1.1 *The principle of development***

The principle of development within the settlement limits is ordinarily deemed acceptable in principle.

Such acceptance is caveated with the proviso that any development should also accord with other elements of the Development Plan.

### **10.1.2 *Design of the proposal***

Public Art and its acceptance is, by its nature, subjective.

The memorial art piece in this instance is finished to stainless steel, and occupies a small 'built footprint'. In addition, with the height of 1.75m the memorial is not so high as the interrupt rooflines or other defining silhouettes that may form the backdrop to the harbour area.

Although the LPA does not have an adopted policy that explicitly refers to public art, section 5.17 of the SWT Design Guide Supplementary Planning Document (SPD) is relevant. It reads:

"Public art can enhance our experience of places, in terms of celebrating aspects of our local heritage, (events, traditions, influential figures., former activities, place names, local materials, etc), aspects of a buildings function and design (through the use of colour, materials, murals or low relief, texture, detail, signage, lighting, roofline etc) and the public realm (through the use and design of paving materials and textures, street furniture and signage, landscape and water, etc).

Public art may be permanent, or temporary (events, flags, lighting, etc). It may be free standing or integral with a building or the public realm.

Public art contributes to our aesthetic senses, the experience of beauty (see NPPF para 126), whilst in some cases be challenging, and wellbeing. Public art can stimulate not only the visual sense, but those of touch, hearing and smell. It can also invite people to linger longer in the public realm, contributing to its animation, commercial viability and safety.

Works of public art can be most successful if they are designed to stimulate interaction with people generally, or with particular groups in the community, for instance, children, young people, elderly people, people with some form of disability, such as visual or hearing impairment, or people who suffer from anxiety in the public realm.

Location

Public art installations will often require the agreement with the planning and highway authorities and possibly utilities, regarding the location of any freestanding piece in the public realm, to ensure that it does not obstruct vehicular or pedestrian movement and is safe."

In this instance, and as evidenced from letters of support received in relation to the retention of the memorial, it is clear that the design is one that generates interest (and in some cases reflection) and is a point of reference (both social and physical). It is also suggested that the memorial does result in people 'lingering' in the area that bit more than may otherwise have been the case.

The memorial, to a large number of respondents to this application, enhances their experience of place, with its celebration of what is considered by many who have commented as an influential figure that has made a lasting contribution to the local heritage in this part of Watchet.

In these regards, the design is considered acceptable and accords with the objectives of the SPD.

#### **10.1.3 Access, Highway Safety and Parking Provision**

Comments received from consultees have identified no issues with the location of the memorial in relation to access or highway safety.

The development has no effect on parking provision.

#### **10.1.4 The impact on the character and appearance of the locality**

The site is in the Watchet Conservation Area.

It is clear from the comments received from the SWT Heritage Officer that the scale and form of the memorial is such that it would not detract from the character of the Conservation Area.

Knowing the above the scheme is considered acceptable and would not be incongruous in the street scene and would respect the character of the area.

#### **10.1.5 The impact on neighbouring residential amenity**

The position of the memorial, and its associated low level lighting, is not considered to be to the detriment of neighbouring amenity.

#### **10.1.6 Any other matters**

None

#### **10.2 Heritage impact**

The objections received have cited the memorial as inappropriate in this location, and that it appears as an incongruous addition.

Applications for planning permission affecting conservation areas or their setting must be determined in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

In this instance, consideration of the memorial by the SWT Heritage Officer is important. It has been stated that:

"The harbour area of the town and conservation area also holds a degree of communal value, as a focal point in the town, where the existing public art contributes to a sense of history and place for the community. This also makes a positive contribution to the significance of the conservation area.

#### Assessment of harm

The memorial is small in scale and its open and see-through form reduces the visibility of the feature. Due to the height of the memorial, elements of the surrounding street furniture obscure the memorial from several views. It is also not visible from the east side of the harbour, due to its scale and mass.

The scale of the memorial also means that it does not form a visual intrusion with the Conservation Area, in the key views from Market Street towards the harbour, or across the harbour from either the west or east. Nor does it form a visual intrusion in the setting of the adjacent heritage assets.

The memorial has communal value, compliments the street scene of the Esplanade, and contributes to the sense of place that the existing public art and street furniture creates.

Recommend approval."

Knowing the above it is considered that the retention of the memorial would not be to the detriment of the Conservation Areas' character and would as a minimum, and in accordance with Policy and S.72 of the aforementioned Act, preserve the character and setting of the surrounding heritage assets.

## **11 Local Finance Considerations**

### 11.1 Community Infrastructure Levy

N/A

## **12 Planning balance and conclusion**

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## **Appendix 1 – Planning conditions and Informatives**

### **Recommended Conditions**

- 1 Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from October 2022.

Reason: To comply with Section 73A of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

281641-(A4) Location Plan  
281642-(A4) Site plan  
281640-Details of memorial

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

### **Notes to applicant.**

- 1 In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

