

# COUNCIL

Agenda Item:

**Ward:** Glastonbury – St Benedicts

**Portfolio:** Finance, Governance and Corporate Services

**FROM:** Monitoring Officer **Date:** 11 July 2016

**SUBJECT:** Petition relating to a mural at 9 Northload Street, Glastonbury

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	Seen by:	Name	Date
<b>Report Sign off</b>	Legal	Donna Nolan	29/6/16
	Finance	Paul Deal	29/6/16
	Chief Executive Officer	Stuart Brown	29/6/16
	Group Manager	Ian Bowen	29/6/16
<b>Summary:</b>	<p>The Council has received a petition regarding an unauthorised mural on the gable end of 9 Northload Street, Glastonbury. A 'retrospective' listed building consent application was refused and a subsequent appeal to the planning inspectorate dismissed. The petition relates to the Council's Planning and Enforcement Policies as it seeks the retention of the mural.</p> <p>As the petition has in excess of 1500 signatures, Full Council is required to debate the petition for a maximum of 15 minutes in accordance with the Council's Petition Scheme.</p>		
<b>Recommendation:</b>	<p>That Full Council consider the request made in the petition for the mural to remain as it is currently, not to pursue any enforcement action, and make such a decision as they deem appropriate in accordance with the options set out in paragraph 4 of the report.</p>		
<b>Direct and/or indirect impact on service delivery to our customers and communities:</b>	<p>The Council welcomes Petitions and recognises that they are a way in which customers and communities can let us know their concerns and priorities.</p>		
<b>Financial Implications:</b>	<p>There are no significant financial implications as a result of the request made in this petition.</p>		
<b>Legal Implications:</b>	<p>The Council has a statutory duty to consider planning (including listed building consent) applications and to undertake enforcement investigations. However enforcement action is discretionary.</p>		

	For the reasons outlined in this report, the Council is obliged to consider the petition in the manner outlined in the Petition Scheme, which forms part of the Constitution.
<b>Crime and Disorder Implications:</b>	Unauthorised works to a listed building are a criminal offence as set out in the Planning (Listed Building and Conservation Areas) Act 1990.
<b>Equalities Implications:</b>	None identified.
<b>Risk Assessment and Adverse Impact on Corporate Actions:</b>	Taking no action on unauthorised development could potentially establish a precedent but nevertheless this should be weighed against the public interest.

## INTRODUCTION

1. The Council has received a petition regarding an unauthorised mural on the gable end of 9 Northload Street, Glastonbury. A 'retrospective' listed building consent application was refused and a subsequent appeal to the Planning Inspectorate dismissed. The petition relates to the Council's Planning and Enforcement Policies as it seeks the retention of the mural.

The Council has a statutory duty to consider and determine proposals for development within the District, this includes applications for listed building consent, in accordance with local and national planning policies. The Council also has a statutory duty to undertake investigations into enforcement complaints, however undertaking enforcement action is a discretionary activity.

The objective of the Council's Enforcement Policy is to:

***To regulate the use of land in the public interest and in accordance with the Corporate Objectives of the Council.***

Government guidance on the use of Local Authority enforcement powers reaffirms that public acceptance of the development control process is quickly undermined if unauthorised development, which is unacceptable on planning merits, is allowed to proceed without any apparent attempt by the Local Planning Authority to intervene before serious harm to amenity results from it.

## BACKGROUND

2. In August 2015 the Council received a complaint from a member of the public regarding a mural that had been painted on the side of a listed building in Glastonbury without the necessary permission. The owner was contacted and informed of the need to seek permission for such works; a listed building consent application was then submitted retrospectively in September 2015.

The application for listed building consent was refused in December 2015 for the following reasons:

*a. The works would detract from the character of the listed building. This would cause 'less than substantial' harm to the significance of this designated heritage asset which would not be outweighed by any associated public benefits. The proposal therefore fails to accord with the provisions of Policy DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategy and Policies) and the National Planning Policy Framework (2012).*

*b. The works would detract from the setting of the listed buildings in Northload Street and Feversham Lane. This would cause 'less than substantial' harm to the significance of these designated heritage assets which would not be outweighed by any associated public benefits. The proposal therefore fails to accord with the provisions of Policy DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategy and Policies) and the National Planning Policy Framework (2012).*

c. *The works would not preserve or enhance the character or appearance of the Glastonbury Conservation Area. This would cause 'less than substantial' harm to the significance of this designated heritage asset which would not be outweighed by any associated public benefits. The proposal therefore fails to accord with the provisions of Policy DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategy and Policies) and the National Planning Policy Framework (2012).*

The applicant subsequently submitted an appeal against this refusal to the Planning Inspectorate in January 2016. The Planning Inspector undertook a site visit on 3 May 2016 and the appeal decision was issued on 1 June 2016 – the appeal was dismissed.

Following the Inspectors decision the applicant was contacted again and asked to confirm what action he intended to take in response to the appeal decision – he was given 21 days to respond.

No formal decisions regarding any enforcement action have been taken to date.

## THE PETITION

3. A petition was submitted by post, containing 3667 online signatures, to the Council on 27 June 2016. The petition requests that:

*“Full Council reconsider their decision of the removal / painting over of the mural at 7 Northload Street in Glastonbury. We would like full Council to take into account that we request the present mural should REMAIN as it is currently, on the side of Mr Knights building in accordance with Mr Knights wishes and community support from the town's people and tourists who visit Glastonbury.”*

As stated under paragraph 2 above no formal decisions have been taken by the Council regarding the removal or painting over of the mural, therefore there is a degree of misunderstanding in the petition that has been submitted. However it is legitimate for Council to debate the request that the mural should remain as it is currently.

## THE PETITION SCHEME

4. The Council has adopted a Petition Scheme. The principle behind the Petition Scheme is that if 1500 signatures or more are validly received, the petition organiser will be given five minutes to present his/her submission, following which the petition will be discussed by Full Council for a maximum of 15 minutes. The Petition Scheme suggests a range of conclusions Full Council may reach, including:

- To take the action the petition requests;
- Not to take the action requested for reasons put forward in the debate;
- To commission further investigation or research into the matter, for example by a relevant Committee, Portfolio Holder or an Officer.
- Hold a public meeting
- Hold a public consultation exercise

- Hold a meeting with petitioners
- Refer the petition for consideration by the Council's Scrutiny Board
- Write to the petition organiser setting out our views about the request in the petition

Following Full Council, the petition organiser will be notified in writing of the decision of the Full Council.

It is important to be clear that as this matter relates to a statutory planning issue which is governed by legislation, it is not open to Council to re-consider the listed building consent application or subsequent planning appeal afresh in response to this petition.

## **RECOMMENDATION**

That Full Council consider the request made in the petition for the mural at 9 Northload Street, Glastonbury to remain as it currently is and make such decision as they deem appropriate in accordance with the options set out in paragraph 4 of the report.

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### **Background Papers**

Planning report December 2015  
Listed Building Consent refusal notice December 2015  
Planning Appeal Decision June 2016