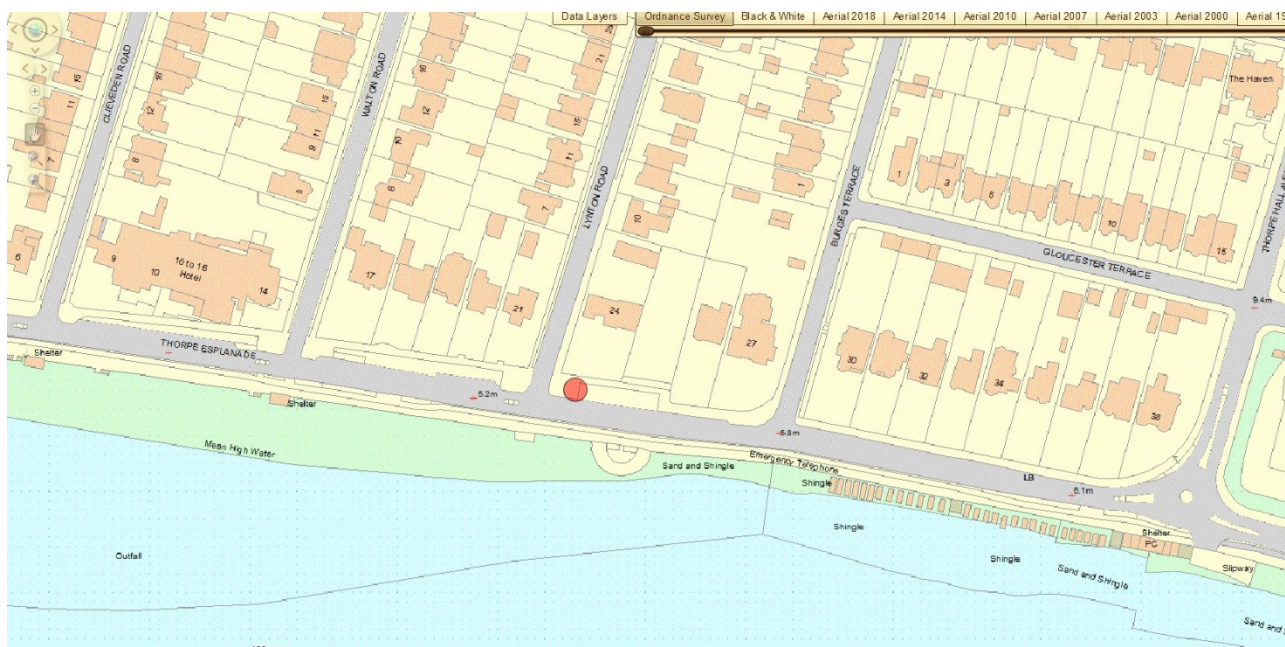


Reference:	22/01976/BC3	
Application Type:	Borough Council Regulation 3	
Ward:	Thorpe	
Proposal:	Install permanent sculpture comprising of a brick column sculpture (B) as part of the "made from this land" sculpture trail (Site 4)	
Address:	Pavement Junction At Lynton Road With Thorpe Esplanade Thorpe Bay, Essex	
Applicant:	Miss Laura Bowen of Focal Point Gallery	
Agent:	N/A	
Consultation Expiry:	01.12.2022	
Expiry Date:	16.12.2022	
Case Officer:	Oliver Hart	
Plan Nos:	Site 4 Alternative Lynton Road Junction Rev B; A010 Rev A; A201 Rev G	
Additional information:	'Made from this Land', Emma Edmondson Section 106 Art Commission; Additional Application Form answers	
Recommendation:	The Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED TO GRANT PLANNING PERMISSION subject to conditions and provided that any additional representations received up to the end of the consultation period 1 December 2022 do not raise any new material planning considerations. In the event that representations are received and these raise new material considerations not addressed within this report, the application be brought back to this Committee for determination	



1 Procedural matters

- 1.1 The application is presented to the Development Control Committee as it is a Council application which has received objection from interested parties.

2 Site and Surroundings

- 2.1 This application relates to the “made from this land” sculpture trail led by Focal Point Gallery and local artist Emma Edmondson which involves the installation of sculptures across the wider Southchurch area. This is one of a number of similar applications and specifically relates to the proposed site on the pavement at the Lynton Road junction with Thorpe Esplanade.
- 2.2 The site is located within Flood Zone 2 and is situated within Seafront Character Zone 6 as defined in the Development Management Document.

3 The Proposal

- 3.1 The proposal seeks planning permission to install one permanent column sculpture as part of the "made from this land" sculpture trail, 1.45m high, 0.48m deep and 0.48m wide in maximum width. The column, together with the other sculptures in the collection, will map out a walking tour of the historical brick fields of Southchurch.
- 3.2 The column is proposed to be finished in an assortment of brickwork applied with local seashell slip. The coping would comprise a mix of mortar/render, inset with handmade clay pebbles. The sculptures will include a small sign explaining the design.

4 Relevant Planning History

- 4.1 There is no relevant planning history at this site but the following applications are also part of the same sculpture trail:

Table 1: Relevant Planning History for the sculpture trail

Reference	Address	Description	Outcome [Date]
22/01511/BC3	Pavement Adjacent To Thorpe Hall Avenue Thorpe Bay	Install permanent sculpture comprising of a brick column sculpture (A) as part of the "made from this land" sculpture trail on footpath at Thorpe Hall Avenue (Site 2)	Granted [03.11.2022]
22/01512/BC3	Land At Southchurch Park East Lifstan Way Southend-on-Sea	Install permanent sculpture wall for part of the "made from this land" sculpture trail	Granted [06.10.2022]

5 Representation Summary

Public Consultation

5.1 A site notice has been displayed at the site and 3 neighbours individually were notified. Representations from four (4no.) interested parties, including Cllr Woodley, have been received. The proposal description and its address details were adjusted during the course of the application and a further consultation was undertaken. That consultation expires on 01.12.22. Below is a summary of comments and objections to date. The recommendation at the end of this report takes account of the consultation position.

- Design concerns; incongruous and out of keeping with the area.
- Waste of public money which could be spent to resurface roads.
- Concerns about parking and highway safety.
- The sculpture would be hidden by vegetation.
- Residents on Lynton Road have not been notified about this application.
- Concerns about crime and antisocial behaviour.

- Concerns with positioning of the column.
- Alien feature within the street scene.
- Impact on pedestrian movement along the pavement
- Associated signage is not conveniently located next to the column.
- Potential for congregation outside the adjacent dwellings and associated privacy and amenity concerns
- Additional demand for parking on-street caused by visitors.
- Potential to attract anti-social behaviour and/or vandalism.
- Concerns regarding ongoing maintenance

[Officer Comment:] The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

Highways

5.2 No objection

6 Planning Policy Summary

6.1 The National Planning Policy Framework (NPPF) (2021)

6.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

- 6.3 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 6.4 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM6 (The Seafront), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)
- 6.5 Southend-on-Sea Design and Townscape Guide (2009)
- 6.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

7 Planning Considerations

- 7.1 The main considerations in relation to this application are the principle of the development, design and impact on the streetscene, traffic and transportation issues, impacts on amenity and CIL.

8 Appraisal

Principle of Development

- 8.1 All Local Planning Policy Documents including the Core Strategy and Development Management Document seek to encourage the development of tourism and culture across the city and in particular the town centre and seafront area. '*Securing a vibrant and well served culture and tourism industry within the town*' is a key objective of the Core Strategy (objective VI).
- 8.2 The Core Strategy also makes reference to the Cultural Strategy for Southend on Sea "Making Culture Count" which provides an overarching strategic vision for the development of Southend's cultural sector. Its aims and objectives seek to improve health, regenerate the town, increase participation and life-long learning and develop communities through the use and promotion of culture. Its vision is to develop a cultural infrastructure and facilities which are recognised as being of regional significance and which offer demonstrable benefits to everyone who lives in, works in or visits the City.
- 8.3 Policy CP7 of the Core Strategy seeks to protect green space. Local and national policies also seek to protect designated habitats.
- 8.4 The proposal is seeking planning permission for a permanent column sculpture to be installed on the pavement at the junction of Lynton Road and Thorpe Esplanade. This initiative will support the City's objectives to promote tourism and culture. The limited scope of the proposed installation will have a marginal impact on the space available to the public during and after installation is complete, but the trail overall is likely to be an attraction for residents and visitors to the City. This will have a positive impact on the economy of the City and wellbeing of visitors.
- 8.5 The application site is located within Flood Zone 2 . It is considered that the nature of the proposal as a sculpture would constitute 'water compatible' development in the vulnerability classification as outlined in the NPPF. Based on the information provided there are no aspects identified in the application that would have a significant effect on flood risk.

- 8.6 The principle of the proposal is therefore acceptable subject to the detailed consideration set out below.

Design and Impact on the Character of the Area

- 8.7 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.8 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.
- 8.9 The proposed column sculpture to be sited near an existing highway landscaped bed will provide added visual interest and will contribute to the cultural offer of the City. The installation is of a limited scale and will use high quality materials. They are considered broadly to be compatible with the character of the area. The design, scale, form and siting of the proposal is considered acceptable and policy compliant. The proposal is therefore acceptable and policy compliant in the above regards.

Amenity Impacts

- 8.10 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 8.11 The sculpture would be within a wide pavement and would be remote from neighbouring dwellings. These installations will attract visitors to the area but it is considered that this will generally be as part of linked trips to the area and will not in itself lead to a significant increase in the level of noise and disturbance in these locations. The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on neighbour amenity and the amenity of the users of this area.

Traffic and Transportation Issues

- 8.12 The NPPF states (para 111) that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 8.13 It is not considered that the proposed installation would create significant harm to pedestrian or vehicle movements or health and safety. The Council's Highway Officer has concurred with this view and has not raised any objections in relation to traffic and transportation issues. The proposal is therefore considered to be acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

- 8.14 The site does not involve the creation of floorspace therefore CIL is not relevant to this proposal.

Equality and Diversity Issues

- 8.15 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 8.16 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

9 Recommendation

Members are recommended to resolve that the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED TO GRANT PLANNING PERMISSION subject to conditions and provided that any additional representations received up to the end of the consultation period on 1 December 2022 do not raise any new material planning considerations. In the event that representations are received and these raise new material considerations not addressed within this report, the application be brought back to this Committee for determination.

The following conditions are recommended:

01 The development hereby permitted shall begin no later than three years from the date of the decision.

Reason: Required pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans, inclusive of the materials annotated: Location Plan; A010 Rev A; A201 Rev G.

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

03 The development hereby permitted shall be carried out and maintained solely in accordance with the details contained in the submitted document "Made from this Land", Emma Edmondson, Section 106 Southchurch Art Commission".

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

01 You should be aware that in cases where damage occurs public during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.

02 You are advised that as the proposed development does not involve the creation of new floorspace it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.