

<u>No:</u>	BH2020/03247	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Norfolk Square Gardens Norfolk Square Brighton		
<u>Proposal:</u>	Installation of public sculpture to paved area.		
<u>Officer:</u>	Sam Bethwaite, tel: 292138	<u>Valid Date:</u>	10.11.2020
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	05.01.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Steve Geliot 62 Compton Road Brighton BN15AN		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Block Plan			10 November 2020
Location Plan			10 November 2020
Proposed Drawing	Site Plan		10 November 2020
Proposed Drawing	South Section		10 November 2020
Proposed Drawing	West Section		10 November 2020
Other	Sculpture Details		10 November 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION

- 2.1. This application relates to the north side of Norfolk Square, within an existing large paved area. It would be flanked on either side by the existing retail pavilions and there is a bus stop and Western road just beyond, to the north. The site is within the Regency Square conservation area and there are several Grade II listed buildings adjacent the site, within Norfolk Square.

3. RELEVANT HISTORY

- 3.1. **PRE2020/00204** pre-application guidance issued on 14 October 2020. In summary, the advice was that the siting, scale and materials of the proposed sculpture were likely to be acceptable subject to any formal comments from Heritage and Transport Officers.

4. APPLICATION DESCRIPTION

- 4.1. This application is for the erection of a public art installation on the north side of Norfolk Square, within an existing large paved area. It would be flanked on either side by the existing retail pavilions and there is a bus stop and Western road just beyond, to the north. The site is within the Regency Square conservation area and there are several Grade II listed buildings adjacent the site, within Norfolk Square.
- 4.2. The sculpture is made from the three original cast iron "dolphins" repurposed from the 1846 Victoria Fountain at Old Steine. There is a wave element which will be made from weathering steel and fitted to the historic castings. In addition, there will be three interchangeable shipwrecks in cast iron fitted to the wave. The intention is that these will be changed at various times by the Norfolk Square Gardens Group.

5. REPRESENTATIONS

- 5.1. **Five (5)** letters have been received supporting the proposed development for the following reasons:
- The sculpture will enhance Norfolk Square
 - It will encourage people to stop and explore the wider Norfolk Square gardens
 - The use of the cast iron dolphins is in keeping
 - The sculpture is an opportunity to reuse the dolphins
 - Would enhance the area and become a local landmark
- 5.2. **Councillors Phillips and Druitt** have written in support of the application. Their representation is attached to this report.

6. CONSULTATIONS

EXTERNAL

- 6.1. **Conservation Advisory Group (CAG): Objection**
CAG have requested that the application be determined at Planning Committee rather than receiving a delegated decision. The group objects to the proposal on the grounds that the proposed sculpture would be too large and bulky for the site, that it would disrupt the views of the Georgian terraces around the square. CAG state that a larger open space is required and that the installation in a cramped spot will harm the conservation area. The group also comment that the information submitted provides limited details especially with reference to the proposed shipwrecks.

INTERNAL

- 6.2. **Heritage: No objection**
The heritage officer concluded that the proposed sculpture would be a substantial structure that would particularly impact views from the north and south. It would not significantly impact on views of the listed buildings as a result of the existing intervening tree lines. The sculpture would be subservient to the Norfolk Square buildings especially given that it is similar to the existing pavilions in terms of height. It would be viewed more in context with the busy commercial townscape of Western Road. Overall, the heritage officer considered that the proposed art installation would preserve and enhance the character of the Regency Square conservation area and cause no harm to the setting of the listed buildings at Norfolk Square.
- 6.3. **Sustainable Transport: No objection**
There was no objection in principle to the installation of the sculpture from the transport officer. The transport officer was keen to make sure that space is retained around the proposed sculpture to allow the free movement of pedestrians and onlookers.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which ended on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP12	Urban design
CP13	Public Streets and Spaces
CP15	Heritage

Brighton and Hove Local Plan (retained policies March 2016):

TR7	Safe Development
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the site, the wider street scene of the Regency Square conservation area, the setting of the adjacent listed buildings and the amenities of adjacent occupiers and residents.

Planning Policy:

- 9.2. One of the objectives of policy CP13 Public Streets and Spaces of the Brighton & Hove City Plan Part One is to incorporate appropriate public art into the city's public spaces. This policy states that artwork can create and enhance local distinctiveness. It is considered that the proposed sculpture accords with the aims of this policy.
- 9.3. The erection of a public art installation in this location is considered acceptable in principle.

Design and Appearance:

- 9.4. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory 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. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.5. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.6. It is considered that the proposed sculpture will preserve and enhance the character and appearance of the Regency Square conservation area and the setting of the adjacent Grade II listed buildings within Norfolk Square. The proposed sculpture will add interest and local distinctiveness to the area. Some of the wider views across the square would be disrupted by the proposed sculpture. However, this will not impact significantly on the views of the adjacent listed buildings, particularly given the existing pavilions and trees that interrupt these views. It is also considered that the addition of the proposed sculpture would attract people closer to the square to appreciate the gardens and the adjacent buildings of architectural merit.
- 9.7. The proposed sculpture would be positioned in a large expanse of pavement to the north of Norfolk Square gardens. In this location it is considered that the proposed sculpture would not result in the area appearing cluttered.
- 9.8. At 3.5m in height with a 3.4m diameter base the proposed sculpture would be a significant size. It would not be as tall as the adjacent retail units and would appear subservient in scale against the buildings of Norfolk Square and Western Road.
- 9.9. The proposed sculpture would not result in design harm and is considered to be in accordance with policies CP12 & CP15 of the Brighton & Hove City Plan Part One and QD5, HE3 and HE6 of the Brighton and Hove Local Plan (retained policies March 2016).

Impact on Amenity:

- 9.10. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.11. Officers were not able to conduct a site visit as a result of the ongoing restrictions related to covid-19. The assessment of the amenity impacts of the proposed sculpture was completed by reviewing images provided with the application and from street scene views taken in October 2020.

- 9.12. Whilst the proposal may attract people to the square to view the sculpture, given its existing context along Western Road, it is not considered that any additional activity from the proposed sculpture would result in any detrimental amenity impacts to local residents. Indeed, additional footfall may assist local retailers.

Sustainable Transport:

- 9.13. The proposed sculpture would reduce the space available for pedestrian movement but notwithstanding this it is considered that appropriate space would be retained. A gap in excess of 3.4m would exist between the sculpture and the adjacent bus stop and retail premises. This is similar to the pavement widths along Western Road to the east and west of the site.
- 9.14. 110B Western Road has a pavement licence for tables and chairs. This sandwich shop is small in size and it is not considered that the tables and chairs associated with this property in conjunction with the proposed sculpture would result in insufficient space for comfortable pedestrian movement around the site.

10. EQUALITIES
None identified.