

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 15 November 2017  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** 2 Sedlescombe Road South, St Leonards-on-sea, TN38 0TA  
**Proposal:** An artwork by artist Greg Shapter, commissioned for Coastal Currents Arts Festival 2017 . An image of a face (Robert Tressell) mounted on the external side wall of Martell Colour Print. Approx 3.5m x 2.5m. It is a single point perspective piece which only 'reads' as a face from one angle, and from other angles doesn't appear to be anything significant other than a framework on a wall. (link to the artist and similar artwork: <http://gregshapter.com/>)  
**Application No:** HS/FA/17/00632

**Recommendation:** REFUSE

Ward: WISHING TREE  
Conservation Area: No  
Listed Building: No

Applicant: Martel Colour Print per Joule Arts & Events Ltd 63 Elphinstone Rd Hastings TN34 2EG  
Interest: Applicant

Existing Use: Commercial premises

**Public Consultation**

Site Notice: Yes  
Press Advertisement: No  
Letters of Objection: 0  
Petitions of Objection Received: 0  
Letters of Support: 0  
Petitions of Support Received: 1  
Neutral comments received 0

Application Status: Not delegated -

## 1. Site and Surrounding Area

The site consists of a two storey, red brick property with rooms in the roof. The premises is a semi-detached property in a prominent location on the junction of Sedlescombe Road North, Sedlescombe Road South, Battle Road and London Road in St Leonards. Attached to the property is No. 4 Sedlescombe Road South also known as Silverhill Social Club. Surrounding the site is a mix of residential and commercial properties including, Asda to the north west, Barclays bank to the north- east, and Silverhill shopping area to the east. The property itself houses Martel Colour Print, a small independent digital printing business.

### Constraints

SSSI Impact Risk Zone

Flooding Surface Water 1 in 1000

Historic Landfill Site 250m Buffer

## 2. Proposed development

This application seeks permission for the placement of a piece of artwork by artist Greg Shapter on the side elevation of No. 2 Sedlescombe Road South.

The piece was commissioned for Coastal Currents Arts Festival 2017 and shows an image of Robert Tressell's face. The artwork is a single point perspective piece which only 'reads' as a face from one angle. From other angles the structure would appear as a metal framework on the wall.

Dimensions:

- Height: 2.41 metres
- Width: 1.67 metres
- Maximum projection from wall: 1.45 metres
- Approximate height above ground: 7.4 metres

Materials:

- Welded galvanized steel frame
- Dibond image bolted to frame
- Non-illuminated

### Relevant Planning History

- |   |                |  |
|---|----------------|--|
| - | HS/FA/99/00535 | Improvements to disabled access and facilities including small extension for disabled W.C. |
|   | Granted        | 20/10/1999   |

### National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy FA1 - Strategic Policy for Western Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy T3 - Sustainable Transport.

## Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

## National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 64 of the NPPF states, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

Guidance is unclear as to whether art installations should be considered as advertisements and in accordance with the advertisement regulations. While in this instance the installation has been considered as a full planning application, paragraph 67 of the NPPF is still considered relevant. This paragraph states that "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".

## Planning policy Guidance (PPG)

Paragraph: 018 Reference ID: 26-018-20140306 - A well designed public space is lively

Public spaces are available for everyone to see, use, enjoy, (eg streets, squares and parks). They help bring neighbourhoods together, and provide space for social activities and civic life. They also provide access, light, air and the setting for buildings. The position, design and detailing of public space is central to how it provides benefits for the wider community. The most successful spaces exhibits are functional and attractive with hard and soft landscape elements, well orientated and detailed routes which include facilities such as seats and play equipment. Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.

### **3. Consultations comments**

#### **Highways - Objection**

*The proposed artwork is set overhanging the highway and it is considered that the installation artwork in this location would create driver distraction and cause additional hazards at the junction of Sedlescombe Road South and Battle Road.*

*Having consulted with the Traffic and Safety Team, concern has been raised as this junction is persistently identified as a collision site and the art installation proposed has the potential to create further distraction at this busy intersection. This risk is considered to be a severe impact, and as such is considered contrary to paragraph 32 of the National Planning Policy Framework, and the application should therefore be refused.*

*In addition no details have been provided to show how the structure will be secured and if the building wall is able to support such an installation, this is particular concern as the artwork would overhang the footway.*

*The applicant is advised to support any application for an installation of artwork on the strategic highway with a safety audit.*

#### **Arts and Cultural Development Officer - Support**

*In my former role as Public Art Officer this was an issue which I researched on a number of occasions, most specifically in the instances of applications for the "Stream" lighting sculpture adjacent to Marine Court, and the Brick Boat on the approach to Glyne Gap. The most obvious example of public art near a busy highway was, and still is, Antony Gormley's "Angel of the North". I contacted Gateshead local authority and was able to determine that this 20 metre high and 54 metres wide sculpture, while being clearly and closely visible to two busy main roads, the A1 and the A167, caused no increase in the number of accidents on these roads. Indeed, since the sculpture was erected in 1998, the number of accidents per volume of traffic on these roads at this point has actually decreased. This is borne out by the fact that in many places throughout the world public art is recommended as a traffic calming feature to reduce accident rates. In a similar vein, it is now commonplace for large sculptures to be placed in the centre of roundabouts all over the country.*

*Closer to home, the East Sussex Highways presumably rightly granted permission for the Guy Portelli 1066 memorial sculpture to be placed on the Battle / A271 roundabout, with four busy entrance roads. This decision, as well as the decisions involving the aforementioned*

*Stream and Brick Boat artworks and the decision to permit changing coloured lights on the suddenly spurting fountain at the busy Italian Way roundabout on Hastings seafront are not consistent with the objections to the proposed Robert Tressell at 2 Sedlescombe Road South artwork which is smaller than any of these, and, being placed high up, is much less in the view of any approaching motorist. Like 1066, Robert Tressell is a treasured part of our local heritage, and a sculpture commemorating him is long overdue. It is also appropriate that the sculpture is high on a wall as Tressell himself earned his living as a painter of advertisements on walls. This also brings to mind the countless large scale roadside billboard advertisements designed precisely to catch the eye of passing motorists which also must be inconsistent with this recommendation. I therefore believe that the proposed sculpture will not present a danger to local traffic and recommend that the application be approved*

#### **4. Representations**

In respect of this application a site notice was displayed. In response to this a petition of 97 signatures was received. The comments of support include:

- Positive cultural impact
- Positive benefit to the community
- May create a traffic calming affect

#### **5. Determining Issues**

##### a) Principle

The site is in a sustainable location and the application is therefore in accordance with policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

##### b) Impact on Character and appearance of the Area

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources, and shows appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials as well as good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness.

As stated above the site is located in prominent position, on a main highway junction. The surrounding area is a busy, bustling area of St Leonards with high footfall and vehicle movements. The artwork depicts Robert Tressell, an important figure from local heritage with a nod to Tressell's life as a painter of advertisements on walls.

The overall design of the artwork does not form part of the consideration of this application; however, it must be acknowledged that the subject of the piece is an important figure within the town's history. As such it is considered that the installation would not have a detrimental impact on the character of the area or the surrounding street scene and as such complies with the aims of Policy DM1 as quoted above.

##### c) Highway Safety/Parking

As stated above the County Highways Officer has raised concerns in relation to the development and the potential for a detrimental impact on highway safety. The Highways Officer advised that a strategic highway safety audit should be submitted to demonstrate that the artwork could be installed without detriment to highway safety. The applicant was advised that the submission of this report may address the concerns raised by the Highways Officer, however, they declined to carry out the survey.

As a result of this, and while the comments from former Public Arts Officer are acknowledged, it is considered that due to the lack of supporting evidence that the artwork can be installed without detriment to highway safety, the development is contrary to Policy DM3 of the Hastings Development Management Plan and Paragraph 32 of the National Planning Policy Framework as referenced above.

## **6. Conclusion**

Taking the above in to account it is considered that, as it has not been adequately demonstrated that the installation would not constitute a distraction to the drivers of vehicles using the adjacent section of Sedlescombe Road South [C664] and Battle Road [B2159] potentially resulting in severe highway impacts, the development fails to comply with both local and national planning policy.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

## **7. Recommendation**

### **Refuse for the following reason:**

1. The proposed artwork would constitute a distraction to the drivers of vehicles using the adjacent section of Sedlescombe Road South [C664] and Battle Road [B2159] resulting in severe highway impacts. The development is therefore considered contrary to Policy DM3 of the Hastings Development Management Plan, T3 of the Hastings Planning Strategy and Paragraph 32 and 67 of the National Planning Policy Framework.

### **Note to the Applicant**

1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

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### **Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

### **Background Papers**

Application No: HS/FA/17/00632 including all letters and documents