

- a) **DOV/19/00035 – Installation of a permanent sculpture - Kearsney Abbey, Alkham Road, Temple Ewell, Dover**

Reason for report - Number of contrary representations (13)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Development Plan

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy (2010), the saved policies from the Dover District Local Plan (2002), and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies, standards and legislation which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the Planning (Listed Buildings and Conservation Area) Act (1990), together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

Policy DM1 – Settlement boundaries

National Planning Policy Framework (NPPF) (2019)

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.

Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

Paragraph 192 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Kent Design Guide (2006)

The Kent Design Guide says that works of art within existing development can be a potential means of improving the quality of the environment. Works of art can contribute to and enhance the creation of a sense of place and local identity. The guide also says that suitable locations for public art might include public open space or arrival points within towns and villages.

Section 66(1) of Planning (Listed Buildings and Conservation Area) Act 1990

Section 66(1) states that, 'In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority shall 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.'

d) **Relevant Planning History**

Although there is no relevant planning history on file for this part of the site, a multi-functional timber structure has recently been granted permission under DOV/18/00860 within the Kearsney Park.

e) **Consultee and Third Party Responses**

Representations can be found in full in the online planning file. A summary has been provided below:

DDC Kearsney Parks Team: "Joseph Black's proposed sculpture, Other Waters, is one of the works of art being produced as part of Art in the Park – Kearsney Interpreted. This is an Arts Council-funded project, delivered in partnership with Dover Arts Development. The aims of the project are to support and develop artists in the local area, and also to promote the use of Kearsney Abbey and Russell Gardens as cultural spaces... The location has been specially selected so that the sculpture can be viewed easily without being intrusive in the landscape. It will be placed close to the fence that is already there and will not interfere with people's line of sight across the pathway and to the river. The sculpture will have a textured surface and this will provide an excellent sensory experience for people with visual impairments or children with special needs... Finally with increasing concern about the state of the world's oceans we believe it is important that people are given the opportunity to make the link between the River Dour and the wider seas, and contemplate their inter-connectedness"

KCC Highways: Development proposal does not meet criteria to warrant involvement from the Highway Authority and is outside of the consultation protocol.

DDC Heritage Team: No objection, the sculpture would not affect the setting of the listed buildings.

River Parish Council: No comments were received

Third Party Representations:

Objections

There have been 12 objections from the public consultation of the application, summarised as follows:

- Sculpture doesn't reflect natural area
- Sculpture would be an eyesore
- The existing views of the abbey are enough
- Sculpture would be out of place in this location
- Kearsney Abbey is not a coastal location but a rural park
- Concrete addition to green space is neither attractive nor beautiful
- This is a vanity project
- Maintenance will cost the tax payer
- Sculpture is not relevant to Kearsney Abbey
- No benefit
- Unnatural addition
- Will attract antisocial behaviour and crime
- No needed in this location
- Waste of money
- Land is boggy
- Modern sculpture is at odds with the park
- Sculpture would detract from its surroundings
- Would be an incongruous addition to the park
- Proposal was advertised inadequately with only one site notice
- Application form is incorrect

Support

There have been 10 letters of support from the public consultation of the application, summarised as follows:

- Sculpture would enhance the park
- Would be a source of beauty and curiosity
- Would be a great addition
- Would have a positive impact on the community
- Would be a public work of art
- Enhances the experience of being in the park
- Thoughtful piece of art
- Will only add to the surroundings
- Would blend well with the park
- Theme is modern and ancient
- Sculpture is an artistic response to landscape
- Reflects history of town

f) **1. The Site and the Proposal**

1.1 The application site is within the Kearsney Abbey Park, located in River and the proposed development would be sited within the portion of the park between Lower Road (to the north) and the ruins of the paper mill (to the south-east). This portion of the park is wooded and has the River Dour running through it. The exact location for the proposal is 120 metres to the west of the entrance into Kearsney Abbey from Minnis Lane.

1.2 Permission is sought to erect a permanent sculpture within the park. The sculpture would comprise a concrete cast on a dark grey steel frame. Goodwin Sands was

selected as the casting site for this project and the sculpture would essentially be an imprint of the sands at low tide.

1.3 The approximate dimensions of the proposed sculpture are as follows:

- Height of frame – 0.8 metres
- Height of concrete cast – 0.25 metres
- Total height: 1.05 metres
- Total width: 1.6 metres

2 Assessment

2.1 The main issues to consider are:

- Principle
- Impact on the surrounding area and heritage assets
- Other matters

Principle of Development

2.2 The application site is within an area of existing public open space, Kearsney Abbey Park. The Kent Design Guide recommends that public art is installed in public open space. Furthermore, policy DM1 of the DDC Core Strategy says that “development will not be permitted on land outside the urban boundaries and rural settlement confines... unless... it functionally requires such a location, or it is ancillary to existing development or uses.” The proposal would be sited within the existing public park, which is outside of the Dover urban boundary, and would provide a piece public art. It is considered that the location, within existing public open space, is justified for such development and the proposal is considered to be ancillary to the existing public park. Subject to further material considerations set out below, it is considered that the installation of public art within the park is acceptable in principle.

Impact on the Surrounding Area

2.3 The NPPF, in paragraph 127 says that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive, and create safe, inclusive and accessible spaces.

2.4 The proposal is considered to be reasonably low key and of a limited scale. The proposed location for the structure is not considered to be prominent and the sculpture would not detract from the natural or scenic beauty of the park. The Grade II Listed wall and arch are sited approximately 105 metres and 120 metres to the north-west of the application site, respectively.

2.5 Given the low-key nature of the proposal, its limited size and distance between the proposal and the heritage assets, it is considered that the historic significance of the heritage assets would be preserved and the proposal is considered unlikely to cause any harm to the setting of the heritage assets. Additionally, the DDC Heritage Team agreed with the recommendation and raised no objection to the proposal. As such, the proposal is considered to comply with the Planning (Listed Building and Conservation Areas) Act 1990, as well as the aims and objectives of the NPPF, paragraphs 189-202.

2.6 The sculpture, ‘Other Waters’ would not be readily visible from long distance views towards the park due to the existing boundary treatment around the park, the existing

mature trees and planting and the variation of land levels within the park. The proposal is considered sympathetic in terms of its size, scale and mass, and would result in a public benefit by providing an accessible piece of public art. The proposal is considered to comply with the aims and objectives set out by the NPPF, specifically in paragraph 127, as the proposal is considered to enhance the public park, is visually attractive and would result in a public benefit.

- 2.7 The proposal would have a limited impact on the surrounding area and is considered acceptable in this regard.

Other Matters

- 2.8 All representations from consultees and members of the public have been taken into consideration. A number of issues were raised within public representations, which are addressed below:

Maintenance

- 2.9 The issue of maintenance was raised in representations from members of the public. A maintenance plan was submitted by the applicants, which states: "The Kearsney Abbey Contract supervisor from the Parks and Open Spaces Team have been informed and have agreed to maintain the sculpture as part of the application and their regular maintenance programme. Every four years the steel structure should have a coat of exterior metal paint. The sculpture will be inspected every week by a competent person, the Parks Development Officer."

Anti-Social Behaviour

- 2.10 Concerns were raised from members of the public that the proposed sculpture would become a hotspot for crime and antisocial behaviour. Although the Community Safety Unit was not consulted on this application, they were consulted for the previous application for an art installation Kearsney Park (DOV/18/00860) and stated that "There are already a number of structures/ bridges / play areas within the park and calls to the area for ASB are relatively low." As such, it is considered unlikely that the proposed sculpture would result in any significant increase in antisocial behaviour within the park.

Advertising

- 2.11 It was suggested, within public representations, that the proposal was inadequately advertised, in terms of the location/number of site notices. One site notice was placed adjacent to the location of the proposed sculpture. This is considered appropriate for the extent of the proposed development. As such, while these concerns have been reviewed, the basis for decision-making is considered to be sound.

3. Conclusion

- 3.1 The proposal is considered acceptable and would not cause harm to the character or appearance of the surrounding area and as a piece of public art, it is considered to provide a public benefit. The proposal is considered acceptable in all other material respects. Accordingly the development would comply with the aims and objectives of the NPPF.

g) Recommendation

- I. PERMISSION BE GRANTED subject to the following (summarised) conditions:
1. Three years to commence works;
 2. In accordance with approved plans & sample;
 3. Sculpture to be inspected and maintained in accordance with the maintenance plan submitted.
- II. Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by planning committee

Case Officer

Elouise Mitchell