

DECISION DATE 11 July 2005	APPLICATION NO. 05/00633/FUL A15	PLANNING COMMITTEE: 27 June 2005
DEVELOPMENT PROPOSED SITING OF A SCULPTURE		SITE ADDRESS SCALESTONES POINT, MARINE ROAD EAST, MORECAMBE.
APPLICANT: S. A .Johnstone, 69 Barley Cop Lane, Lancaster, LA1 2NB.		AGENT:

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Morecambe Neighbourhood Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

The site is within the North Lancashire Green Belt. It lies just outside the Morecambe Bay Site of Special Scientific Interest, which is also protected as a RAMSAR site.

STATUTORY CONSULTATIONS

County Council Highways - No objections.

Engineering Services - No observations, as the site does not lie within the adopted highway.

Property Services - Observations awaited.

City Contract Services - Observations awaited.

English Nature - Observations awaited.

OTHER OBSERVATIONS RECEIVED

Any representations received will be reported orally at Committee.

REPORT

This proposal involves a piece of public art. Applications of this type tend to be controversial; the application has therefore been referred to your Committee, rather than dealt with under delegated powers.

The sculpture concerned was created as a community project involving a group of women from the Ryelands area of Lancaster. It is described by the applicant as "Venus and Cupid" but is open to other interpretations. It consists of a seated larger-than-life human female figure with outstretched arms supporting another, suspended horizontally. It is 1.7 metres high, 2.8 metres long and 1.1 metres wide.

It is constructed of reinforced concrete faced with mosaic. The decoration used includes a mermaid's tail up the back of the main figure, which is intended to symbolise the area's maritime connections. Information supplied by the applicant indicates that the structure is reasonably robust and well balanced, and can be supported with minimal footings beneath the surface.

Originally it was hoped to site it on St George's Quay in Lancaster, opposite the George & Dragon public house. A planning application for this was submitted (03/01081) but was rejected, on the grounds that the structure was inappropriate to its setting within the Castle Conservation Area and the row of eighteenth century Listed Buildings on the other side of the road. A copy of the relevant report is attached.

The present site is a grassed area on the seaward side of the road between Morecambe and Hest Bank. There are no buildings in the immediate vicinity. The land concerned is within the North Lancashire Green Belt, and has to be considered in relation to policy E2 of the Lancaster District Local Plan. This restricts development within the area to:

- Agricultural or forestry purposes
- Essential facilities for outdoor sport or recreation
- The limited extension, alteration or replacement of existing dwellings.

The area on the seaward side of the road is already used for informal recreational purposes. A public sculpture is entirely compatible with this, and cannot reasonably be regarded as conflicting with the open character of the Green Belt.

The site also adjoins the Morecambe Bay Site of Special Scientific Interest, which is also an internationally recognised RAMSAR site. Policies E15 and E16 of the Local Plan state that development which would be likely to damage or destroy such sites will not be permitted. However it is extremely unlikely that the presence of the sculpture would in any way prejudice the bird life for which the area is designated.

A more relevant concern is that this site forms the "gateway to Morecambe" for people entering the town along the main road from Hest Bank. The site is undoubtedly a good one for a public sculpture. Whether this particular one is appropriate for such a position involves a qualitative, and at the end of the day subjective, decision.

A further consideration is that no funding has been identified for the future maintenance of the structure. When the City Council takes over areas of public open space in new housing developments it is on the basis that it is accompanied by a "commuted sum", a payment to cover the costs of its future maintenance. An equivalent agreement does not appear to be practicable here as the applicant does not have the resources to fund it.

If this site were a private sector one, a possible solution would be to grant a limited period consent, on the basis that this would allow its impact on the area (and public reaction to it) to be assessed. In this case the site is publicly owned, so it is open to the City Council to enter into a contract with the sculptor in order to achieve the same objective.

Members are therefore recommended to grant permission for this development, with an advice note indicating that it will be necessary to negotiate arrangements for the siting of the structure with Property Services and that such an arrangement is likely to be for a limited period in the first instance.

HUMAN RIGHTS ACT IMPLICATIONS

Two sections of the Human Rights Act are potentially relevant: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear

to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

THAT PERMISSION BE GRANTED subject to conditions as follows:-

1. Standard five year condition.
2. Development to be carried out in accordance with the approved plans.

ADVICE

As the land concerned is publicly owned it will be necessary to enter into an agreement with the City Council's Property Service for the siting of the sculpture. This is likely to be for a limited period only, at least in the first instance, to allow the impact of the sculpture on the area to be assessed.