

Agenda Item A13	Committee Date 4 March 2019	Application Number 18/01628/FUL
Application Site Proposed Sculpture Smithy Lane Heysham Lancashire		Proposal Installation of a sculpture with information panel
Name of Applicant Morecambe Bay Partnership		Name of Agent Harry Tonge
Decision Target Date 6 March 2019		Reason For Delay None
Case Officer		Mr Andrew Clement
Departure		None
Summary of Recommendation		Approval

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, as the application site is in the ownership of Lancaster City Council the application must be determined by the Planning and Highways Regulatory Committee.

1.0 The Site and its Surroundings

- 1.1 The site that forms the subject of this application is the southern section of Heysham Cliffs and Headland by Half Moon Bay, opposite a café. The northern end of Heysham Cliffs open space contains St. Patrick's Chapel, which is a grade I Listed building and a scheduled monument. Along with the eight rock cut tombs and other nearby Listed buildings and scheduled monuments, the northern section of the Cliffs area forms a significant heritage asset and visitor attraction in Heysham, although the aforementioned heritage assets are separated by over 875 metres from the application site.
- 1.2 The application site is just within the southern tip of the Barrows Lane field and Heysham Cliffs and Headland designated open spaces, the latter of which is a Biological Heritage Site. The site is coastal land to Morecambe Bay, which is a Ramsar site, Special Protected Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), with Half Moon Bay cliffs also forming a regionally important geological site.

2.0 The Proposal

- 2.1 The application seeks to install a permanent sculpture and information board within the southern tip of the wider open space. The sculpture measures 2.12 metres tall by 0.6 metres wide, with an information board 0.8 metres above ground level. The sculpture is to be made from galvanised steel on a concrete base. This proposal is one of six similar sculptures located along Morecambe within the district, from near the River Keer Channel west of Millhead to near Plover Scar Lighthouse southwest of Glasson Dock, all along the Lancashire Coastal Way walking route. A further sculpture is to be located northwest of Pilling, beyond the Lancaster City Council area of jurisdiction.

3.0 Site History

- 3.1 The following advertisement and planning consents were permitted for sculptures and information panel signs within the wider public open space and further along Morecambe Bay, along with the concurrent pending applications:

Application Number	Proposal	Decision
05/00633/FUL	Siting of a sculpture	Permitted
07/00460/DPA	Erection of a Hook sculpture	Permitted
13/00093/FUL	Temporary siting of a sculpture and temporary erection of fencing for a period of 5 years	Permitted
15/01149/ADV	Advertisement application for the display of 2 non-illuminated free standing panel signs and 1 non-illuminated wall sign	Permitted
17/00833/FUL	Installation of a Time and Tide bell sculpture	Permitted
18/01346/FUL	Installation of a sculpture	Permitted
18/01625/FUL to 18/01630/FUL	Installation of a sculpture with information panel	Pending

4.0 Consultation Responses

- 4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Parish Council	No observation received within the statutory consultation period
Public Rights Of Way	No observation received within the statutory consultation period
Ramblers Association	No observation received within the statutory consultation period
County Highways	No highway objection
Natural England	No objection

5.0 Neighbour Representations

- 5.1 No observations received with the statutory consultation period. Any consultation responses received will be reported verbally to the Planning Committee meeting.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF) 2018

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The following sections of the NPPF are relevant to the determination of this proposal:

Paragraphs 8 and 11 – Sustainable Development
Section 8 – Promoting healthy and safe communities
Section 12 – Achieving well-designed places
Section 15 – Conserving and enhancing the natural environment

6.2 Development Management DPD

DM3 – Public Realm and Civic Space
DM4 – The Creation and Protection of Cultural Assets
DM12 – Leisure Facilities and Attractions
DM21 – Walking & Cycling
DM25 – Green Spaces & Green Corridors

DM27 – The Protection and Enhancement of Biodiversity
DM28 – Development & Landscape Impact
DM35 – Key Design Principles

6.3 Lancaster District Core Strategy Saved Policies (adopted July 2008)

SC5 – Achieving Quality in design

6.4 Lancaster District Local Plan Saved Policies (adopted April 2004)

E5 – Coastlines

6.5 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 2019.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

7.0 Comment and Analysis

- 7.1
- Principle of the Development;
 - Scale, Design and Landscape upon the Coastline, Public Open Space and Right Of Way;
 - Ecological Impacts; and
 - Impact upon the Highway.

7.2 Principle of the Development

- 7.2.1 Culture, leisure and the arts play an important role in the District, both for the benefits they provide to the local economy (particularly the visitor economy) and the community wellbeing of the people who live and work within the District. The application site forms part of the District's designated open space network as a natural and semi natural green space, used for informal recreation and particularly dog walkers. The addition of a sculpture to the southern tip of this open space, which references the avian and ornithological importance of Morecambe Bay, would add another point of interest to the Heysham Headlands and Half Moon Bay. During this summer, a pilot temporary installation was commissioned as part of the Headlands to Headspace programme by Morecambe Bay Partnership, which was located slightly further north along the coastline on the Heysham Cliffs and Headland site. It is estimated that circa 16,000 people engaged with the temporary installation at Heysham. Furthermore, a permanent sculpture referencing the maritime history of the area was recently permitted just 200 metres north of this proposed new sculpture and information board.

- 7.2.2 The proposed permanent installation would form one of 7 similar sculptures along the Lancashire Coastal Way along Morecambe Bay. This would form an extension to the existing precedent for public artwork along the Morecambe coastline. The Venus and Cupid Sculpture, the Tern Project, the Eric Morecambe statue as well as the consented but not yet installed Heysham boat sculpture and the Time and Tide Bell, are all further north along the Bay coastline. The principle of the proposal is considered to be acceptable, and the installation would add a point of interest within the wider coastal Heysham and Bay site. The proposal would improve the appeal of this cultural heritage and tourist area, supported by policies DM3, DM4, DM12 and NPPF Section 8.
- 7.3 Scale, Design and Landscape upon the Coastline, Public Open Space and Right Of Way
- 7.3.1 The proposed development is reasonably modest in scale. Although publicly visible from elevated views from Smithy Lane and Barrows Lane, as well as in close proximity within the public open space, this would be viewed in the existing context of street furniture, street lighting and port infrastructure. Within this setting and the wider visual context of the existing Heysham Harbour Port and Heysham Nuclear Power Station, the proposed sculpture would appear relatively inconspicuous, despite the unique coastal landscape being very sensitive to change. However, it is considered that the sculpture and information panel would have a positive landscape impact in this location.
- 7.3.2 The proposed sculpture would add a point of interest to the public open space, to be experienced in close proximity within this space and public right of way whilst not impacting upon the existing functionality and use of this space nor the right of way. Furthermore in the context of the existing adjacent street furniture and poles, this is separated from the open field it would not dominate the space. The proposal is considered to have a positive landscape impact, supported by policies DM21, DM25, DM28, DM35 and NPPF Section 12.
- 7.4 Ecological Impacts
- 7.4.1 The site itself is adjacent to a number of designations of European/International protection as outlined in paragraph 1.2 of this report. A Biological Statement has been submitted with this application, detailing that the proposed information forms part of the Recreational Disturbance Management Strategy for Morecambe Bay, which aims to better inform visitors of the wildlife and nature conservation interests of Morecambe Bay. The information within the panels will include messages to achieve good practice and appropriate behaviours in order to safeguard the Bay's birdlife. The location of the sculpture seeks to achieve these objectives at a site where the majority of footfall enters, whilst avoiding impacts on the habitats and species for which the sites are designated. The proposed development is above the tidal high water mark and outside of flood zones 2 and 3.
- 7.4.2 Morecambe Bay is very important for many species of birds. As such, there is the potential for any development located close to the designated sites to have impacts on birds associated with the SPA and SSSI designations. The bird populations are most closely associated with the mudflats in the Bay. The birds for which SPAs are designated may also rely on areas outside of the SPA boundary. These supporting habitats may be used by populations or some individuals of the population for some or all of the time, and can play an essential role in maintaining SPA bird populations. As the competent authority determining this application in close proximity to, and potentially impacting upon, the aforementioned European Habitat Directive sites, a screening assessment as to whether an appropriate assessment under Habitat Regulations must be undertaken.
- 7.4.3 The footprint of the development and associated construction works are very modest in scale, with hardsurfaced footpath around the development, which would provide a certain degree of containment of ground disturbance and discharge into the coastal water during construction. Although the sculpture and others along the coastline may attract additional visitors to the area, given the proximity to a café and existing levels of informal recreation and particularly dog walkers, any increased recreational pressure would be nominal in terms of ecological impact. The proposed sculpture is adjacent to existing structures, with no additional lighting proposed in an area already artificially illuminated by existing street lighting. Although the construction phase may introduce a small degree of noise and air pollutants, the proposal is considered to have no significant impact upon the designated sites, and therefore an appropriate assessment is not required. This is in line with the considerations by Natural England, whom similarly considered that the development will not have significant adverse impacts on statutorily protected sites or landscapes, and returned no

objection to the proposal. The proposed installation of the sculpture with an information panel is considered to be of a scale that can be accommodated without harming the ecological characteristics of the area, and therefore the scheme accords with the provisions of Policy DM27 and NPPF Section 15.

7.5 Impact upon the Highway

- 7.5.1 The proposed development will have a nominal impact upon vehicular movements, located on a public walking route, within walking distance of bus stops and with a public car park in close proximity. County Highways have returned no highway objection to the proposal, which is considered to have no severe impact upon the public highway.

8.0 Planning Obligations

- 8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

- 9.1 In conclusion, it is considered that the principle of a cultural installation accords with the broad aims of the Development Management DPD by creating a point of public interest through art whilst highlighting the environmental importance of the Bay. The installation of a sculpture as proposed in this location is considered to improve the visual landscape and functional uses of the area and open space, whilst causing no undue harm to flood risk, ecology nor the public highway. It is therefore considered that the scheme accords with the relevant local plan policies and the overarching principles of the National Planning Policy Framework.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard three year timescale
2. Development in accordance with plans

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None