REPORT OF THE PLANNING SERVICES MANAGER - 13/242

SUBJECT: ERECTION OF A PUBLIC ART SCULPTURE (THE TUNNY) AT EAST PIER, SCARBOROUGH FOR SCARBOROUGH BOROUGH COUNCIL

1.0 THE PROPOSAL

1.1 The application proposes the siting of a stainless steel (marine grade) fish sculpture, on the East Pier, Scarborough, close to the Marine Drive Toll House (South) and the neighbouring café/retail units. The sculpture would sit on the upper level of the East Pier, which can be reached via level access from Marine Drive or by stepped access from the lower section of East Pier.

1.2 The sculpture is of a Bluefin Tuna fish (Tunny) being caught by a line. The Tunny fish itself is just over 2m in length and weighs just less than a ton, and is attached to a line which fixes to a wave shaped form (rod) that has an overall height of 3.8m. The sculpture would sit on a concrete base measuring 2m by 600m, with a depth of 300mm. The supporting statement advises that in the 1930s Scarborough was the centre for Bluefin Tuna fishing, after the first Tunny caught by rod and line, weighing 560 lbs, was caught in August 1930, with an even larger fish being landed in Scarborough in 1931, weighing in at 851 lbs.

1.3 The sculpture has been commissioned by Mrs Maureen Robinson, a resident of Scarborough for the past 50 years, who wishes to help establish a sculpture trail in the town, to recall Scarborough’s rich heritage, for the enjoyment of both residents and visitors. The sculpture has been fabricated by Ray Lonsdale, who has designed and built other sculptures already displayed in the town - including ‘Freddie and the Belsen Stragglers’ on Royal Albert Drive and ‘The Smuggler and his Apprentice’ on Merchant’s Row - which were also commissioned by Mrs Robinson.

1.4 As mentioned above, it is proposed that the sculpture be fixed to a concrete plinth that would be formed on top of the modern imprinted concrete surface
of the East Pier, close to the railings on the landward side. The East Pier is a Grade 2 Listed Building, but as the sculpture sits on the pier and does not alter it in a way that affects its character or appearance as a building of special architectural or historic interest, Listed Building Consent is not required.

1.5 The application site lies within the Scarborough Conservation Area.

2.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

2.1 None.

3.0 CONSULTATIONS AND COMMENTS

3.1 The following is a summary of the key and relevant comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council’s website.

3.2 Highway Authority (NYCC) – On the clear understanding that this application is conditioned so that should any unforeseen road safety hazard caused by reflective glare occur, the applicant shall take remedial action to prevent this, there are no highway objections to this application.

3.3 The Harbour Master (SBC) – The proposed siting does not impact on harbour operations, therefore from that perspective I have no objections.

3.4 Estates Manager (SBC) – No objections to the siting of the sculpture in the proposed location.

3.5 Scarborough and District Civic Society – No comments received.

3.6 English Heritage – Do not wish to offer any comments on this proposal and recommend that the application be determined in accordance with policy guidance and local conservation officer advice.

3.7 Publicity – The consultation period expired on 21 June 2013.

4.0 RELEVANT SITE HISTORY

4.1 2001 – Listed Building consent granted for repair and rehabilitation of existing structure, including taking down and re-building parapet in new stone, all associated with wider coast defence scheme granted, under reference 01/00610/LB.

4.2 2003 - Variation of approved scheme for repair/rehabilitation works to the East Pier to allow the re-building of the parapet in a new stone other than Aislaby Stone granted consent, under reference 03/00019/RG3.
5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Attention is drawn to the following Development Plan policy/ies which is/are considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan (saved policies)

E12   Design of New Development  
L1    New Tourist Attractions  
L4    Reinforcement of Seaside Resort Characteristics

National Planning Policy Framework

NPPF7   Requiring good design  
NPPF12  Conserving and enhancing the historic environment

6.0 ASSESSMENT

6.1 The sculpture, whilst sizeable, would not represent a significant element within the local context. Whilst the sculpture is tall at 3.8m, the upper half of the structure is relatively lightweight in appearance with the main visual elements being the Tunny fish and the base of the rod.

6.2 The site lies within the Scarborough Conservation Area, the character and appearance of which the local planning authority has a duty to preserve or enhance. The NPPF advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, and should consider the impact of a proposal on a heritage asset, with a view to avoiding or minimising conflict between the heritage asset’s conservation and any aspect of the proposal. In this case, there are a number of heritage assets to consider, the Conservation Area, the East Pier as a Grade 2 listed building, and Scarborough Castle and the headland as a scheduled ancient monument.

6.3 In the immediate vicinity of the application site the conservation area has a hard engineered character, dominated by the horizontal structure of the East Pier itself, with the harbour (and Luna Park) immediately to the west, the Toll House and associated buildings to the north and the rock armour/accropode revetment to the East Pier/Marine Drive. The castle headland is also a dominant feature in views from and to the site – this also a visually hard and dominant feature.

6.4 The proposed sculpture will appear as a relatively modest structure in relation to the elements around it, in particular, the East Pier itself and the Castle Headland. Given that the main elements of the sculpture are only some 2.5m above ground level, the sculpture will not be dominant in views, and will be
relatively discreet until viewers are in relatively close proximity to it. In visual terms, the sculpture is not considered to have any material impact on the local heritage assets and does not cause any conflict with their conservation. As the sculpture effectively rests upon, rather than being fixed to the East Pier, which in itself is covered by a modern concrete surface, the proposal does not directly impact on the listed structure. These issues were taken into account when the proposed site for the sculpture, and a number of alternatives, were discussed with the former Conservation Officer, Chris Hall.

6.5 The proposed subject matter of the sculpture and its siting is considered to have a positive role to play locally, as the inspiration for the piece is linked to the activity of fishing from the piers, which has taken place for many years.

6.6 In design terms, the proposed sculpture is considered to be complementary to the character and appearance of its surroundings and would contribute to the maintenance of the attractiveness of the area. The sculpture is considered to be of an appropriate scale, form, height and materials for the locality and accords with Policy E12 of the Local Plan. Guidance in the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people, and this proposal is considered to accord with this advice.

6.7 The proposal is considered to accord with Policy L1 and L4 of the Local Plan which seek to encourage appropriate new tourist attractions and reinforce the seaside resort characteristics of the seafront and harbourside of Scarborough.

7.0 PLANNING OBLIGATIONS

7.1 There are no planning obligations in respect of this proposal.

8.0 CONCLUSION

8.1 The proposed development as submitted is acceptable and the application was therefore approved without the need for further proactive action from the Local Planning Authority.

9.0 RECOMMENDATION

9.1 That PERMISSION BE GRANTED, subject to the following condition(s):

1. The development hereby granted shall be carried out in strict accordance with the submitted plans unless any amendment is first approved by the Local Planning Authority.

Reason: For the avoidance of doubt.
Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MARCUS WHITMORE ON 01723 232475 e-mail: marcus.whitmore@scarborough.gov.uk