

	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON THURSDAY, 7 November 2019	
APPLICATION REFERENCE NO: 19/01874/RG3	TARGET DATE: 1 November 2019	GRID REF: 489620-511200

REPORT OF THE PLANNING SERVICES MANAGER – PSM/19/220

SUBJECT: 7 galvanised wire sculptures associated with heritage trail at Various Locations West Side Whitby for Scarborough Borough Council (Mr Matthew Joseph)

1.0 THE PROPOSAL

1.1 This application seeks planning permission for the installation of 7 no. wire sculptures depicting Whitby's historic fishing industry. The sculptures are to be positioned in various locations within the West Cliff Area of Whitby.

1.2 The project has emerged from Whitby Coastal Communities Team and is being led by the Council in an effort to increase visitor footfall up onto parts of West Cliff. The creation of a trail that would guide people through seven locations and in turn navigate to less visited parts of the town. A fishing heritage theme was chosen as an opportunity to celebrate the town's history. The project has been awarded a £50,000 grant from the Coastal Revival Fund to help bring the project to fruition along with a community led steering group consisting of local residents, Town and Borough Councillors and the Council's Regeneration Team.

1.3 The wire sculptures are by a local artist, Emma Stothard who begins her sculptures with a steel framework which is then completed by hand with mild steel wire. Finally to prevent rusting they are hot dip galvanised. The sculptures are then returned to the studio for finishing before being sited and bolted into position.

1.4 The heritage trail aims to provide local people and visitors to the town an insight into the local fishing industry and its history. Each sculpture represents a character or story associated with Whitby's fishing heritage. The sculptures and their locations are detailed as follows:

1. Fisherwife (measuring 1.7 m (height) 1.2 m (width) 0.6 m (depth)) - located adjacent to Whitby Swing Bridge and opposite Golden Lion Bank. The sculpture depicts the Fisherwife selling fish and crabs from a stall.

2. Net Mending (measuring 1.9 m (height) 1.0 m (width) 0.9 m (depth)) - located at the far eastern section of Flowergate at the top of Golden Lion Bank to replace the existing

planter. The sculpture details a fisherman using a 'netting needle' to thread and knot the line and is stood amongst his fishing net.

3. Gansey (measuring 1.4 m (height) 1.4 m (width) 0.7m (depth)) - located on the raised flower bed to Trinity Church House along Flowergate and fixed on a wooden bench top. The sculpture shows a woman knitting a 'Gansey', a knitted jumper with a design that identified a particular fishing community/family.

4. Frank Meadow Sutcliffe (measuring 1.8 m (height) 1 metre (width) 0.9 m (depth)) - located on the corner of John Street and Mulgrave Place. The sculpture is of the pioneering photographic artist whose work recorded the life of the seaside town of Whitby in the late Victorian era and early 20th Century.

5. Crow's Nest (measuring 3.4 m (height inc well) 2.44 (width and depth)) - located on the well within a grassed area of public open space along North Terrace. The Crow's Nest would include the sailor with his telescope and wind flag looking out to sea. The sculpture pays homage to William Scoresby Snr, inventor of the Crow's Nest who lived at St Hilda's Terrace.

6. Dora Walker (measuring 1.7 m (height) 0.6 m (width and depth)) - located on an area of hardstanding within the gardens to the south east of Whitby Pavilion. The sculpture is of Dora Walker who lived and commissioned her own boat in Whitby (Good Faith WY97), the first powered coble in Whitby. She was the first women in 1912 to go up in an aeroplane and also hold a skipper's license; and the only women to hold her licence in the North Sea throughout WW2.

7. Herring Lassie (measuring 1.7 m (height) 1.1 m (width) 0.85 m (depth)) - located near the bandstand along Pier Road. The sculpture depicts a woman (known as a herring lassie) packing the herring into a barrel. The sculpture is close to fish quay where the fishing fleet would land their catch and the herring lassie would work.

1.4 Each of the seven sculptures in the project would incorporate a small piece of signage, worked into the design of the sculpture. Each sign would be approx. 70cm x 50cm in size and would contain a small amount of information on the subject of each sculpture along with a QR code and details of where to download the project's accompanying online 'App', where full information on the subject of each theme would be displayed.

1.5 All seven sculptures would be located within the designated Whitby Conservation Area.

2.0 SCREENING OPINION REQUIRED?

2.1 No

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None undertaken

4.0 CONSULTATIONS AND COMMENTS

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.

4.1 Whitby Town Council - No comments received.

4.2 NYCC Highway Authority - North Yorkshire County Council as Highway Authority would only be willing to give permission for the structures in the highway if they are licensed to the applicant, Scarborough Borough Council. Before granting such a licence, details should be submitted to the Highway Authority for approval, including a risk assessment addressing the risks associated with having these structures in the same area as where the public are allowed to pass along. These assessments should include foundation details, risks of tripping and risks of sharp edges. A suitable informative is recommended to ensure a Highway License is obtained.

4.3 Conservation Officer (SBC) - In assessing the proposed sculptures, in principle I consider that the proposed individually designed pieces of art in each of their locations would not result in any significant harm to the special architectural and historical interest of the designated Whitby Conservation Area or the setting of nearby listed buildings. This is so long as the final finishes of the sculptures are high quality and the materials utilised are capable of being subjected to the climate pressures of the localities (particularly those on the cliff edge).

Therefore, if the final quality, longevity and maintenance of the sculptures can be assured, I consider that the heritage trail would promote public interaction and understanding of the historic built environment in a way which utilises both well-considered pieces of art alongside a digital application.

In principle I have no objection to the proposed application, subject to the sculptures retaining (for a reasonable length of time) their aesthetic appearance. I would therefore recommend the Local Planning Authority ask the applicant to provide further information regarding this aspect in the interest of preserving the character of the designated Conservation Area.

4.4 Whitby Civic Society - Whitby Civic Society is supportive of the proposal and believes that the heritage trail will attract footfall to the West Cliff Area of Whitby and contribute to the economy.

Publicity - Consultation period expired on 17th October 2019.

4.5 No representations received.

5.0 RELEVANT SITE HISTORY

5.1 None.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). Attention is drawn to the following Development Plan and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan 2017

DEC 1 - Principles of Good Design

DEC 4 - Protection of Amenity

DEC 5 - The Historic and Built Environment

National Planning Policy Framework

NPPF16 - Conserving and enhancing the historic environment

Scarborough Borough Supplementary Planning Documents

None relevant

Local Planning Policy and Guidance

Whitby Conservation Area Character Appraisal and Management Proposals

7.0 ASSESSMENT

7.1 The key considerations in the assessment of this application proposing the installation of 7 no. sculptures as part of a Whitby West Cliff heritage trail are:

Design and appearance

Impact upon the character of the designated Whitby Conservation Area and
Impact upon surrounding amenities.

Design and Appearance

7.2 Local Plan Policy DEC 1 requires development to meet the principles of good design by demonstrating that the detailed design responds positively to the local context, in terms of its scale, height, layout, materials, colouring, fenestration and architectural detailing.

7.3 As intimated in Section 1 of this report, the sculptures have been purposefully designed to depict key characters that contributed to Whitby's local fishing industry and had an important role in the town's history. Each sculpture is unique to tell a particular story and have been designed to blend in with the public realm and surroundings. The sculptures would be created by a local Artist using her signature technique of a steel framework and completed with mild steel wire to form the shape and composition of each piece. The steel is hot dipped galvanised so as to prevent the sculptures from rust and increase longevity. Notwithstanding this, it is expected that over time the mild steel

will mellow to a subtle silvery/grey. The sculptures are of a fairly modest scale owing to their central location in high density areas of the town with the majority falling under 2 metres in height. The Crow's Nest is an exception and exceeds this height standing 3.4 metres tall incorporating the well it is proposed to be positioned on. However, the position of the Crow's Nest is afforded a more spacious open setting in a cliff top position and therefore can accommodate a larger sculpture.

7.4 The sculptures are positioned at intermittent stages within the West Cliff Area so as to guide people around these streets. The sculptures are considered to be positioned so as to maximise their impact and reinforce their story, for example the Crow's Nest on top of the well along North Terrace with the sculpture of a sailor looking out to sea.

Conservation Area

7.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected within criterion (b) of Policy DEC 5, which states, 'Proposals affecting a Conservation Area should preserve or enhance its character or appearance especially those elements identified in any Conservation Area Appraisal'.

7.6 In this case, the sculptures are positioned in seven individual locations within the Whitby West Cliff Area and fall within the character areas identified within the Whitby Conservation Area Appraisal as Character Area 4 'Commercial centre of town and west side of harbour' and Character Area 6 'Victorian West Cliff'. Character Area 4 is noted as being an area of mixed use, both commercial and residential, however despite the dominance of retail use, the bustle of this area is concentrated on Baxtergate, New Quay Road and Pier Road, with Flowergate and Skinner Street often overlooked. The Heritage Trail is proposed to pass through these lesser used areas so as to encourage people to visit alternative parts of the town. Similarly, the Trail would then lead through to the Victorian West Cliff area, which is more spacious and towards public open space on the cliff top, which also tends to be underused by visitors opting to stick to the Abbey Headland.

7.7 The sculptures are considered to be sensitively designed so as to blend with their surroundings and therefore would not appear out of context. Given the fact that they each represent a significant part of Whitby's identity and heritage, your Officers consider the sculptures to positively contribute to Whitby's West Cliff and enhance the character and appearance of this area both individually and collectively as part of a Heritage Trail.

7.8 The Council's Conservation Officer has commented that whilst he considers that the sculptures would not result in any significant harm upon the character of the Whitby Conservation Area, he has some concerns regarding their longevity. The Council's Regeneration and Community Support Officer has been in liaison with the project steering group and has confirmed that it is anticipated that the sculptures would have a life span of up to 25 years accounting for the exposure to coastal conditions. In terms of maintenance, following completion of the installation, ownership would be transferred to SBC so that it takes responsibility for their maintenance and removal at the appropriate point in the future. In light of this, it is considered that the development can be viewed positively and in accordance with the requirements of Policy DEC 5 of the Scarborough Borough Local Plan and NPPF 16.

Amenity

7.9 Local Plan Policy DEC 4 seeks to protect amenity. Good quality development, by definition, should not result in an adverse impact on the amenities of occupiers or nearby properties. The sculptures would be positioned in public areas and whilst some sculptures have a more spacious setting compared to those more centrally positioned, it is not considered that they would result in a materially harmful impact. Importantly, the sculptures due to be positioned within the public highway would further require a licence from the Local Highway Authority (LHA) which will only be issued having undertaken a comprehensive risk assessment. On this basis, your Officers are satisfied that any potential obstruction/harm caused by the installation of the sculptures will be appropriately assessed and dealt with under the relevant LHA legislation.

POSITIVE AND PROACTIVE STATEMENT

The proposed development as submitted is in principle acceptable, but there are certain aspects where specific safeguards need to be put into place. The Local Planning Authority acted proactively by attaching planning conditions which can adequately address such matters.

RECOMMENDATION

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

- 1 The development hereby permitted shall be carried out in accordance with the following plan/s:

Site Location Plan received 6th September 2019;
Supporting Statement received 7th August 2019;
Sign Details received 9th September 2019.

Reason: For the avoidance of doubt.

- 2 At such time the Local Planning Authority consider the sculptures to have deteriorated to a condition that is harmful to the appearance and character of the Conservation Area, the sculpture and any associated paraphernalia shall be wholly removed and the area in which the sculpture stood be made good.

Reason: In the interests of the appearance of the development and the character and appearance of that part of the Conservation Area in which it is set.

Notes

- 1 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street

Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices.

David Walker

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 MRS AMY HARRAP ON 01723 232479 email amy.harrap@scarborough.gov.uk



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