

## Report to Council

Date of meeting 27 April 2016

Deputy Leader and Cabinet Member for Leisure and Culture



**Horsham  
District  
Council**

### **DECISION REQUIRED**

Not Exempt

## **Removal of Rising Universe Sculpture, Bishopric/Worthing Road Improvement Scheme and additional town centre landscape improvements**

### **Executive Summary**

In October 2014 the Council consulted on options to improve the Bishopric area. In line with previous surveys undertaken a significant majority were strongly in favour of the removal of 'The Rising Universe' sculpture.

The 'Rising Universe' has been maintained in static mode pending consideration of its future given the need to undertake further major repairs and the ongoing costs of maintenance. Unfortunately, it is considered that the sculpture has now effectively reached the end of its serviceable life as it requires repeated and costly repairs as well as regular weekly and monthly maintenance. This situation is not considered to be a sustainable option given the current and anticipated pressures on the Council's finances and this report proposes that it should be modified with the globe and satellite arms removed.

Against a backdrop of renewed investment with the recent opening of the John Lewis at Home and Waitrose development; the current refurbishment of Bishop Weald House and the recently announced proposals for a revitalisation of the 'Trend' building to provide family restaurants and a multiplex cinema, a fresh approach to the short and longer term improvement of the Bishopric public realm area is required that builds on the recent West Street improvements.

As part of the work to develop a Town Centre Vision for Horsham, which at its heart focusses on key sites including the Bishopric, it is proposed to make a modest improvement by converting the sculpture's splash pool into a planting bed to provide an immediate visual enhancement of the area in the short to medium term pending consultation this summer on a more comprehensive scheme which addresses current and future needs generated by the proposed developments in the area.

To complement the public realm improvements and to support the overall presentation of the Town Centre as a whole it is also proposed to provide landscape enhancements to add vibrancy, colour and visual interest.

## **Recommendations**

The Council is recommended:

- i) To approve a capital budget allocation of £40,000 to remove the Rising Universe sculpture and to implement the landscaping Bishopric/Worthing Road improvement scheme.
- ii) To approve a revenue budget allocation of £15,000 for Town Centre landscape enhancements to be met from existing budgets.

## **Reasons for Recommendations**

- i) The Council is required to approve capital expenditure where funding has not been previously allocated within the 2016/17 capital programme.
- ii) The Council is asked to note the revenue budget allocation.

## **Background Papers**

LUC Bishopric options consultation results

**Wards affected:** Denne

**Contact:** Clive Burley, Project Manager – Planning Ext 5236.

## **Background Information**

### **1 Introduction and Background**

- 1.1 In response to a public consultation exercise in October 2014 86% of 205 survey respondents were strongly in favour of the removal of the Rising Universe sculpture (known locally as the Shelley Fountain).
- 1.2 The consultation followed work undertaken on the Council's behalf by Land Use Consultants (LUC) to look at a range of options for improving the area. LUC prepared baseline, intermediate and high value specifications for each option based on a combination of different elements priced respectively at £1.38m, £1.92m and £2.83m. Due to the overall high costs none of the schemes was taken forward.
- 1.3 The 'Rising Universe' sculpture was originally commissioned in 1994 and whilst in full operational mode was positively identified with Horsham where it was used as a backdrop to the opening credits of the regional evening news programme at the time.
- 1.4 Despite the sculpture's early success the complications arising from maintaining an 'active' kinetic water sculpture increased requiring a major overall, including all hydraulic systems in 2006. Since the end of 1999 over £200,000 of regular maintenance, major repairs and running costs have been incurred. The sculpture requires continuous weekly and monthly maintenance at an annual average cost of £10,950 and an allowance of £3,000 for reactive repairs and utilities costs of £1,800.
- 1.5 Due to the necessity to make further major repairs the sculpture had been maintained in static mode. The sculpture is also showing considerable signs of extended wear and tear to the outer fabric, satellite arms and internal systems and will require significant investment to bring it back into full operational mode and a continuing commitment, to a high level of annual maintenance.
- 1.6 It should also be borne in mind that the original design and method of construction will require major periodic replacement and repair of the main operating systems and design elements. The satellite arms are particularly prone to damage due to their comparative lightweight construction, design and accessibility.
- 1.7 The estimated costs of repairing and bringing the sculpture back into full operational mode would be approximately £30,000 with initial and recurring annual maintenance repair and utilities costs of £15,750. Over the next five years this would amount to £108,750. In the context of the survey results showing 86% of the public in favour of its removal, and the current economic outlook, it is questionable whether further major repairs and annual maintenance costs can be justified and are sustainable in the future.
- 1.8 To complement the Bishopric public realm improvements and to support the overall presentation of the Town Centre it is also proposed to provide additional landscape enhancements to add vibrancy, colour and visual interest.

## **2 Relevant Council policy**

2.1 Relevant Corporate Plan and Service Priorities for 2016-2019 are as follows:

- Economy: Improve and Support the Local Economy by developing a Master plan for Horsham Town Centre.
- Environment: Managing our natural and built environment.
- Strategic Planning Service Plan Priority – Support Horsham Town: Bishopric Enhancement Project.

2.2 The proposed improvement works will provide an immediate enhancement to the Bishopric pending further consultation, as part of the Town Centre Vision, for a wider scheme to improve the whole area and provide greater connectivity between the Waitrose/John Lewis development to West Street and the Town Centre and in the context of current and proposed future investment proposals.

## **3 Details**

3.1 It is proposed to retain and re-use the existing sculpture's 'splash pool' and convert this to a planting bed with a suitable planting scheme to provide an immediate visual improvement to the area over the summer and autumn pending consultation, as part of the Horsham Town Centre Vision, on future options to improve the wider Bishopric public realm area. The sculpture's central globe and satellite arms would be removed. The choice of planting will ensure that it is capable of being relocated and re-used to avoid waste if this is required.

3.2 It is also proposed to provide a revenue budget allocation to enable landscape enhancements to support the appearance and vibrancy of key locations in the town centre.

## **4 Next Steps**

4.1 To obtain separate written quotations from local suppliers to undertake the removal and associated structural works and a planting scheme and following evaluation to appoint a contractor to satisfactorily undertake the works.

4.2 Design, commission and implement landscape enhancements to the Town Centre.

## **5 Outcome of Consultations**

5.1 The comments of the Chief Executive, Head of Finance, the Head of Legal and Democratic Services, the Director of Planning, Economic Development & Property, the Director of Corporate Resources and the Head of Community and Culture Services have been incorporated in the report.

## **6 Other Courses of Action Considered but Rejected**

6.1 Relocation to a donor site: While it may be feasible to remove the central globe it is not possible to remove the splash pool intact as it was constructed in-situ from concrete and would have to be broken out if the sculpture were to be relocated. Such a process would destroy the integrity of the original artwork. In addition it

could not be guaranteed that the 'satellite arms' and base cone could be removed without incurring irreparable damage.

- 6.2 It is also uncertain, in the unlikely event that a suitable location and donor were found, whether the sculpture could be relocated due to its size and cost. At 18ft in diameter the main globe would constitute a 'wide load' requiring Department of Transport approval, a police escort and a technical assessment of the route. This may not be feasible due to small road widths, low bridges or the requirement for extensive temporary removal and reinstatement of traffic signs or other road furniture.
- 6.3 Additionally there would also be the cost of constructing a suitable new concrete base to mount the sculpture; forming a new splash pool and base cone and reassembly of the globe and support stanchion. The operational water, hydraulic and electrical systems would also have to be relocated and rehoused appropriately - they are currently located within the old pedestrian subway beneath Worthing Road. In the unlikely event that a suitable and technically accessible site was found, the cost of dismantling, extensive repair, reassembly and rehousing of the operational systems would be very significant and would easily exceed the sculpture's original cost.
- 6.4 Summers Place Auctions have confirmed that the sculpture has no value in the market due to its age, 20 years old, its complexity and the cost to remove it.
- 6.5 Restore to full working Order: The cost of repairs and on-going annual maintenance are considered to make this option prohibitive. It is considered that there is a low prospect for the long term viability of the sculpture without continuous significant investment in repairs and replacement systems in future as it ages further and that, unfortunately, the sculpture has reached the end of its serviceable life.

## **7 Financial Consequences**

- 7.1 The estimated capital cost of the enhancement scheme would be £40,000 and includes a 12.5% contingency sum which will be met from existing capital funding.
- 7.2 The proposed town centre landscape enhancement budget will be met from within existing resources.

## **8 Legal Consequences**

- 8.1 A legal agreement made on 19 December 1994 between the Council and the artist governed the original scope and carrying out of the work and future rights and responsibilities between the parties. Clause 15.3 of the agreement requires the Council not to intentionally alter, modify or destroy the 'Work' without the artist's consent.
- 8.2 Dialogue between the Council and the artist has been taking place since 2014 and she has been informed that this report, proposing the sculpture's modification and removal, will be considered by the Council on April 27<sup>th</sup>. The artist has acknowledged that the removal of the sculpture is an appropriate course of action in the circumstances.

## **9 Staffing Consequences**

9.1 There are no staffing consequences arising from the proposal.

## **10 Risk Assessment**

- 10.1 All construction operations carry inherent risks that are required to be managed for both the client, contractor's health and safety and that of the public. The improvement project will be undertaken by all parties in full compliance with relevant statutes and best practice, in particular the Construction (Design and Management) Regulations 2015.
- 10.2 An allowance of 12.5% has been included in the budget estimate to cover unforeseen contingencies arising from the works.
- 10.3 The contractors will be vetted to ensure that they have suitable insurance cover and that operatives carry any requisite licences where necessary.

## Appendix 1

### Consequences of the Proposed Action

How will the proposal help to reduce Crime and Disorder?	The proposal is considered to be consistent with the Council's policies on reducing Crime and Disorder.
How will the proposal help to promote Human Rights?	The proposal is considered to be consistent with the provisions of the Human Rights Act.
What is the impact of the proposal on Equality and Diversity?	The proposal is considered to be consistent with the Council's policies on Equality and Diversity and with relevant legislation.
How will the proposal help to promote Sustainability?	The proposal is considered to be consistent with the Council's policies on sustainability by reducing overall maintenance costs.