

COMMITTEE REPORT

Date: 5 February 2015 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 14/02465/FUL
Application at: Traffic Island Station Rise York
For: Erection of statue
By: Cllr Mark Warters
Application Type: Full Application
Target Date: 20 January 2015
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of a statue on Station Rise, York within the Central Historic Core conservation area. It would be situated on a traffic island located immediately outside a gateway through the City Walls in close proximity to the Railway Station and a statue of George Leeman. The statue would be mounted within the raised planting beds and would comprise a white marble figure mounted on top of a red granite base. The actual figure represented and the inscription on the pedestal plaque would be open to public consultation by the applicant.

1.2 The application is reported to Sub-Committee for decision as the applicant is a serving Councillor.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Business

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core CONF
Listed Buildings Grade 2 Star; North Eastern Railway Co Offices Toft Green 0097

2.2 Policies:

CYHE2 Development in historic locations
CYGP1 Design

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management

3.1 Objections. The proposal will harm the character and appearance of the conservation area and the setting of nearby listed buildings.

Highway Network Management

3.2 No objections.

EXTERNAL

Micklegate Planning Panel

3.3 Consider that the application is purely vexatious, wasting the time of the panel, and should be rejected.

English Heritage

3.4 General observations that raise no objection "in principle" to the erection of statue in suggested location, although the detail of subject and inscription are not matters for English Heritage. The applicant has not referred to national policy guidance, does not identify adjacent heritage assets, and does not provide any assessment of the impact of the proposal on the significance of those heritage assets. This should be addressed and the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Publicity

3.5 One letter has been received following public consultation which supports the statue at this location, as it will form a matching pair with the George Leeman statue.

4.0 APPRAISAL

4.1 Key issues:

- Impact on the character and appearance of the conservation area and adjacent listed buildings
- Highway Safety

PLANNING POLICY CONTEXT

National Policy Guidance

4.2 The National Planning Policy Framework has a stated presumption in favour of sustainable development. Relevant specific policy topics include ensuring the vitality of town centres, conserving and enhancing the historic environment, and encouraging good design.

Local Planning Policy

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. Policy HE2 seeks to protect heritage assets from inappropriate development. Policy GP1 is a general design policy in the Local Plan that, inter alia, seeks to ensure that new development respects its surroundings.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND ADJACENT LISTED BUILDINGS

4.4 The application site lies within the Central Historic Core Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty on local planning authorities to have special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the same Act states that in determining planning applications for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.5 In the National Planning Policy Framework, listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of any proposed development on such assets, local authorities should give great weight to the conservation of the asset (paragraph 132). When a local planning authority finds that a proposed development would harm the character or appearance of a conservation area it must give that harm considerable importance and weight. The courts have held that when a local planning authority finds that a proposed development would harm a heritage asset, the authority must give considerable importance and weight to the desirability of avoiding such harm. The finding of harm to a conservation area gives rise to a strong presumption against planning permission being granted.

4.6 The proposed statue would be sited in an area of the Central Historic Core Conservation Area which is already rich in statues and memorials. These include the two Lutyens War memorials (listed at grade 2* and grade 2), the gates and gate-

piers to Memorial Gardens (listed at grade 2) and the George Leeman statue (listed at grade 2). The existing memorials are of high communal significance and enduring quality. They honour York citizens. By adding the proposed new statue to the group, it is considered that the meaning of each of the sculptures would be devalued. This significant approach and entrance to the City Centre would also become over-saturated with monuments. The visual quality and key views of important nearby heritage assets such as the City Walls, nearby listed buildings, and the wider conservation area would be adversely affected by the introduction of the visually prominent statue on the nearby traffic island.

4.7 The proposed statue would only be 15 metres away from the particularly important C19th statue of George Leeman, Chairman of the North Eastern Railway Company, Alderman, and three times Lord Mayor of York. The close juxtaposition of any statue sited within the "radiance" of the existing statue would undermine the importance of this distinguished standalone figure. Generally statues should be site specific, and figures necessarily require space around them to be fully appreciated. The George Leeman statue is situated within the pavement, at the end of a grassed area that abuts the City Walls, which gives a dignified setting. The proposed similarly proportioned statue, situated within a raised traffic island, with its unceremonial setting would detract from the more distinguished setting of the George Leeman statue.

4.8 The conceptual approach to the proposed statue is to copy the late C19th statue sculpted by artist George Milburn. The Arts Council England's approach to new public art is that it should make an artistic contribution in its own right. This statue fails to add to York's artistic legacy as it copies a C19th tradition, and would be contrary to planning guidance in the National Planning Policy Framework and Local Plan Policies HE2 and GP1 which require good design.

4.9 Public space is a limited resource in the compact city centre of York, and it is important that works of art proposed for public places enrich the civic environment and have enduring meaning. To this effect, it would be expected that some time should elapse between a proposal for a commemorative statue coming forward for consideration following public consultation, and a decision being made by the Council. Although the City of York Council has no specific planning guidance on the time period associated with the erection of statues and monuments, there is no indication that any consultation has been undertaken by the applicants.

HIGHWAY SAFETY

4.10 The proposed statue would be situated on a traffic island that does not form part of the publicly maintained highway. Highway Network Management raises no objections to the erection of the statue in this location. The location and size of the statue would not affect pedestrian/ traffic inter-visibility, nor it is considered that the proposed statue would distract users of the adjacent highways.

5.0 CONCLUSION

5.1 It is concluded that the proposed statue would undermine and harm the high communal and artistic significance of C19th and C20th statues, memorials and other heritage assets within the immediate area of the application site in the conservation area. In particular the statue would undermine and harm the setting of the George Leeman statue which has high historic significance, by being too close to it and by copying its C19th artistic style in a less dignified setting. The statue would harm the settings of the existing heritage assets and therefore fail to preserve the character and appearance of the conservation area as required in legislation, and be contrary to Policies HE2 and GP1 of the City of York Development Control Local Plan and national planning guidance as contained in the National Planning Policy Framework. Whilst there are no highway objections to the location and size of the statue, the significant harm to the conservation area would outweigh this consideration given that considerable importance and weight must be placed on the desirability of preserving the character and appearance of the conservation area, and it is recommended that planning permission is refused.

6.0 RECOMMENDATION: Refuse

1 The proposed statue would undermine and harm the high communal and artistic significance of C19th and C20th statues, memorials and other heritage assets within the immediate area of the application site which enrich the lives of citizens and visitors to York. In particular, the statue would undermine and harm the setting of the George Leeman statue which has high historic significance, by being too close to it and by copying its C19th artistic style in a less dignified setting. It would harm the settings of the existing heritage assets and therefore fail to preserve the character and appearance of the conservation area as required in legislation, and be contrary to Policies HE2 and GP1 of the City of York Development Control Local Plan and national planning guidance as contained in the National Planning Policy Framework.

7.0 INFORMATIVES:

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. However, in this case, the shortcomings of the application were too fundamental to enable a satisfactory solution to be found. The application was therefore refused planning permission for the reasons stated.

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