

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/15/00455/FPA
FULL APPLICATION DESCRIPTION:	Relocate 'The Journey' sculpture from Millennium Place to North Churchyard, Durham Cathedral, widen existing entrance path, alter the surfacing of the path to sandstone setts, relocate two seats and associated lighting.
NAME OF APPLICANT:	Durham Cathedral
ADDRESS:	Durham Cathedral, North Churchyard, Palace Green, Durham.
ELECTORAL DIVISION:	Elvet & Gilesgate
CASE OFFICER:	Susan Hyde, Planning Officer, 03000 263961 susan.hyde@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is located at the front elevation of the Grade I listed Durham Cathedral which is one of two principal buildings, Durham Castle and Cathedral, that form part of the World Heritage Site. Palace Green offers a rich historic environment combining a remarkable assemblage of historic buildings (almost all listed) of great scale and drama, of rich and innovative architecture, and others of intrinsic importance. These are set within a distinctive and high quality intact medieval townscape and within an exceptional landscape setting. In addition to the Grade I listing and a principal building in the World Heritage Site, the Cathedral also lies within the Durham (City Centre) Conservation Area.
2. The application is to relocate the sculpture the 'Journey' of St Cuthbert that is currently located in Millennium Place. This sculpture is a bronze cast of the original wood carving, (thus being hollow), depicting six monks carrying the open coffin of St Cuthbert. The proposal is to relocate the sculpture onto a path over the northern graveyard that forms the key pedestrian approach to the Cathedral. In addition the path is proposed to be widened, bollard lighting introduced and the existing seats relocated onto the opposite side of the path. The sculpture is constructed in weathered bronze and is 2.3 metres long by 1.2 metres wide and 2 metres high and is set at ground level.
3. The application is being reported to Committee at the request of Councillor Freeman.

PLANNING HISTORY

4. Planning consent granted in 2015 for enabling works and repair works to roof structure; drainage and rainwater disposal; masonry and interior decorations.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
7. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
8. The following elements of the NPPF are considered relevant to this proposal;
9. NPPF Part 7 Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
10. NPPF Part 11 Conserving and enhancing the natural environment. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated/unstable land.
11. NPPF Part 12 Conserving and Enhancing the Historic Environment. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA’s should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

LOCAL PLAN POLICY:

City of Durham Local Plan

12. Policy E3 (World Heritage Site) Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
13. Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building

and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

14. Policy E14 (Existing Trees and Hedgerows) seeks to protect ancient woodland, designate tree preservation orders as necessary, and require development proposals to retain areas of woodland, groups of trees and individual trees wherever possible.
15. Policy E16 (Nature Conservation) requires development proposals, where appropriate, to identify any significant nature conservation interest that may exist on or adjacent to the site, avoid unacceptable harm to such interests and provide mitigation measures to minimise unacceptable adverse impacts that cannot be avoided.
16. Policy E21 (Historic Environment) states that the historic environment of the district shall be preserved and enhanced by requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site, and encourage the retention, repair and re-use of buildings and structures which are not listed, but are of visual interest.
17. Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details
18. Policy E23 (Listed Buildings) seeks to safeguard listed buildings and their settings by only permitting alterations and extensions to listed buildings which are sympathetic in design, scale and materials; not permitting alterations to architectural or historic features which adversely affect the special interest of a listed building; not permitting total or substantial demolition of a listed building; and, not permitting development which detracts from the setting of a listed buildings.
19. Policy E24 (Ancients Monuments and Archaeological Remains) states that scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ, and where preservation in situ is not justified by requiring pre-application evaluation or archaeological assessment.
20. Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
21. Policy Q15 Art in Design

RELEVANT EMERGING POLICY:

The County Durham Plan

22. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim

Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report.

23. The above represents a summary of those policies considered most relevant in the Development Plan, the full text, criteria, and justifications of each may be accessed at: <http://www.cartoplus.co.uk/durham/text/00cont.htm> (City of Durham of Durham Local Plan) <http://durhamcc-consult.limehouse.co.uk/portal/planning/> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. Historic England – Have noted that the relocation of the sculpture is to the front elevation of the property and requested the re surfacing of the path is carefully controlled.

INTERNAL CONSULTEE RESPONSES:

25. Design and Historic Environment Officer – Raised some concerns with regard to the Heritage Statement which has now been addressed and considers that the sculpture has a neutral impact on the setting of the Cathedral.
26. Landscape Architects – Have raised no objection to the loss of the tree and no objection to the impact on the landscape setting to the front elevation of the Cathedral.
27. Ecology – Raised no objection
28. Archaeology –Recommend a condition and this will be updated orally at Planning Committee. Awaited

PUBLIC RESPONSES:

29. The application was advertised in the press, on site and in the locality. Representations in support of the application and objecting to the application have been received. A petition with 202 signatures and 13 individual letters have been received in support of the application. A petition with 293 signatures and 35 individual letters of objection have been received. In addition the City of Durham Trust has raised no objection to the proposal and Roberta Blackman Wood MP has written in support of the proposal.

Summary of support for the proposal.

30. The statue is sensitively sited outside the Cathedral

The siting in Millennium Place is no longer appropriate due to the night time economy of the area which leads to the statue having urine and vomit on it.

The current siting is not appropriate as it appears St Cuthbert has been carried from Lindisfarne to visit the library.

The movement of the statue and the works at the Cathedral are all paid for by money still available from existing money in the trust for the sculpture.

The sculptor Fenwick Lawson always made it clear that he'd prefer the statue to be sited near the Cathedral if the opportunity arose.

Summary of objections to the proposal

31. No evidence seen by objectors of the statue suffering from anti-social behaviour or having vomit or urine on it. Disrespect by a few shouldn't lead to the majority losing easy access to the sculpture.

Millennium Place is in a central location that allows the statue to be viewed regularly by the residents and visitors to Durham which would not be as accessible at the Cathedral.

The statue was funded by public fund raising and the central siting allows the funders to view the statue.

The failure of Millennium Place to become the cultural centre of Durham should be addressed rather than the sculpture being moved.

The sculpture is titled The Journey – and so is appropriately sited in Millennium Square – as the journey is still continuing to the Cathedral – relocating it to the Cathedral is not appropriate as it is then 'The Arrival'.

The Journey has many visitors at Millennium Place and tourists enjoy reading about it and being photographed by it. The siting here also allows groups to gather round it.

The sculpture is a great asset to Millennium Place but much less significant by the Cathedral because of the quality of this Heritage Asset.

No public consultation about moving the statue has taken place – even though the statue was funded by public subscription.

The current siting in Millennium Place is appropriate as it forms a gateway into the City and was carefully chosen for this purpose.

Millennium Place is more disabled friendly with flat paving – relocating it to the Cathedral makes it harder for disabled people or people with mobility problems to view the sculpture.

Palace Green and the Cathedral need no further enhancement whereas Millennium Place does.

APPLICANTS STATEMENT:

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32. The sculptor appreciates the strength of feeling that the proposal to move The Journey has aroused in the City and respects the views of those who wish to see it stay in Millennium Place. However the closure of the tourist information office and the strong emphasis on the night time economy in Millennium Place has altered how

appropriate this setting is for The Journey. The fact it is occasionally used for a climbing frame or a late night urinal might not be unusual for public art but it is disheartening to see for a sculpture of this theme.

33. The opportunity has now arisen to move The Journey closer to the Cathedral. It would allow the sculpture to be viewed in a more contemplative space. It would form part of a re-ordering of the entrance to the cathedral where it would focus on the interpretation on the importance of the shrine of St Cuthbert as a component of the outstanding value of our World Heritage Site.
34. The woodcarving that the sculpture was cast from is located on Holy Island and forms the beginning of St Cuthbert's journey and to fulfil the narrative context of the sculpture the bronze needs to be located in context with Cuthbert's shrine to form the conclusion. When the sculpture is placed out of context anywhere along the route, without knowledge of the story of Cuthbert it can only be a group of people carrying a coffin and the meaning is lost. The communication in this art work is complex and multifaceted and placement near the north door to the Cathedral is appropriate.

PLANNING CONSIDERATIONS AND ASSESSMENT

35. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development and impact upon the heritage asset, landscape and health and safety.
36. Planning permission is required for the erection of the statue at the Cathedral but not for the removal of the statue in Millennium Place. The removal of the statue does not require planning consent and as such the statue could be removed at any time without requiring a planning application.

Principle of development

37. Policy Q15 of the local Plan encourages the provision of artistic elements in the design and layout of developments. The bronze sculpture is therefore considered consistent with this policy.
38. Policy Q1 of the local plan encourages good design principles and Policy Q4 encourages public spaces and pedestrian areas to be designed with good quality materials. In this case the increase in the width of the path and the improvement in the materials is considered in accordance with these policies. In addition the retention of the public seating is in accordance with Policy Q1 section 3 and the introduction of the bollard lighting on a path that is used outside daylight hours is in accordance with Policy Q1 section 2.

Impact on Heritage Asset and Landscape

39. The widening of the footpath and the resurfacing of the existing tarmac path with sandstone sett paving is welcomed by both Historic England and the County Council's Conservation Officer. One tree will be lost from widening the footpath and the County Council's Landscape Architect has supported the loss of the tree as it opens the view of the front elevation of the Cathedral a little more. The remaining trees are retained. The amendment to the paving and the loss of the tree is assessed to enhance the setting of the heritage assets in this sensitive location in accordance with policies E3, E6, E22 and E23 of the Local Plan, and policies 44 and

45 of the County Durham Plan (although limited weight can be given to these policies)

40. The sculpture is proposed to be erected close to the entrance from Palace Green to the Cathedral. Given the scale of the Cathedral and the relatively small scale of the sculpture the impact of the sculpture on the heritage asset is not considered to be significant by Historic England or the County Council Conservation Officers. The rationale for locating the sculpture in this location to signify the end of St Cuthbert's journey does have some public benefit and is supported by the applicant, Durham Cathedral. The sculpture is sited in alignment with the boundary trees and the setting of the Cathedral is not detrimentally affected with views of the building not being significantly altered by the introduction of the sculpture. The introduction of the sculpture is therefore not considered to detract from the setting of the Conservation Area, World Heritage Site or Listed Buildings.
41. Lighting is proposed both on the sculpture and adjacent to the path, constructed in aluminium and finished in a bronze colour. The sculpture is proposed to be illuminated by 8 uplighters located in the paving and the illumination is both to enhance the sculpture at night and to allow the sculpture to be seen on the path. Lighting bollards are proposed to flank the footpath which are low level and include down lighters so that the lighting illuminates the path only and so that the illumination does not conflict with the bespoke lighting on the Cathedral. The lighting columns are finished in a bronze colour and details of the finish of both the uplighter and bollard lighting would be conditioned. The level of illumination is considered to be appropriate for the access and egress of the Cathedral during night time use. The introduction of the lighting is therefore not considered to detract from the setting of the Conservation Area, World Heritage Site or Listed Buildings in accordance with policies E3, E6, E22 and E23 of the Local Plan, and policies 44 and 45 of the County Durham Plan (although limited weight can be given to the CDP policies)
42. In considering proposals in a Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be given to preserving or enhancing the character or appearance of that area. In addition Section 66 of the Act requires the Local Planning Authority to have special regard to preserving the listed building and the setting of the listed building. In the context of the above assessment, the proposal is considered to comply with these requirements. It is considered that the footpath works would enhance the setting of the listed building and the placing of the sculpture, the low level bollard lighting and the movement of the seating would not detract from, and would therefore preserve, the character and appearance of the Conservation Area and not detract from the setting of the listed building. .

Health and Safety

43. Policy Q1 requires personal safety to be taken into consideration on all new developments and to take into account the access needs of people with disabilities, the elderly and children to be considered. Health and safety issues were raised by Planning Officers about the location of the sculpture on the widened footpath as the sculpture has been a popular location for photographs and to gather to experience the sculpture in Millennium Place. The Cathedral also has large congregations that exit on the path and would not necessarily expect a sculpture to be located in such a position. The agent has explained they do not wish to alter the location and sufficient space is available to pass either side of the sculpture.

44. It is noted that the path is a private right of way rather than a public right of way. In assessing the impact of the sculpture it is noted that the existing path is widened at the entrance to Palace Green which improves the current situation. In addition the width of the footpath to the rear of the sculpture is wider than the minimum 900 mm required for disabled access which allows people to pass either side of the sculpture. The sculpture is lit at ground level by uplighters to allow it to be viewed outside daylight hours and the footpath is also lit. The sculpture is also fixed at ground level so there is no trip hazard from a plinth. The health and safety implications from the sculpture are therefore considered to be minimal and the proposal is considered to comply with Policy Q1.

.Additional matters raised by objectors.

45. It is clear from the petitions and individual letters and emails that the 'Journey' sculpture is well regarded and enjoyed by the local community and all comments received are about wanting the sculpture in either Millennium Place or the Cathedral.
46. The issue raised by objectors about the funding of the sculpture is not a material planning consideration. In addition objectors' concern about the lack of publicity by the trust about moving the sculpture is also not a material planning consideration.
47. Objectors' comments about preferring the sculpture in Millennium Place, how Millennium Place should be enhanced and the sculpture retained there are also noted. However as explained above the removal of the sculpture from Millennium Place is not something that can be controlled through planning regulations.
48. Objectors' comments about there being more space in Millennium Place for the sculpture to gather round are also noted. As explained above only the application submitted for the sculpture adjacent to the Cathedral can be considered rather than a preference between the two locations. As addressed above this issue was raised by Planning Officers with the agent.
49. Objectors also raised concerns that Millennium Place provided better access for people who are disabled or who have limited mobility. Again the issue is not one of comparing the two sites but in planning terms whether the siting at the Cathedral raises material planning concerns in terms of access. Objectors' concerns about the uneven pavements to the Cathedral are noted but alternative access by public or private transport is also available.

CONCLUSION

50. Siting of the 'Journey' bronze cast statue with the widening of the footpath and resurfacing of the path in sandstone setts and associated lighting is not considered to detract from the setting of the heritage assets in this sensitive area. Indeed the improvement to the surfacing of the path from tarmac to sandstone setts is considered to be an enhancement. The proposal is therefore considered to conform with NPPF Part 12, Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Plan Policies Q15, E3, E6, E14, E22, E23 and E24. The recommendation is therefore for approval with conditions.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within following documents validated on the 14th April 2015:

Site Location Plan, Frame Construction and lighting drawing reference 234181 – 15 drawing 300 Revision B, Proposed and existing plans drawing reference 234181 – 15 drawing 101 Revision A, Photo montage views drawing reference 234181 – 15 drawing 201 Revision A, Heritage Statement

Reason: To secure an acceptable form of development that meets the objectives of Policies Q15, E3, E6, E14, E22, E23 and E24 of the City of Durham Local Plan 2004.

3. Before the development commences full details of the resurfacing and widening of the path shall be submitted to the Local Planning Authority and approved in writing. The submitted details shall include a sample of the paving, a methodology of how the path will be laid and details of the layout of the paving setts. The paving shall then be implemented in accordance with the agreed details.

Reason: In the interests of visual amenity in accordance with the objectives of Policies E3, E6, E22, E23 and E24 of the City of Durham Local Plan 2004.

4. Before the development commences full details of the colour and finish of the lighting bollards and inset uplighters shall be submitted to the Local Planning Authority and approved in writing. The lighting bollards and inset uplighters shall then be implemented in accordance with the agreed details.

Reason: In the interests of visual amenity in accordance with the objectives of Policies E3, E6, E22, E23 and E24 of the City of Durham Local Plan 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

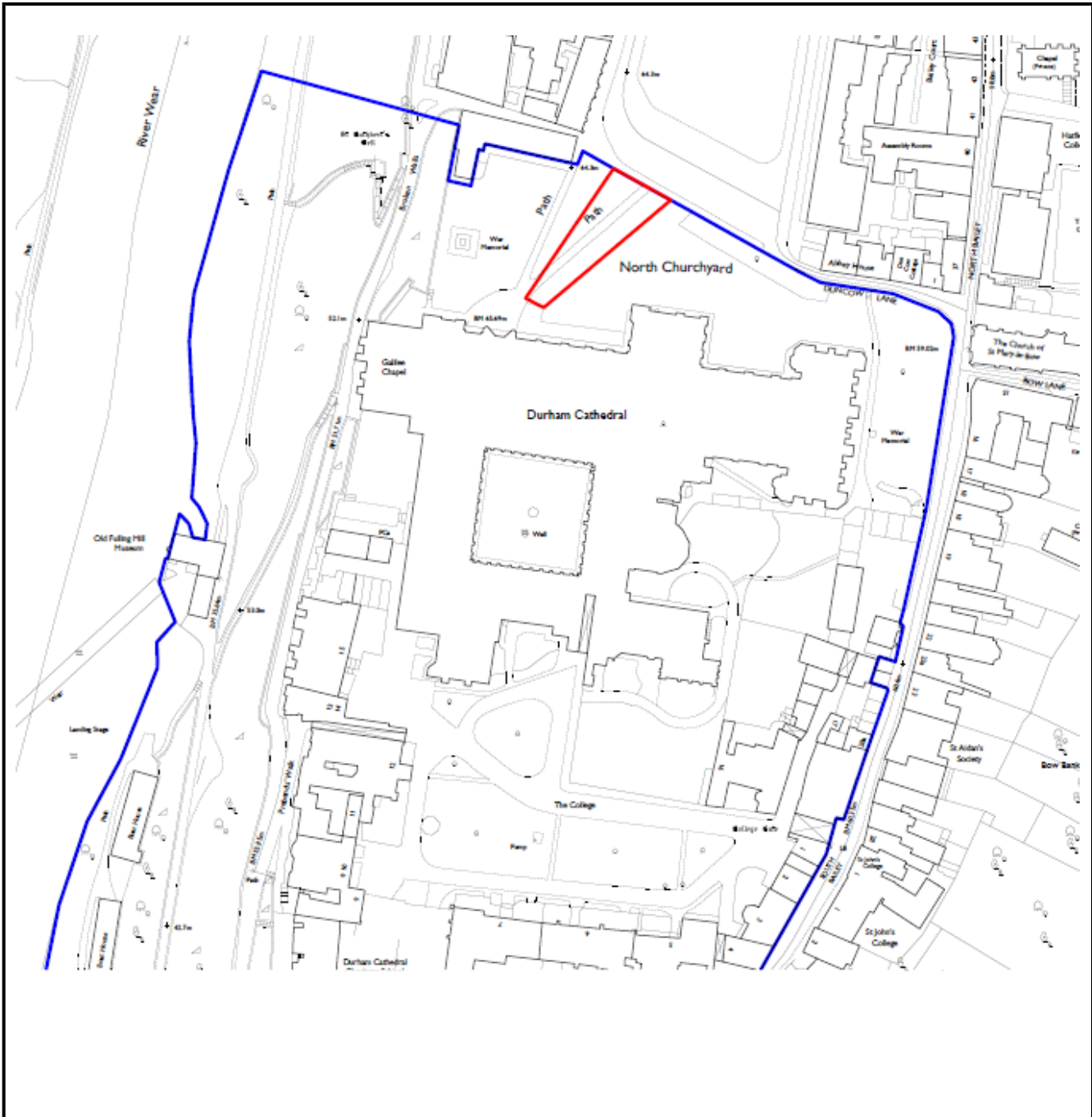
Submitted application form, plans, supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework

National Planning Practice Guidance Notes

City of Durham Local Plan 2004

Statutory, internal and public consultation responses



Planning Services

Relocate 'The Journey' sculpture from Millennium Place to North Churchyard, Durham Cathedral, widen existing entrance path, alter the surfacing of the path to sandstone setts, relocate two seats and associated lighting.

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Comments

Date July 2015