

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE -

Application 2

Application Number:	17/01577/FUL	Application Expiry Date:	15th August 2017
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Application Type:	Full Application
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Proposal Description:	Erection of a bronze statue placed on top of 4-sided stone plinth, together with the placing of a small dedication plinth with inscriptions (as a dedication to the Kings Own Yorkshire Light Infantry).
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At:	Rose Garden Elmfield Park Roman Road Bennetthorpe
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For:	Major Derek Searby
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Third Party Reps:	5	Parish:	
		Ward:	Town

Author of Report	Roy Sykes
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MAIN RECOMMENDATION:	GRANT PLANNING PERMISSION but to allow delegated authority to the Head of Planning to issue the decision following the expiry of the renewed publicity period and taking into account any issues should they arise.
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1.0 Reason for Report

1.1 This application is being presented to the Planning Committee as the Council is the owner of the land.

2.0 Proposal and Background

2.1 The proposal seeks permission for the change of use of land for the siting of a memorial statue to commemorate the King's Own Yorkshire Light Infantry (KOYLI) within Elmfield Park - in the area of a rose garden.

2.2 The proposal itself involves:

- a) A bronze statue of a KOYLI soldier - c. 2.1m high;
- b) A stone plinth upon which the statue will stand - c. 1.5m high (and 1.5m wide);
- c) A stand-alone dedication plinth - c. 1.1m high (and 0.6m wide).

2.3 By way of background, the KOYLI regiment were active between 1881 and 1968 and have strong links to Doncaster and next year (1st August 2018) commemorates 50 years since the regiment was removed from the British Army order of battle and taken from the list of line regiments.

2.4 The rose garden itself lies to the front of Elmfield House which is a Grade II Listed Building and lies within the Doncaster - Bennetthorpe Conservation Area. Bennetthorpe and its continuation as South Parade is an impressive approach into Doncaster and is characterised by town houses lining the streets, which are broken on the south by Elmfield House and its ground. The House and its former grounds are also considered a Park and Garden of Local Historic Interest

2.5 Elmfield House was built in 1803 and is stucco with painted ashlar dressings and a slate roof. The principal elevation of the house faces north-east towards the great north road with a secondary south east elevation overlooking the parkland, now Elmfield Park (and including the rose garden). The original significance of the park as forming the setting of Elmfield House has been augmented by its significance as a municipal park from the interwar period. This is a typical park of the time when similar areas of private parkland close to town centres came under the control of local authorities who converted them for the amenity of local people. The main entrance to the park from Bennetthorpe is at the foot of Hall Cross Hill, where the town cenotaph, which is now also Grade II listed, is located.

3.0 Relevant Planning History

3.1 None relevant.

4.0 Representations

4.1 The application has been advertised by two site notices. The second site notice was required as it was noticed that the first notice was erroneously advertised as being due to 'Public Interest', when in fact it should have been due to the 'Affecting the setting of a Listed building/Conservation Area'. A corrected site notice was posted on the 22nd August 2017 with a deadline of 12th September for any observations. However, the Press Notice expiry date for the revised site notice does not expire until 29th September 2017. This is a purely procedural matter to ensure compliance with the Regulations.

4.2 In total, 4 individual letters of objection have been received raising matters including:

- i) Statue is too large and overbearing
- ii) Soldier and gun is not appropriate

4.3 In total there has been 1 individual letter of support.

4.4 A representation has also been received from Cllr McDonald, neither supporting nor objecting to the proposal, but raised a number of concerns in relation to the design and that the proposal may be subject to vandalism.

4.5 For Members information, Officers have also been made aware of a Radio Sheffield Facebook page, which was set up following a Radio Sheffield news item on the concerns raised by local residents. Numerous public comments (329 as of 6 Sept 2017) have been posted - the significant majority of which are in support of the scheme.

5.0 Parish Council

5.1 There is no Parish Council.

6.0 Relevant Consultations

DMBC Conservation and Design Officer - No objections and advises that the proposal is considered to be in keeping with its setting and is therefore supported.

DMBC Assets - No objections.

Doncaster Civic Trust – Objects. The sculpture is considered to be good but its setting is inappropriate. The aggression is totally alien to the tranquillity of the rose garden.

7.0 Relevant Policy and Strategic Context

Saved UDP Policies:

RL1 - Open Space Policy Area

ENV25 - Conservation Areas

National Planning Policy Framework:

8.0 Planning Issues and Discussion

8.1 The main issues are:

- a) Principle of the proposal
- b) Impact on the Conservation Area or setting of the Listed Building

Principle

8.2 The proposal is located within an area defined by the Proposals Map of the Unitary Development Plan (UDP) as both Open Space Policy Area and a Conservation Area. Accordingly saved UDP Policies RL1 and ENV25 are relevant.

8.3 Saved UDP Policy RL1 states that development will only be permitted for outdoor recreation and ancillary indoor facilities, allotment, nature conservation, or cemetery uses - provided that there is no significant loss of outdoor play space; the visual amenity of the space is retained and where possible enhanced; and the environmental value of open space is retained.

8.4 The proposal will not lead to a significant loss of open space and would only utilise a very small part of this much wider and expansive area. Indeed, the proposal will be used in conjunction with the designated open space, landscaping and seating areas. The proposal is for a stationary statute atop a plinth with dedication stone and will not cause noise, disturbance or any harm to neighbouring amenity. In addition, the proposal is on land set well away from the highway and its scale will not harm the character or appearance of the area. This is assessed in more detail in the Listed Building/Conservation Area assessment below.

8.5 The use can also be seen to be akin to a 'cemetery use' in that it commemorates the service given by the KOYLI's to the country in the various theatres in which it operated. This is reinforced by the dedication plinth, which proposes the wording '*This memorial remembers all those who served and those who fell in the service of the 51st and 105th regiments*'.

8.6 The proposal is therefore considered to be in accordance with saved UDP Policy RL1.

Setting of Listed Building & Conservation Area

8.7 Saved UDP Policy ENV25 details that development will not be permitted if it would detract from the character or appearance of the area by virtue of its nature, height, density, form, scale, materials or design or by the removal of trees or other important landscape features.

8.8 The high quality nature of the statue together with its location, which is set-back from the main footpath crossing Elmfield Park (thereby allowing people interested in the subject matter to divert from the footpath to approach it) is considered to be acceptable in planning terms. Its setting will be against the back-drop of Elmfield House and the surrounding rose garden, which raises no planning-harm.

8.9 The Conservation Officer having been consulted on the proposal raises no objections and advises that the proposal is considered to be in-keeping with its setting and thus is supported. The siting of the statue, plinth and dedication stone will not involve the removal of trees or other important landscape features. The proposal is therefore acceptable and in accordance with saved UDP Policy ENV25.

Other Matters

8.10 The remaining issues detailed in the representations that have been received relating to the aggressive nature of the statue (potentially as a result of only seeing the 'to-scale' drawing – see Fig. 3); the celebrating of war; equalities and ethics are not material planning considerations.

Summary and Conclusion

9.0 Summary

9.1 The statue, plinth and dedication stone are considered to be in accordance with saved UDP Policies RL1 and ENV25. Their siting within an area designated as Open Space and a Conservation Area is considered to be acceptable and will not result in any planning harm. The majority of the park will still fulfil its function as an open space open for the enjoyment of all with the proposal taking up only a very modest footprint that indeed utilises the surrounding features. The Conservation Officer advises that the proposal is in-keeping with the surrounding area.

9.2 Whilst concerns have been raised over the 'subject matter' i.e. war memorial - this is an ethical and not a material planning consideration.

9.3 The recommendation is therefore to GRANT PLANNING PERMISSION but to allow delegated authority to the Head of Planning to issue the decision following the expiry of the renewed publicity period to advertise the fact that the development has an impact on the setting of a Listed Building/Conservation Area and taking into account any issues should they arise.

9.4 To reiterate, the Conservation Officer supports the proposal by advising it is in-keeping with the surrounding area.

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

RECOMMENDATION

Planning Permission **GRANTED** subject to the following conditions.

01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. U55021 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

1. To scale - statue (undated)
2. To scale - plinth (undated)
3. To scale – dedication stone (undated)
4. Location Plan

REASON

To ensure that the development is carried out in accordance with the application as approved.

03. U55037 Prior to the commencement of the relevant works, details of the proposed materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

REASON

To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.

Reasons(s) for Granting Planning Permission:

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

APPENDIX 1 – PLANS & PHOTOS



Fig. 1 - Google Earth image of the site and surrounding environs



Fig. 2 – A wax model of the proposed statue to be sited

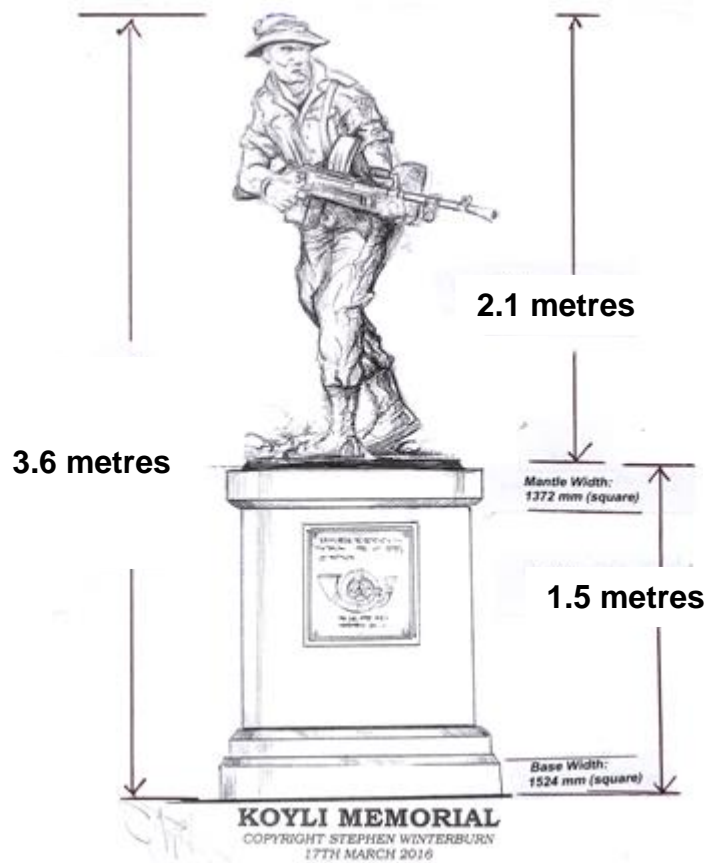


Fig. 3 – To scale (statue & plinth)

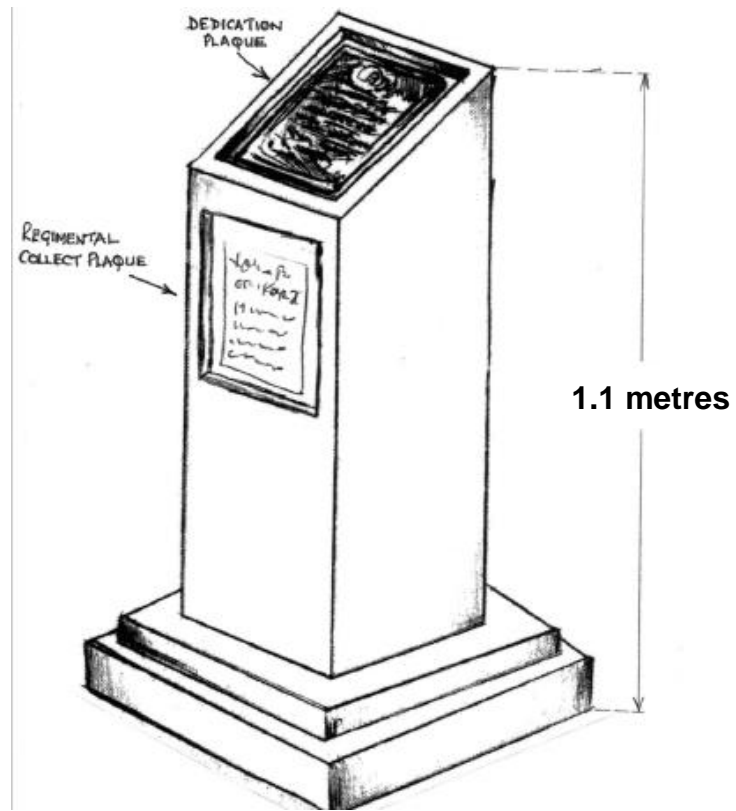


Fig. 3 – To scale (dedication stone)