



Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 27 October 2011

Subject: 11/03514/LI Retrospective Listed Building application for removal of statue and plinth at Central Garden (West End), Park Square, Leeds, LS1

APPLICANT

Leeds Museums and
Galleries

DATE VALID

16 August 2011

TARGET DATE

11 October 2011

Electoral Wards Affected:

City and Hunslet

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Approve in principle and refer to the Secretary of State with final delegation to the Chief Planning and Development Services Officer should the Secretary of State pass the application back to the Local Planning Authority for determination.

1.0 INTRODUCTION:

- 1.1 The 'Circe' statue was originally commissioned in 1894 for Leeds City Art Gallery, where it stood in the Queens Room until the 1950s. The figure was not intended to be an outdoor sculpture and had visibly deteriorated in the 50 plus years it stood in Park Square. Following grant aid offered by the Henry Moore Foundation, the 'Circe' has been restored and has been moved indoors to Leeds City Museum.
- 1.2 In 2007 listed building consent was granted for the removal of the 'Circe' statue and its replacement with a figure of the 'Mercury' displayed on a new rendered plinth. Since then the Circe and its brick plinth has been removed, however the 'Mercury' has not been installed to replace the removed statue, due to a lack of arts funding

and security fears due to the materials of the statue making it more vulnerable to theft or vandalism.

- 1.3 The bronze figure of Mercury was identified as the only available option from the Leeds Collection to replace Circe in 2007. However the level of risk to the work has now increased so significantly since that date that adequate insurance cover would not prove cost effective or within the Council's current service budget.

2.0 PROPOSAL:

- 2.1 Leeds Museums and Galleries seek an amendment to the previous consent to remove the requirement to replace the 'Circe' with the 'Mercury' or similar piece. The Mercury is currently on display in Leeds Art Gallery and will remain so until at least mid 2012. Grant funding has allowed the removal of the badly weathered Circe from its unsuitable outdoor setting, to be fully restored and displayed internally at Leeds City Museum.

3.0 SITE AND SURROUNDINGS:

- 3.1 Central Garden consists of public formal gardens at the centre of Park Square. The Garden itself is not listed, however Park Square consists of a number of grade II listed grand former Merchants houses constructed in the 19th century, now utilised as offices and private clinics. To the south side of Park Square stands the impressive Moorish style former textile factory and showrooms that is Grade II* Listed and now used as offices.
- 3.2 The 'Circe' statue is a bronze nude female figure that stood on a modern brick plinth, to the centre of the west flower bed from the mid 1950s until 2007. Whilst it was sited in Central Gardens the statue became a Grade II listed structure in 1976.
- 3.3 The site is located within the City Centre Conservation Area and the Prime Office Quarter as defined by Leeds City Council Unitary Development Plan Review 2006.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 07/05619/LA: Listed building application for removal of 'Circe' statue and replacement with 'Mercury' statue
Approved: 27.11.2007

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 As the terms of the above listed building consent had not been fully met, Leeds Museums and Galleries approached the Local Planning Authority in May 2011, seeking advice upon the recommended mechanism for a removal of the requirement to replace the statue.
- 5.2 The Local Planning Authority advised that as the terms of the listed building consent had not been fulfilled by not replacing the statue, a fresh application would be required to regularise the situation.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Leeds Civic Trust: Objection for the following reasons:
- 6.2 Mercury is currently on display in Leeds Art Gallery, but it is not stated for how long.

Response: Leeds Museums and Galleries have confirmed that Mercury will be on display in Leeds Art Gallery until mid 2012 at the very earliest.

- 6.3 Bronze is liable to theft; however this would not preclude a replacement of non precious metal such as aluminium, stone, fibreglass or concrete. The applicant might consider moving the Austin Wright piece from outside St Paul's House or Androgyne from the Merrion Centre. Alternatively they might discuss a suitable loan from the Arts Council or Yorkshire Sculpture Park.

Response: See Appraisal.

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 English Heritage: The issue of group value has not been addressed in this proposal and as such English Heritage would wish to see the original condition met by a replacement statue to act as a focal point.

Response: See Appraisal.

- 7.2 Ancient Monuments Society: No objection. The theft of metals from the public realm has reached epidemic proportions and there is little prospect of its letting up as long as the Chinese economic advance continues. The theft of metals, mostly on the roof, from churches alone has cost the Ecclesiastical Insurance Office £23m in the last five years. To move a statue from the safe haven of a museum or museum store to an external position where it could easily be stolen (and damaged in the act of stealing) would be rash.

- 7.3 Victorian Society: Objection, on the grounds that it represents a failure by the council to find a suitable alternative statue for the square, now partly residential again. The Victorian Society are aware of the dangers posed to public metal sculptures at this time but consider that the site merits a replacement as originally approved, carefully chosen to suit it. We therefore urge the council to pursue the selection and installation of an alternative work as originally intended. The statue "Androgyne" near the Merrion Centre might be a possible choice, to be re-located here. Alternatively, approaches could be made to the Yorkshire Sculpture Park and to the Arts Council Sculpture Collection for other possible suggestions.

Response: See Appraisal. Please note the Local Planning Authority is not aware of residential properties within Park Square. Planning consents were granted in the early 2000s for change of use to residential at North Park Square, however it appears consent was partially implemented and the majority of properties remain in office or clinic use.

8.0 PLANNING POLICIES:

8.1 Development Plan:

UDP Policy GP5 (All planning considerations)
UDP Policy N14 (Demolition of Listed Buildings)
UDP Policy N28 (Historic Parks and Gardens)
UDP Policy CC5 (Development within the City Centre Conservation Area)

8.2 Government Planning Policy Guidance/Statements

PPS1 Delivering Sustainable Development
PPS5 Planning for the Historic Environment

9.0 MAIN ISSUES

1. Impact upon the special character of Park Square Gardens
2. Security
3. Funding
4. Alternatives

10.0 APPRAISAL

10.1 Impact upon the special character of Park Square Gardens

- 10.1.1 Park Square Gardens did not incorporate a statue until 1951, when the 'Circe' was removed from storage in Leeds Art Gallery. Aerial photographs taken of the site in 1926 show the gardens as a large open expanse of grass with paths around the perimeter. In the 1950s even important pieces such as the Circe had fallen out of fashion in the art world, and as a result were often displayed in parks and gardens, rather than their intended indoor display.
- 10.1.2 The key issue of this application is that the Circe statue was a 20th Century addition to the Georgian Square, sited in gardens that contained no similar structure until the early 1950s. The statue was listed in 1976 as an important piece of art in its own right. Therefore the relationship between the Park Square setting and the statue is limited. Furthermore the Gardens in which it stands are not listed, however a number of the buildings within the square are listed. The setting of these grand listed buildings within Park Square is not considered to be unduly compromised by removal of a relatively small scale statue and as such, the group value of such buildings is not considered to be unacceptably affected.
- 10.1.3 The present layout of paths and flower beds to the gardens follows the demolition of war time buildings to the South East of the gardens in 1965. The 'Circe' was displayed in flowerbeds to the West side of the gardens and works in 1965 accentuated the asymmetry of its position. It is therefore contended that the removal of the statue restores symmetry to the formal gardens.
- 10.1.4 As a result of improperly being displayed outdoors for over fifty years the Circe had deteriorated significantly. The sculpture had lost its original wand, cup, drapery and wreath, the cast was damaged, corrosion was evident to the base and the sculpture had lost its original brown patina. Thanks to grant aid funding the piece is now restored to its original splendour and is on display at Leeds City Museum for the public to enjoy, as the piece was always intended to be displayed.
- 10.1.5 Although a pleasant feature of the gardens and an important work of art in its own right the Victorian statue never formed part of the original design of the Georgian square. Therefore it is considered that the benefit of the proposal for the conservation and protection of the statue outweighs the impact that the removal of a Victorian statue, that had been in place only since the 1950s, has on one of Leeds's finest Georgian Squares.

10.2 Security

- 10.2.1 The applicant, Leeds City Council Museums and Galleries have stated that the 'Mercury' has not been sited in the gardens due to a lack of funding following the economic down turn and fears for the security of the bronze statue, or indeed any proposed replacement.
- 10.2.2 The applicant states that since 2007 the scrap value of bronze has doubled, making statues more attractive to thieves. The gardens are set in a primarily commercial setting whereby there may be little presence outside office hours to offer natural surveillance of the statue.
- 10.2.3 It is also demonstrated that at other Leeds City Council sites there has been an increase in thefts and attempted thefts of bronze and stone artefacts have risen across the country. Between 1998 and 2003 at the Council's Lotherton Hall site two stone and two bronze works were stolen, prompting the Council to remove remaining garden sculpture and ornaments and place in storage, where they still remain.

10.3 Funding

- 10.3.1 Whilst funding of projects is not necessarily a material planning consideration, it is a major factor in why the 'Mercury' has not been placed in Park Square Gardens following the removal of the 'Circe'. The economic down turn has seen a vast reduction of funding and grants available to councils, with every council under pressure to drastically reduce spending.
- 10.3.2 The applicant, Leeds City Council Museums and Galleries have confirmed there is no longer any funding available for the costs of installation, the proposed stone plinth, cleaning and cold wax treatment and subsequent maintenance of the 'Mercury' or similar statute. There would also be no funding for additional security measures such as CCTV and or an alarm system; however the effectiveness CCTV is questioned given the tree coverage.
- 10.3.3 The department has explored the possibility of installing another piece of art in a less vulnerable material such as concrete, however again there are no reserves to fund such a commission and it is questioned if Park Square would be appropriate for such an installation.

10.4 Alternative Pieces

- 10.4.1 The Victorian Society and Leeds Civic Trust have both suggested that alternative pieces could be displayed within Park Square. Leeds Museums and Galleries first carried out this exercise in 2007 whereby only the Mercury was identified as a suitable replacement in this location. In the time elapsed, the world economy has taken a dramatic down turn, with the theft of such bronze pieces reaching epidemic proportions and council funding for such projects severely slashed by government austerity measures.
- 10.4.2 The suggestion of moving the fibreglass 'Androgyne' by Glen Hellman (1965) from its current position outside the 1960s Merrion Centre is considered wholly inappropriate in this setting. The Square is a mix of Georgian and Victorian properties and the addition of a 1960s abstract sculpture would be considered a

brutal and incongruous addition to the Square that would, in the Local Planning Authorities opinion, cause harm to the special character of the Square. Also this work is not in the council's ownership and should the owner be prepared to relocate it, it would be extremely costly to arrange the technical move from its subway location. The suggested Austin Wright piece outside St Paul's house is also a modern piece of unknown ownership, which would not be appropriately suited as a focal point of Central Garden.

- 10.4.3 The applicant has approached bodies responsible for public galleries and collections in order to discuss a suitable replacement. The Arts Council Collection has confirmed they would not be able to assist with a request for outdoor sculpture, as they would not be able to lend to a public site of this nature. Museums and Galleries have verified that other public galleries and collections would be unlikely to loan a work to a public setting, the Council's insurance policy may not cover such works and commercial insurance could be prohibitively expensive should a lender be prepared to offer a work to this location.

11.0 CONCLUSION

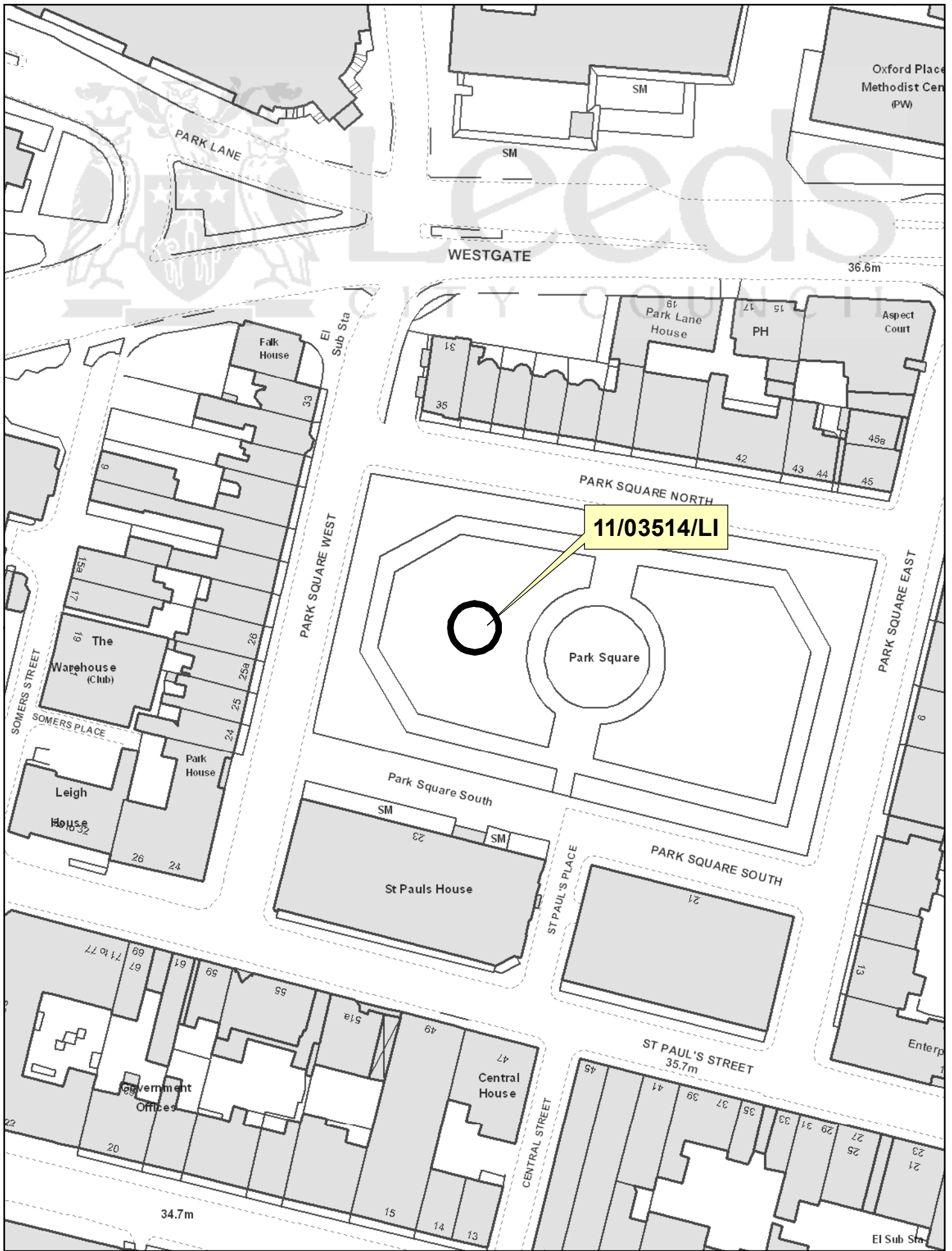
- 11.1 When Leeds Museums and Galleries submitted the application in 2007 they did so in good faith. Since then the risk associated with replacing the sculpture with *Mercury* has increased significantly, Art and metal theft is more than a local problem and has become endemic nationally. Security and insurance considerations are now such that it is not considered appropriate to proceed as proposed in 2007. Both pieces are now safely displayed indoors. To replace the sculpture would not be a responsible use of public resources in this climate.
- 11.2 The Local Planning Authority disagrees with the notion that the group value of Park Square is eroded by the removal of a sculpture to Central Gardens. Historic evidence demonstrates that the presence of a sculpture within Central Gardens is a modern intervention that was never part of the historic plans for the square. As such its removal does not cause a significant detrimental effect to the special character and appearance of Park Square or the City Centre Conservation Area.

Background Papers:

Application file 11/03514/LI

Previous application 07/05619/LA

Certificate of Ownership – Certificate A signed. Leeds Museums and Galleries own land to which the application relates.



CITY CENTRE PLANS PANEL

