

COMMITTEE REPORT

Date: 6 April 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 17/00071/LBC
Application at: 55 - 56 Fossgate York
For: Erection of metal banner sign spanning between numbers 5
 and 55 - 56 Fossgate
By: York Civic Trust
Application Type: Listed Building Consent
Target Date: 7 April 2017
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application is for listed building consent for a metal banner sign across the top of Fossgate, facing Pavement, approximately in the location of the existing unauthorised plastic banner. The sign will be constructed from steel with the words 'Fossgate - Merchants' Quarter' in the centre beneath a central scroll feature. To either side and within the scroll feature will be images of fish. Finishes will be either black paint or milled stainless steel for the fish.

1.2 The intended purpose of the sign is to increase the visibility of Fossgate and to make it more attractive as a commercial and tourist area; to make the area more appealing and accessible; and to draw visitors, residents and business users to enter Fossgate and beyond.

1.3 The site is within the Central Historic Core Conservation Area. To the West, the banner will attach on to No. 55-56 Fossgate, a Grade II listed building, and to the East, the banner will attach to The Terrace PH, a building identified as a detractor within the Conservation Area Appraisal.

1.4 In support of their application The Civic Trust state:

'.. we believe that the proposed banner is an elegant and tasteful addition to the streetscape which offsets the negative appearance of the detractor building to the left of the entrance to Fossgate; which replaces the tatty existing canvas banner and hides some of the existing clutter; and draws positive attention to the street beyond the banner. It goes some way to redressing the damage to the medieval streetscape which was caused by the building of Stonebow, the street, in the 1960s, by reasserting the ancient route from Colliergate continuing down Fossgate and Walmgate. The long distance views of the Minster are not

damaged from any significant aspect, and indeed benefit by framing from some aspects.'

1.5 Councillor Craghill has requested that the application is determined at sub-committee. She notes that the application has been submitted in conjunction with York Civic Trust and Fossgate traders. She adds that Fossgate, as part of the city centre, is a matter of key concern for many residents and it is in the public interest for the application to be considered at committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF
Listed Buildings GMS Constraints: Grade 2; 55 - 56 Fossgate York 0789

2.2 Policies:

Development Control Local Plan policy HE4 "Listed Buildings"

Emerging Draft Local Plan policy D5 "Listed Buildings"

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Conservation)

3.1 The Conservation Officer objects to the proposed signage for the following reasons:

- Impact on the setting of the Conservation Area and listed buildings. The sign impacts on historic views along Fossgate, part of the main Roman road in to the city. The sign 'rebrands' Fossgate with the fish detailing and 'Merchant's Quarter' title only portraying part of the complex history of the site. This is misleading and potentially constructs a false history for the area. There are no special circumstances for siting the sign above Fossgate and which would limit the spread of such signage to other sites within the city. Concern about the impact of the structure on the listed building.
- The general design of the proposal draws the eye and indicates arrival at a destination. Other examples in York at the Coppergate centre and Shambles market are representative of a signage which is outdated and not currently seen as best practice. The only comparable example of signage is at the Olde Starre Inne on Stonegate which appears to have been provided to compensate for the lack of street frontage of the property.

- The NPPF (para. 132) requires great weight to be given to the conservation of heritage assets. Fossgate does not appear to be a failing street, so there is no potential public benefit to be considered to outweigh the harm to a heritage asset which has been identified. Other less harmful options should be considered before such signage is allowed.

Planning and Environmental Management (Landscape Architect)

3.2 The landscape architect has expressed concern about the impact of the proposal on the natural flow of buildings and views along Colliergate, Fossgate and down to Walmgate. The metal banner adds unnecessary clutter and also briefly interrupts the view of the street facade. From the opposite direction, the banner also cuts through views of the Minster. The proposal introduces a contrived structure/gimmick in an otherwise historically evolved street. The proposed signage suggests a gateway or entrance, and a separation between Colliergate/Pavement and Fossgate; this is inappropriate because Fossgate is a street that continues from another in each direction. Fossgate is not a separate entity. The proposal represents an out-moded approach to drawing attention to a shopping area and is a form of development which is more often used when a street is failing to draw attention to it by introduced artifice.

EXTERNAL

Publicity and neighbour notification

3.3 None received.

Conservation Area Advisory Panel

3.4 The CAAP felt that whilst this should not set a precedent within the city they accepted that Fossgate was a special case and there was a need to draw attention to the street. The Panel was content with the design of the sign. Two members of the Panel are members of the York Civic Trust Planning Team and they did not express an opinion on this application to avoid any conflict. Five out of seven attendees of the March Panel are members of the York Civic Trust.

4.0 APPRAISAL

4.1 KEY ISSUES

- Policy context
- Impact on the historic character, appearance and setting of the listed building

POLICY CONTEXT

4.2 The starting point for listed building control is Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that in considering whether to grant listed building consent for any works, 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.

National Planning Policy Framework

4.3 Para.131 of the NPPF states that:

'In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality
- the desirability of new development making a positive contribution to local character and distinctiveness.'

4.4 Para.132 goes on to say:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'

LOCAL POLICY

4.5 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 content of the NPPF. Policies considered to be compatible with the aims of the NPPF and Policy HE4 'Listed buildings' requires that development within the vicinity of listed buildings has no adverse affect on the character, appearance or setting of a listed building.

4.6 The planned consultation on the Preferred Sites for the emerging City of York Local Plan went before Executive on 30 June, following a meeting with the Local Plan Working Group on 27 June. The proposals have now been subject to an eight-week public consultation, the results of which are still awaited. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration. Policy D5 'Listed buildings' recommends that proposals affecting the setting of a listed building will be supported where they protect its setting, including key views, approaches and

aspects of the immediate and wider environment that are intrinsic to its value and significance.

IMPACT ON THE CHARACTER, APPEARANCE AND SETTING OF THE LISTED BUILDING

4.7 Nos.55-56 Fossgate dates back to the late 18th Century with a more recent shopfront added to the building. It is constructed in buff/grey bricks with orange brick detailing and is 3 storeys in height with wooden sash windows to the upper floors. The Conservation Area Appraisal highlights the view from Foss Bridge along Fossgate towards the Minster as being one of the key historic views into the city. Fossgate and Walmgate follow the main Roman road in to the city from the East leading to the Porta Principalis Sinistra (now King's Square). This route in to the city remained important (but not within the city walls) through the Anglo-Scandinavian period and Middle Ages.

4.8 The listed building itself is significant because it relates closely to the original Medieval burgage plots, representing long plots with narrow frontages. It forms part of a group of listed buildings clustered around the junction of Fossgate with The Stonebow/ Pavement (the exception being The Terrace which is highlighted as a detractor in the Conservation Area Appraisal). The property would originally have formed part of a road that continued through to Kings Square with views of the Minster constantly in the background.

4.9 As stated above, Fossgate forms part of the Roman road into the city. As such the road has historically been a thoroughfare and not a destination as indicated by the signage. Other instances of overhead signage within the city (eg. the Coppergate Centre, the Shambles market and the Olde Starre Inne) are all indicators that you have arrived somewhere but Fossgate has historically been a route for travelling along and not a destination in its own right. To indicate, as the signage does, that you have reached the Merchants' Quarter implies that you have reached an area with a particular character and use. While the area did accommodate a fish market in the Medieval period, the suggestion that this was a merchant's quarter is not historically accurate and misleads by creating a false history for the area. Harm to the setting has been identified as a result of this inaccurate portrayal of the history of the area.

4.10 As well as the harm to the setting of the listed building as a result of the misinterpretation of Fossgate's history, the banner also gives an importance to No. 55-56 Fossgate as a gateway building which is again not historically accurate. By attaching a gateway feature to the building, the property becomes by implication a gateway building which is misleading and harmful to the character of the listed building. Fossgate was part of a road which lead through to the Roman fortress and which was only more recently bisected by The Stonebow/ Pavement. Historically the application site would have been part of a row of Medieval burgage plots and not an entrance to anywhere of significance. The modest and simple character of the

building reflects this and to raise its precedence within the streetscene by making it into a gateway building distorts and detracts from that character.

4.11 Further harm to the setting of the listed building is identified as a result of the impact on views along Fossgate. These are highlighted within the Conservation Area Appraisal as views from Foss Bridge, the oldest bridge in the city, along the Roman road towards the fortress with views of the Minster visible above the buildings. While the sign is some distance from the bridge and impact will be limited, the view does represent a set of views along the road rather than from a single point. At a closer distance to the banner, the impact on the view is more significant and glimpses of the Minster are affected. It is also noted that when viewed from this position, only the very plain rear of the sign will be visible.

4.12 The listed building is part of a block of 3 houses from the late 18th century. The frontage on to Fossgate is formed of 6 bays on the upper floors with the outer bays having larger windows. The proposed banner sign will bisect this frontage detracting from the attractive symmetry of the upper floors of the building. The banner sign will further detract from the appearance of the block of 3 properties by its placing within the frontage dividing up the block in a manner which detracts from its currently unbroken facade. This is to the detriment of the character of the listed building and is considered contrary to policy HE4 of the DCLP.

4.13 It is recognized that new development can make a positive contribution to local character and distinctiveness however officers believe in this instance that the proposal does not succeed in this aim but misleads by emphasizing a small element of the history of the area. The addition of signage which advertises arrival at a destination is significantly at odds with the historical nature of the street which was that of a major thoroughfare into the city as part of a network of highways

4.14 Concern has been raised by the Conservation officer regarding the structural impact on the listed building from the attachment of the banner to the building. It is considered that this could be dealt with via planning condition requiring further details of the means of support and attachment of the signage if approval were to be granted.

4.15 It has been identified that the proposal will result in harm to the character and setting of the listed building. Planning Policy Guidance indicates that substantial harm is a high test and so may not arise in many cases. It is therefore determined, in this instance that the proposal results in less than substantial harm but that this harm to the setting and character of the listed building is not insignificant. Para.134 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.' The applicant does not contend that Fossgate is a failing street but proposes the banner sign to increase footfall. As such there is considered to be little public benefit from the

proposal and little impact on viability. The harm to the listed building is therefore not outweighed by the public benefits of the proposal.

5.0 CONCLUSION

5.1 The application is recommended for refusal as a result of the harm identified to the character and setting of the listed building. This harm is as a result of the harm to the character and setting of the listed building by the increased importance of the building as the result of the forming of a gateway on a road which has historically been a thoroughfare; the addition of visual clutter within important views along Fossgate towards the Minster; and the distortion of the history of the area through the emphasis on one aspect of the history of the area. This harm has been identified as less than substantial. Para.134 of the NPPF requires that where less than substantial harm is identified to a designated heritage asset then this is weighed against the public benefits of the proposal. The level of public benefit as a result of possible increased footfall in an already thriving area is considered small and does not outweigh the identified harm and the application is therefore recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The Local Planning Authority considers that the proposed sign will result in harm to the character and setting of the listed building as a result of its siting and design which visually divides the facade of the listed building, distorts the importance of the listed building within the streetscene, impinges on views of the Minster and would sever the historical connectivity of Fossgate with Whip-ma-Whop-ma-Gate and Colliergate. This identified harm has not been outweighed by the public benefits arising from the scheme and the proposal therefore fails the test of para.134 of the National Planning Policy Framework. It is also considered contrary to policy HE4 of the DCLP (2005) and D5 of the emerging Local Plan.

7.0 INFORMATIVES:

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