

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 20 January 2010 **Parish:** Micklegate Planning Panel

Reference: 09/02085/LBC
Application at: Artful Dodger 47 - 51 Micklegate York YO1 6LJ
For: Retention of external lighting.
By: Mr Mark Allinson
Application Type: Listed Building Consent
Target Date: 14 January 2010

1.0 PROPOSAL

1.1 No 47-51 Micklegate, currently operating as a public house known as "The Artful Dodger" comprises a four storey Mid Victorian buff brick and slate built Grade 11 Listed property occupying a prominent site within the Historic Core Conservation Area. The proposal envisages the retention of four floodlights of black plastic coated bulkhead form directly below the first floor balcony level.

1.2 The proposal comprises a re-submission of an earlier proposal ref:09/01524/LBC previously refused on design grounds.

1.3 The application has been called-in for Committee consideration by Councillor Julie Gunnell as the applicant feels that the application is not being dealt with by an appropriate historic building specialist, and that he feels there has been lights in front of the building for many years and these lights have been designed in line with the historic building, and to remove them would be a health and safety hazard.

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

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 47 Micklegate York YO1 1LJ 0186

Listed Buildings GMS Constraints: Grade 2 Star; 53 Micklegate York YO1 1LJ 0183

Listed Buildings GMS Constraints: Grade 2; 49 Micklegate York YO1 1LJ 0185

Listed Buildings GMS Constraints: Grade 2; 2 St Martins Lane York YO1 1LN 0188

2.2 Policies:

CYHE4
Listed Buildings

CYGP18
External attachments to buildings

3.0 CONSULTATIONS

INTERNAL:-

3.1 Design, Conservation and Sustainable Development object to the proposal on the grounds that the fittings and associated wiring materially detract from the balance, symmetry and detail of the Micklegate elevation of the property and furthermore detract from the character and appearance of the Historic Core Conservation Area and the setting of nearby Listed Buildings.

EXTERNAL:-

3.2 Micklegate Planning Panel raise no objection to the proposal.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 The key issue is the impact upon the historic character and integrity of the Listed Building.

4.2 Policy HE4 of the York Development Control Local Plan sets a firm policy presumption that Listed Building Consent would only be forthcoming where there would be no adverse impact upon the character, appearance or setting of the building. No.47-51 Micklegate comprises a four storey Mid Victorian property constructed in a light buff brick with Neo-Tuscan windows. It forms part of a group of similarly designed properties forming a corner block at the junction of Micklegate and St Martin's Lane. The floodlight fittings are bulky in appearance and coated in black plastic which has the effect of increasing their visual impact. Taken together with the associated wiring and the signage affixed to the frontage of the property they create a substantial and visually discordant horizontal element to the principal elevation disrupting its visual appearance. Central Government guidance in respect of Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" lays out a requirement that all applications for Listed Building Consent should be fully justified, clearly demonstrating why works which affect the character of a Listed Building are considered to be desirable and necessary. No such detailed justification has been submitted for the current proposal. The terms of Draft Local Plan Policy HE4 and Central Government Guidance on Listed Building Control have not been complied with.

4.3 Policy GP18 of the York Development Control Local Plan sets a firm policy requirement that new attachments such as floodlight fittings to Listed Buildings and/or within Conservation Areas should not by virtue of their design, location, materials and colouring significantly detract from the visual appearance of the building, the visual amenity of the area or the character and appearance of the Conservation Area. The floodlighting fittings by virtue of their size, bulk, number and colouring significantly detract from the visual amenity of the street scene and the wider Conservation Area. The property forms part of a dense pattern of development and lies in particularly prominent location as Micklegate takes a gentle left hand bend ascending the riverside ridge. This accentuates the visual prominence of the fittings to the main street elevation. It is not uncommon for pubs and other premises participating in the "night-time economy" to incorporate some form of subtle, low level lighting to their main street elevation. The current scheme could not however be described as either subtle or low key, instead visually disrupting the reading of the principal elevation of the property. The terms of Policy GP18 have thus not been complied with in relation to the proposal.

5.0 CONCLUSION

5.1 No 47-51 Micklegate comprises a four storey brick built Grade 11 Listed Mid Victorian property lying within a prominent site within the Historic Core Conservation Area. The development comprises the retention of four black plastic coated floodlight fittings sited directly below first floor window level on the main Micklegate street elevation. The fittings together with their associated wiring detract significantly from the character and appearance of the building and the visual amenity of the surrounding Conservation Area. It is not uncommon for premises such as pubs and other establishments associated with the "Night Time Economy" to have a degree of low key or subtle lighting to their principal elevation however the impact of the current development can not legitimately be categorised as such. Furthermore Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" sets a requirement that any work that materially affects the special character or appearance of a Listed Building should be both desirable and necessary as well as fully justified. The current proposal has not been justified in these terms and as a consequence it is recommended that Listed Building Consent be refused.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The floodlighting fittings affixed to the principal street elevation of the property are visually harmful to the historic character and integrity of the Listed Building by virtue of their number, size, design, location and associated wiring. Lighting of the main street elevation is furthermore felt to be inappropriate in principle with the development running contrary to Policies HE4 and GP 18 of the York Development Control Local Plan and Central Government guidance on Listed Building Control outlined in PPG15 Paragraphs 3.12 and 3.13.

7.0 INFORMATIVES:

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