

## COMMITTEE REPORT

**Date:** 11 November 2020      **Ward:** Guildhall  
**Team:** East Area                      **Parish:** Guildhall Planning Panel

**Reference:** 19/02754/LBC  
**Application at:** Barnitts 28A Colliergate York  
**For:** Internal and external alterations in connection with conversion of Drill Hall and upper floors of 28a Colliergate to residential use.  
**By:** Oakgate Group Ltd And Barnitts Ltd  
**Application Type:** Listed Building Consent  
**Target Date:** 22 May 2020  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### APPLICATION SITE

1.1 The application relates to part of the Barnitts retail premises on Colliergate and St Andrewgate; no. 28a (which accommodates the clock and sits independently from the rest of the Barnitts facade), the Drill Hall, which faces St Andrewgate and attached buildings behind. These parts of the store are now surplus to requirements. Barnitts now have excess floor-space at the city centre store, as bulkier goods are now stored at their James Street premises.

1.2 The Drill Hall and 28a are Grade II listed. 28a was originally a house dating from the early C19. The drill hall was introduced in 1872 and 28a became part of this facility. Barnitts acquired the drill hall buildings in the 1990's. The main drill hall building was added to the Grade II listing for 28a in 1997.

#### PROPOSALS

1.3 This application is for listed building consent for the works associated with conversion of the drill hall and 28a into 12 dwellings and a separate retail unit, and separating these premises from the remainder of the Barnitts retail space on Colliergate.

1.4 Key changes to the listed buildings are as follows –

#### Drill Hall

1.5 There are 8 dwellings proposed within the main hall, these are townhouses with ground floor access. Townhouse 1 would have access from the side door on St

Andrewgate. The staircase behind would be retained. The other dwellings would be entered via the central arched entrance to the drill hall. The houses are arranged around a central courtyard. The existing roof covering will be replaced. The new structure has roof-lights, set behind the parapet, and perforated sections towards the ridge to allow natural light and ventilation into the proposed courtyard and subsequently the proposed houses.

1.6 To the rear of the main hall, the wing of the drill hall (which sits against the side boundary shared with St Andrew Place) would be converted into a 2-bed dwelling. This building was originally a store room and range. The conversion relocates the staircase within this building and all doors and windows are replaced.

1.7 House no.10 would be behind the main hall in a converted 2-storey building. This building dates from the C20 and has single storey buildings dating from later in the C20 to each side which would be removed; these structures are not of historic significance.

#### 28a Colliergate

1.8 Within Colliergate this retail unit currently sits independently from the remainder of the Barnitts premises and the proposals are to make this a separate retail unit with two dwellings on the upper floors. The dwellings would be accessed via the aforementioned drill hall off St Andrewgate. The conversion works include the removal of a C19 staircase, assumed contemporary with the drill hall.

1.9 There would be new windows to all of the dwellings, to meet environmental standards regarding energy efficiency and noise.

## **2.0 POLICY CONTEXT**

2.1 NPPF Section 16: Conserving and enhancing the historic environment explains the procedure to follow in assessment of applications affecting heritage assets.

2.2 Publication Draft Local Plan 2018 policy D5 relates to proposals affecting Listed Buildings.

## **3.0 CONSULTATIONS**

### CONSERVATION ARCHITECT

3.1 The Conservation Architect objects to the application and advises that the harm to the significance of the listed buildings is less than substantial; it has been reduced by the latest revisions, but is still categorised as high.

3.2 The proposals will still cause harm to the drill hall in the following ways:

- Loss of the spatial qualities / volume / character of the drill hall. Though the winter gardens will allow some visual permeability into a larger central area within the building, the subdivision of the hall into 8 private dwellings will result in the hall like qualities of the listed building being permanently lost. Note that the harm could be reduced through a less intense scheme.
- External alterations to the Drill Hall roof, with the inclusion of 12 large roof-lights which are openable (top window opens out to form a “roof”, and the lower window opens out to form a balustrade). Though these windows won't be open all the time (so less harmful than the previous scheme with dormers and roof terraces), when open, they will be visible from Colliergate, St Andrewsgate, and in views from the Minster. They will appear incongruous in York's roofscape, and will harm the character of the Conservation Area. Details of the “fins” over the void in the centre of the drill hall need to be finalised, but could potentially be covered by condition to ensure they give the appearance of a solid roof, especially in longer range views.

3.3 There would also be harm in 28a due to the loss of the staircase and loss of the historic connection between upper floors and street at 28a Colliergate

3.4 There are some benefits to the proposals which will help to better reveal the significance of the heritage assets. These are:

- Reinstatement of gable chimney to drill hall
- Spandrel panels across drill hall windows no longer required
- Removal of modern infill structures at the rear of the site
- Removal of external fire escapes
- Return of upper floors of 28a Colliergate to residential use

3.5 The following works also cause harm, although to a lower degree than the aforementioned –

- Multiple cases of replacing traditional glazed historic windows with modern double glazed windows, including on 28a facing King's Square
- Townhouse 9 (ancillary wing of drill hall) – harm caused by loss of historic stair.
- Townhouse 10 (building behind drill hall) – suggested (contemporary) ground floor fenestration is not characteristic of this group of listed buildings and therefore harmful

## HISTORIC ENGLAND

3.6 Historic England object to the application. If the authority is minded to grant consent in its current form, it must first notify the Secretary of State.

3.7 The amended scheme consists of minor changes to the plans, and minor improvements have been made in terms of reducing some of the harm to the listed building. Nevertheless, the fundamental issue of the amount of subdivision and therefore loss of spatial character of the Drill Hall remains at the heart of this scheme. HE have repeatedly drawn attention to how the subdivision (both horizontal and vertical) of the drill hall and the resulting loss of its spatial qualities would be harmful. Harm to the Conservation Area would be caused by the incongruous appearance of the alterations to the roofscape.

3.8 The instances of harm would amount to less than substantial harm being caused to the significance of the Grade II listed building, but at the upper end of this level. This calls for a very strong clear and convincing justification to be provided. It should be demonstrated that there is not a less harmful way of achieving residential conversion. In this respect reiterate previous advice that the viability information submitted should be tested independently.

3.9 The historic Drill Hall makes a unique contribution to York's history. There is no objection in principle to the conversion to residential use. This use has the potential to secure the long term future of the listed building. However, a reduced amount of accommodation has the potential to preserve the listed building in a manner appropriate to its significance which would not be achieved by the current proposal.

3.10 To introduce balconies above the eaves level which are a domestic feature at odds with the civic character and status of the building, detracting from the integrity of the listed building and failing to preserve or enhance the roofscape of the conservation area. We question whether the balconies necessary for all units and suggest that some could be removed.

3.11 With 28a Colliergate related to the proposed new access arrangement is the loss of the historic staircase that currently provides access from ground to first floor. Historic England has concerns over the loss of the stair, and have recommended it be retained if possible.

## GEORGIAN GROUP

3.12 Object due to the loss of staircase and windows in 28a.

3.13 This is a multi-phased complex which includes an early nineteenth century grade II listed dwelling which was converted to an inn in the mid nineteenth century and which has latterly been in retail use. The Group wishes to defer to the Victorian Society and Historic England over the proposed works to the attached Drill Hall range of 1872 which falls outside of their date remit.

3.14 The proposed conversion works include the largescale replacement of historic windows and the loss of the reportedly nineteenth century staircase within 28A Colliergate. Collectively these works have the potential to cause a considerable

degree of harm to the historic fabric and significance of this grade II listed building. The justification provided for the loss of the staircase and windows is presently far from adequate.

## **4.0 REPRESENTATIONS**

York Civic Trust

4.1 Support the scheme in principle and make the following comments -

- The development promotes the long-term vitality of the city centre by helping to sustain Barnitt's physical retail operations.
- The design maintains the historic elevations as described in the listing description. Proposed alterations to the street elevations are conducive to the street exteriors of each building's aesthetics and history.
- Maintaining a future commercial shell space on Colliergate is appreciated in that it maintains the retail aspect.
- The updated Drill Hall roof with exterior terraces is welcome and appears to be designed so as not to be visually perceived from pedestrian level.
- The Trust recommends that historic photographs of the original Drill Hall windows on St. Andrewgate be located if possible. The photographs or documentation are likely to be available in archives relating to the 1st West Yorkshire (York) Rifle Volunteer Battalion. The Romanesque reimaging of the window is acceptable, but it would be best to confirm visually what the original style and design of the St. Andrewgate windows were.
- As the Drill Hall represents the military heritage of York, now coming to an end, suggest the addition of an interpretation panel or plaque on the St Andrewgate elevation.

## **5.0 APPRAISAL**

### **KEY ISSUE**

- Impact on the historic and architectural importance of the listed building

### **POLICY CONTEXT**

5.1 Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises 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.

5.2 Relevant to determination of this application NPPF policy, as set out in paragraphs 190, 192, 193, 194 and 196, is as follows -

5.3 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.4 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.5 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

5.6 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, where appropriate, securing its optimum viable use.

5.7 Publication Draft Local Plan policy D5 states "proposals affecting a Listed Building or its setting will be supported where they:

- i. preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and
- ii. help secure a sustainable future for a building at risk;
- iii. are accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building.

Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use would not harm its significance.

Harm to an element which contributes to the significance of a Listed Building or its

setting will be permitted only where this is outweighed by the public benefits of the proposal". The policy conforms with the NPPF.

## ASSESSMENT

### Significance of the listed building

5.8 Historic England's 'Introduction to Heritage Assets - Drill Halls (June 2015)' sets out the historic development of Drill Halls in the 19th century and into the 20th century. Drill Halls originated as a building type following the formation of the Rifle Volunteer Corps in 1859.

5.9 The Drill Hall dates from 1872, the earliest phase of drill hall development (1859-80). The building is of the Gothic Revival Style, which characterised this early period and includes decorative touches such as polychromatic brickwork and lancet windows. This clearly moves the special character of this building type away from a domestic appearance. The Drill Hall was added to the listing of 28a in 1997 to reflect the increased appreciation and understanding of the significance of this building type, recognising its special architectural and historic interest at a national level. The listing of the Drill Hall, even in the light of the remodelling of the interior (as retail), could be taken as an indication of the importance of the retained legibility of the internal space.

5.10 No.28a was originally a house, later an inn and stableyard. It became the Territorial Army office with drill hall in 1872. The original plan form of the house has been lost due to later uses. The staircase within 28a (proposed for demolition) is within the rear section of the building; this is a later addition, contemporary with the drill hall.

5.11 The buildings at rear of 28a, 28 and 27 are later C20 infills. They are a mix of single and two storey and of low significance. The single storey additions, where demolition is proposed, detract from the main buildings.

### Impact on significance

## DRILL HALL

5.12 The scheme involves the insertion of townhouses within the building envelope. The decorative central entrance on St Andrewgate is retained and would form the communal entrance. The side entrance and the staircase beyond, which was the principle entrance into the main hall, are retained also. The townhouses would be arranged around an internal open courtyard, required to provide natural light into the building.

### Plan form

5.13 The building's spatial qualities are an integral component of its significance and its understanding as a former drill hall. To accommodate residential use subdivision of the building is necessary, which causes harm to the plan form, and consequently the historic importance of the building.

5.14 Historic plans for the drill hall show ancillary storage, meeting rooms and offices at ground floor level. The main hall was on the upper floor, with an elevated viewing balcony positioned against the side gable wall. The buildings original layout and volume has been harmed to some extent as a consequence of later uses, however its spatial qualities remain evident, in particular in the upper section. The plan form would be comprehensively lost in the proposed scheme.

5.15 A fundamental alteration to the historic plan form is essential in order to facilitate a viable residential use. A central courtyard is proposed for natural light gain, especially at ground floor level and generally due to the size/depth of the building. Single storey dwellings (which would retain the historic first floor and require less loss of the historic plan form) have been discounted on viability grounds because they would have limited natural light and outlook, being required to share the existing windows.

5.16 The following elements of the scheme are intended to allow the overall volume of the building, its character and its hall like form to still be appreciated -

- The amenity spaces at second floor level reveal the gable ends of the building and the roof structure thus allowing the buildings overall volume to be understood. The townhouses subsequently read as an insertion into the space and within a former building which has been converted.
- The drill hall appears as a single storey building from the exterior. The floorplates would be spaced away from the main windows. This change better reveals the side-walls and windows and the sense of scale and character of the building, which will be experienced within the proposed houses. An arrangement that retained the ground and first floors from the Drill Hall layout, with apartments on each floor, is not feasible on amenity grounds as principle windows would be awkwardly positioned at either the upper or lower level of the ground and first floors respectably.

## Windows

5.17 The applicants contend that the drill hall windows are not original; they are thought to be contemporary with the insertion of mezzanine floors. Whilst there is not definitive evidence on the date of the current windows they do appear characteristic of the building age and type. Replacement windows are proposed that would provide improved energy efficiency, outlook and noise attenuation. The replacements would



reference the buildings assumed original window form, with a circular window at the top of the arch. One example of the window type remains at the rear of the building.

5.18 The proposed windows would read as a contemporary intervention associated with the new use of the building; the design has character and visual interest. They bring the aforementioned benefits to the functionality of the building.

### Roof

5.19 The roof covering is proposed to be replaced. The existing roof is post 1940's and the building previously had a central brick front gable and two groups of skylights to each side. The existing roof is of C20 origin and of low historic value; its replacement is acceptable in principle.

5.20 Due to the depth of the building an internal courtyard is key to the scheme for natural light gain. The roof has historically utilized sky-lights for natural light gain. The revised scheme maintains the traditional pitched roof form. Perforated sections and roof-lights, the latter discreet due to being close to the eaves and parapet, will enable natural light and ventilation. It also omits the outside terraces from the external roofslope. The roof-lights would fold outward to form balconies which are not characteristic of the building; as such these have been objected to by the conservation architect.

### The ancillary wing

5.21 The ancillary wing, which leads off the rear of the drill hall, would be converted into a single dwelling. This was a storage space and target range and is narrow in depth. The proposals include removal of the original staircase, so circulation is moved into the centre of the plan, allowing rooms to each side. All windows and doors would be replaced.

5.22 This building, in form, will still appear as an ancillary element of the main drill hall. Whilst the staircase loss is harmful, this is a low level of harm, which is essential to enabling efficient re-use of the building as a dwelling. Without the alteration an excessive amount of the space would be required for circulation.

## COURTYARD BUILDING

5.23 The existing building is two-storey with dual-pitched roof; attached to the back of the drill hall. It dates from the early C20. It has single storey buildings dating from later in the C20 which would be removed; these are not of significance.

5.24 The building would be formed into a two storey dwelling. There would be contemporary detail at ground level with full height windows, timber cladding and doors with transom lights above following demolition of the single storey buildings. A

passage to the side of the building would enable access via the drill hall to the upper floors of 28a. Top floor windows would be new also but of traditional design; timber sash with 6 panes over 6. This building is very evidently C20 and a later addition to the listed drill hall and 28a. Its modernization and re-use does not have an adverse effect on the significance of the main listed buildings.

## 28A COLLIERGATE

5.25 28a was originally a house, subsequently extended at the rear and linked into the drill hall building. The original means of circulation and floor plan has been lost, to accommodate the drill hall and later commercial use. The scheme would create a retail unit at ground level. Apartments on the upper floor would have access from the rear (via the drill hall). In principle these proposed uses are sympathetic to the building. The residential use helps restore original plan form in the frontage building on upper floors.

5.26 For the scheme to work spatially and to allow the ground floor retail floorplate, a C19 staircase up to first floor (presumed contemporary with the introduction of the drill hall) would be lost. The upper floor front single glazed windows would be replaced (to achieve current standards in terms of adequate noise levels and energy efficiency). The existing windows have historic character, but have been subject to detrimental repair and alteration. Due to their condition in this case the proposed upgrade and installation of double glazing is acceptable rather than retention and installation of secondary glazing.

5.27 Removal of the existing stair represents a loss of historic fabric (though not original), which forms part of the building's history. The proposals also remove any direct link from the upper floors of this building, to Colliergate, which harms the significance of this property through the loss of the historic connection between the house and the street.

### Whether public benefits clearly outweigh the identified harm

5.28 In considering the impacts of the scheme the NPPF requires "great weight" to be given to conservation. "Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification". Advice from Historic England is that the scheme would only be justified if it is demonstrable a residential scheme with less harm would be unviable.

5.29 The identified harm as a consequence of the scheme would be as follows –

- The change of use of the drill hall, which requires a change to the buildings original plan form / internal layout.
- New windows
- In 28a the loss of the staircase

5.30 The identified harm, within 28a and the drill hall, is regarded to be “less than substantial” in NPPF terms (although at the upper end of such). NPPF paragraph 196 states “this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

5.31 In looking at public benefits, it is acknowledged that now the drill hall is surplus to requirements a new use for the building is needed. It is also accepted that residential is the viable option and that this will require a degree of sub-division; residential use would not allow the replication of a hall the full extent of the upper floor. In principle residential use on the upper floors of 28a is appropriate, being the buildings original and intended use. The loss of the staircase is the only practical means of accommodating the desired mix of commercial and residential.

5.32 The re-use of the drill hall, due to the size of the building, requires significant intervention to enable re-use. The building’s external appearance is retained; the main elevations restored and the roof, which is modern, is upgraded in a sympathetic way.

5.33 The internal area requires sub-division to accommodate multiple houses and the historic plan form would be lost. The proposals in mitigation allow the buildings original volume to be legible to a degree. The full extent of the building, with views through to each gable end and the roof volume, would be provided within the central courtyard and the scale of the main walls and windows will be legible within the houses.

5.34 An alternative residential scheme, with less harm/loss to the original plan form, volumes and openness of the interior of the Drill Hall, and which was compatible with the building’s windows, would not likely be viable; the dwellings would have limited, compromised outlook and there would be a significant effect on the number of dwellings that could be accommodated.

5.35 Replacement glazing to windows would be justified due to the condition of the existing and the environmental benefits replacements would bring as part of a residential scheme. The loss of the staircase in 28a is the only practical means of re-introducing residential on the upper floor without compromising the ground floor commercial layout.

5.36 Overall the changes within 28a and the drill hall are justified in bringing regeneration, therefore public benefits that outweigh the identified harm. The works facilitate the proposed re-use of the buildings, and ensure the residential areas are functional, sustainably constructed and provide good living conditions, whilst reasonably preserving the historic character of the buildings.

## **6.0 CONCLUSION**

6.1 The proposed changes to facilitate residential re-use on the upper floor of 28a and within the drill hall cause less than substantial harm to the historic importance of the buildings; although at the upper end of less than substantial. The identified harm is due principally to sub-division and loss of plan form within the drill hall, to facilitate a new viable use, and the loss of a staircase in 28a.

6.2 As required by the Planning (Listed Buildings and Conservation Areas) Act 1990) the authority must give considerable importance and weight to the desirability of avoiding harm.

6.3 The proposals for the drill hall have been amended significantly, so the buildings character is better revealed within the interior and the buildings' roof form now better reflects the building's traditional form.

6.4 Residential use is accepted as the likely only viable option to secure re-use and continued occupation of the building(s). There is demonstrable local housing need. To facilitate such a re-use for the listed building and the associated social and economic benefits of the scheme would equate a public benefit that justified the harm to the significance of the building. Any residential re-use of the drill hall would lead to a degree of harm to the original layout. A scheme less harmful to that proposed would not likely be viable, given the amount of restoration work involved, and the amount and quality of accommodation that would be provided. The loss of the staircase in 28a is the only practical means of re-introducing residential use on the upper floor without compromising the ground floor commercial layout.

6.5 The application is recommended for refusal though, because to realise the required public benefit there would need to be a planning permission for the proposed change of use and associated works. This is not the case because the companion planning application is recommended for refusal because of the lack of any on-site affordable housing.

## **7.0 RECOMMENDATION: Refuse**

The application is refused because the scheme would lead to less than substantial harm to the Drill Hall and 28a Colliergate, due to the loss of plan form within the drill hall, the demolition of a staircase in 28a, and the loss of historic windows.

There are not public benefits that outweigh the harm to the listed buildings at this time because the necessary proposed change of use of the buildings, which provides justification for the identified harm, does not have planning permission.

As such the proposals are in conflict with the policy in the NPPF for conserving and enhancing the historic environment, in particular paragraphs 193, 194 and 196.

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