

## COMMITTEE REPORT

**Date:** 6 July 2024

**Ward:** Guildhall

**Team:** East Area

**Parish:** Guildhall Planning Panel

**Reference:** 23/00060/LBC

**Application at:** T.K.maxx 48 Coney Street York YO1 9ND

**For:** Internal and external alterations in association with change of use and provision of additional storey on roof (amended plans received).

**By:** Harrowells (No. 221) Ltd

**Application Type:** Listed Building Consent

**Target Date:** 10 July 2023

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 48 Coney Street is a retail unit located in the city centre and is Grade II Listed. It was designed by the Boots company architect MV Treleaven in 1907 and built in two stages as the premises expanded to incorporate the adjoining plot. Attached to the north east elevation is 8-10 Market Street, which forms part of the listing however is noted as a detractor in the Conservation Area Appraisal. Both have active frontages along Coney Street and Market Street and form part of the Primary Shopping Frontage. The application site spans these two buildings and both lie within the Central Historic Core Conservation Area (Character Area 11 Central Shopping Area).

1.2 Listed building consent is sought for internal and external alterations in association with the proposed change of use and the provision of an additional storey on the roof. The listed building application is accompanied by a planning application, reference 23/00059/FUL. The full planning application seeks to convert the existing retail unit to a restaurant and shop (use class E) at ground floor level and basement level. It is proposed to change the use of the upper floors from retail (use class E) to a 64 key aparthotel (use class C1). Pre-application advice was sought on the proposal.

1.3 During consideration of the application, amended plans were received and as such have been used as the basis for determination. The application is presented to Planning Committee A as the proposal is non-residential

development, including extensions and changes of use, of over 3000m<sup>2</sup> gross floorspace.

1.4 The following planning history is of note:

10/01808/FUL - Replacement roof level ventilation and air conditioning plant. Application permitted: 09.11.2010.

10/01313/LBC - Internal and external alterations including refurbishment of Coney Street shop front, new Market Street shopfront. Application permitted: 04.08.2010.

08/02626/FUL – New shopfront. Application permitted: 03.02.2009.

08/02051/LBC - Internal and external alterations including new facade replacing the existing Market Street elevation, including a raised articulated roof; and alterations to the elevation on Coney Street including the shop front (resubmission). Application permitted: 19.11.2008.

08/02049/FUL - New facade replacing the existing three storey Market Street elevation, including a raised articulated roof (resubmission). Application permitted: 30.10.2008.

08/01929/FUL - Part change of use from retail to restaurant (class use A3) at Ground floor and basement level (market street frontage). Application permitted: 23.12.2008.

08/01551/FUL - New facade replacing the existing three storey Market Street elevation, including a raised articulated roof; and alterations to the three storey elevation on Coney Street. Application withdrawn: 06.08.2008.

08/01728/LBC - Internal and external alterations including new facade replacing the existing Market Street elevation, including a raised articulated roof; and alterations to the elevation on Coney Street including windows and shop front. Application withdrawn: 06.08.2008.

## **2.0 POLICY CONTEXT**

### **NATIONAL PLANNING POLICY FRAMEWORK**

#### **2.1 Key chapters and sections of the NPPF are as following:**

Conserving and enhancing the historic environment (chapter 16)

## PUBLICATION DRAFT LOCAL PLAN (2018)

2.2 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF. The following policies are relevant to this application;

D5 Listed Buildings

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

##### 3.1 CYC URBAN DESIGN AND CONSERVATION

3.11 Recommended amendments to the proposal. This has been addressed. The Conservation Officer now has no objections subject to condition.

#### EXTERNAL CONSULTATION

##### 3.2 HISTORIC ENGLAND

3.21 Not providing advice.

### **4.0 REPRESENTATIONS**

4.1 The application was advertised via neighbour notification and site notices twice (due to receipt of amended plans). The deadline for comments for the first round of public consultation was 1st March 2023. No third-party public representations have been received.

4.2 The deadline for comments for the second round of public consultation was 21st June 2023. At the time of writing this report, no third-party public representations have been received however the publicity period is still running. Members will be updated at Planning Committee if any further representations have been received.

## 5.0 APPRAISAL

### 5.1 IMPACT ON THE LISTED BUILDING AND ITS SETTING

5.11 With reference to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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.

5.12 The approach to considering proposals affecting designated heritage assets is set out in NPPF paragraphs 194-208. Policy D5: Listed Buildings of the Draft Local Plan (2018) is most relevant. The policies in the Publication Draft Local Plan 2018 are broadly NPPF compliant in respect of heritage assets.

5.13 Draft Plan Policy D5: Listed Buildings states that 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 the significance of the building. 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. Substantial harm or total loss of a listed building will be permitted only where it can be demonstrated that the proposals would bring substantial public benefits.

5.14 The NPPF approach is to understand the significance of assets affected, and consider the impacts. If there is harm, the NPPF explains occasions where public benefits can outweigh such, taking into account that any harm requires clear and convincing justification.

5.15 48 Coney Street is Grade II Listed and has an elaborate two-bay half-timbered Tudor-Revival façade incorporating carved timberwork, mullioned and leaded windows, pargeting, heraldic emblems and glazing referencing the City, under a pair of gables. It was designed by the Boots company architect MV Treleaven in 1907 and was built in two stages as the premises expanded to incorporate the adjoining

plot. The iterative construction possibly accounts for the intrusive central column on the ground floor.

5.16 The original shop front design incorporated carved pilasters and fascia mouldings, a pair of 'crouching man' brackets supporting the cornice, which had been replaced by modern shopfront by the time of listing in 1983. Internally almost nothing of the historic plan form or fixtures survive successive remodellings, most significantly c.1965 when the premises to Market Street were comprehensively redeveloped. There is very fragmentary survival of wall nibs, and a possible chimney breast to the second floor. Some historic joinery survives around the windows (lining and architrave). Internally, the windows are spoilt by lowered bulkheads to first floor.

5.17 The principal changes are the erection of an attic storey on top of the existing flat roof, the construction of a new façade to Market Street, the replacement of the shop front to Coney Street and subdivision of the upper floors to provide hotel rooms. The attic storey and Market Street façade design have been the subject of pre-application advice during which the scheme was significantly revised.

5.18 The Conservation Officer confirms the principal heritage significances lie in the Coney Street façade and gabled roof; and the sensitive historic context which includes listed buildings at 46-52 Coney Street, 4-6 Market Street and 19-23 Feasegate and handsome unlisted buildings at nos.12-18.

#### Erection of extension on the roof

5.19 The proposed, modelled pitched roof form of the attic storey has the potential to enhance the existing flat roofscape, its height would be consistent with the higher roofs in the immediate context and the design is considered acceptable. With regards to the roof materials of the extension, the prevailing traditional material of the surrounding roofscape is slate, the metal roof behind 44 Coney Street to the north of the site is a detracting feature by dint of its scale and material. The use of zinc to walls and roof of the attic storey dilutes the intended effect. In response, the Agent amended the roof material to slate and the zinc on the third floor extension has been changed to brick with a textured brickwork along the Market Street façade to add depth and differentiate the upper floor. Further details are provided to show the façade showing the junction between the materials in more detail.

#### Market Street façade

5.20 The existing façade to Market Street is identified in the Central Historic Core Conservation Area Appraisal as a detractor, the proposed design has been conceived to reflect the character of the historic streetscape, articulating the two distinct uses and with a pattern and proportion of openings that complements prevailing architectural character. The Market Street façade will enhance the Conservation Area and will improve the primary shopping frontage in the City Centre. It will preserve and respect the Listed Building and its setting.

### Coney Street shop front

5.21 48 Coney Street retains a 1907 shop front with a Mock-Tudor design. The front elevation is therefore of high architectural and historic interest. Whilst the existing ground floor modern shopfront is of no significance, it is important to ensure any replace shopfront respects and preserves the special interest of the Coney Street façade.

5.22 It is proposed to amend the frontage of 48 Coney Street to bring the shop window forward to the building plane and provide a surround in flat GRC. Whilst the dark colour of the GRC would have a complementary relationship with the black timber framing above, the spare effect would be rather blunt in comparison with the elaboration and the texture of the historic timber and plaster façade. The Conservation Officer notes that the historic window was framed with a moulded timber cornice (possibly hidden by lead flashing), pilasters and carved 'crouching man' brackets. It was recommended to reinstate these features, recessing a GRC fascia and framed shop window slightly within the recreated surround, to reintegrate the ground floor with the upper façade. In response, the Agent still proposes GRC however with more detailing to reference the original shopfront design. This is an improvement on the original plans. The decorative capitals are indicated however design will be developed and finalised at the next stage. These details can be covered by condition.

### Subdivision of rooms and renovation of basement

5.22 Internally, there is a significant amount of renovation and subdivision required, including bringing the basement into use. This is required to form the hotel rooms above the shop and creating a new restaurant area within the basement, however it is noted that this will have a negligible impact on the significance of the Listed Building.

## 6.0 CONCLUSION

6.1 Taking into account the amendments made, the proposal would aid in creating a viable use for the heritage asset whilst sustaining and enhancing the significance of the Listed Building, in compliance with paragraphs 197 and 202 of the NPPF, and Policy D5 of the Draft Local Plan (2018) and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 7.0 RECOMMENDATION: Approve

1      TIMEL2      Development start within 3 yrs (LBC/CAC)

2      The development hereby permitted shall be carried out in strict accordance with the following plans:

Location Plan; job number 21044, drawing number 0001, revision P0, dated 04.11.2022.

Proposed Site Plan; job number 21044, drawing number 1000, revision P1, dated 20.01.2023.

Proposed Basement Floor Plan; job number 21044, drawing number 1099, revision P1, dated 04.11.2022.

Proposed Ground Floor Plan; job number 21044, drawing number 1100, revision P2, dated 25.04.2023.

Proposed First Floor Plan; job number 21044, drawing number 1101, revision P2, dated 25.04.2023.

Proposed Second Floor Plan; job number 21044, drawing number 1102, revision P2, dated 25.04.2023.

Proposed Third Floor Plan; job number 21044, drawing number 1103, revision P2, dated 25.04.2023.

Proposed Roof Plan; job number 21044, drawing number 1104, revision P3, dated

13.06.2023.

Proposed West and South Elevation; job number 21044, drawing number 1300, revision P1, dated 25.04.2023.

Proposed Detailed South Elevation; job number 21044, drawing number 1303, revision P1, dated 25.04.2023.

Proposed Detailed West Elevation; job number 21044, drawing number 1302, revision P1, dated 25.04.2023.

Proposed East and North Elevations; job number 21044, drawing number 1301, revision P2, dated 13.06.2023.

Proposed Sections; job number 21044, drawing number 1500, revision P3, dated 13.06.2023.

Proposed Market Street Façade Details - Sheet 1; job number 21044, drawing number 1304, revision P0, dated 25.04.2023

Proposed Market Street Façade Details - Sheet 2; job number 21044, drawing number 1305, revision P0, dated 25.04.2023.

Proposals to Interior of Coney Street Façade; job number 21044, drawing number 1110, revision P0, dated 25.04.2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction external works hereby permitted and the works shall be carried out in accordance with the approved details;

- Large scale drawings of windows and doors (1:5 or 1:10)
- Details of bracket design to Coney Street shop front

Reason: In the interests of good design and ensuring the materials are suitable for the heritage asset, in accordance with chapter 12 and chapter 16 of the NPPF.

4 Prior to the commencement of the external construction of the walls of the development hereby approved a sample panel of the type of brick to be used showing the proposed colour, texture, mortar and bonding shall be erected on the site for the written approval of the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and the sample brickwork panel shall be retained on site during the period of construction of all external walls



that are constructed in brick.

Reason: In the interests of good design and ensuring the materials are suitable for the heritage asset, in accordance with chapter 12 and chapter 16 of the NPPF.

5 Before the first use of any materials in the external construction of the roof of the development hereby approved, a slate sample shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of good design and ensuring the materials are suitable for the heritage asset, in accordance with chapter 12 and chapter 16 of the NPPF.

6 Before the first use of GRC hereby approved, a GRC sample shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of good design and ensuring the materials are suitable for the heritage asset, in accordance with chapter 12 and chapter 16 of the NPPF.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Revisions to overcome the Conservation Officer's concerns.

#### **Contact details:**

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