

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 22 October 2009 **Parish:** Guildhall Planning Panel

Reference: 09/01697/FUL
Application at: Old Orleans 9 - 11 Low Ousegate York YO1 9QX
For: Replacement shopfront, air condensing unit and replacement air conditioning units
By: Tesco Stores Ltd
Application Type: Full Application
Target Date: 6 November 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to 9-11 Low Ousegate, which were originally two houses but have been merged to provide a single commercial unit. The building was last used as a restaurant. It is presently vacant, but is to be occupied as a retail shop (Tesco).

1.2 The building is grade II listed and in the Central Historic Core Conservation Area.

PROPOSALS

1.3 As part of the conversion works the following external alterations are proposed which require planning permission -

- Replacement timber shopfront on the Low Ousegate elevation.
- 3 air-conditioning units at first floor level on the rear elevation of the building that fronts Low Ousegate. It is proposed to remove 2 units and ducting from this elevation, associated with the former use.
- 1 condenser unit which would sit on the flat roof of the single storey link between the buildings which face Low Ousegate and King Street.

RELEVANT INFORMATION

1.4 There are companion applications for advertisement and listed building consent - 09/01699/ADV and 09/ 01700/LBC. This application is a resubmission after application 09/01278/FUL was withdrawn in August this year.

1.5 The application comes to planning committee at the request of Councillor Horton, due to the controversial nature of the application.

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

Floodzone 3 GMS Constraints: Flood Zone 3

Listed Buildings GMS Constraints: Grade 2; 5 Low Ousegate York YO1 1QX 0454

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Listed Buildings GMS Constraints: Grade 2; 13 Low Ousegate York YO1 1QX 0456

2.2 Policies:

CYGP1
Design

CYGP16
Shopfronts

CYGP18
External attachments to buildings

CYHE4
Listed Buildings

CYHE3
Conservation Areas

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Improvements have been made to the shopfront design. The illumination of the fascia advertisement is now incorporated into the cornice, and the overall height of shopfronts have been reduced to match those of the existing shopfronts. The signage itself is also much improved, although attaching lettering directly to the fascia is preferred, as the pinned off lettering proposed can produce a fussy, cluttered appearance.

3.2 Unfortunately the blank panel, or band, highlighted as contributing to the poor design of shopfront in my consultation response dated 27/8/2009, is retained as part of the revised design, at least in the section drawing. I remain concerned that the effect will be that the fascia panels will appear disproportionately deep, and lack sufficient visual interest. Since, as illustrated in the elevation drawings, the shopfront

proportions are generally acceptable, the specific design issues could be addressed by a condition.

HIGHWAY NETWORK MANAGEMENT

3.3 No objection to the proposals.

PLANNING PANEL

3.4 No response to date.

SAFETY YORK PARTNERSHIP (N Yorks. Police)

3.5 Advise that they made comment over the previous application as an external cash machine (ATM) was proposed. This scheme does not propose an outside ATM. As such no objections.

PUBLICITY

3.6 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments will be 21.10.2009.

3.7 The Traffic Management Officer from York Police has objected to the scheme on road safety grounds. This is on the basis that servicing, if it were to occur from the Low Ousegate side of the premises, would impede traffic, including buses (on what is a busy route) and emergency response vehicles. Also there would be conflict with pedestrians if servicing vehicles park up on the pavement, thus forcing pedestrians onto the road.

4.0 APPRAISAL

KEY ISSUES

4.1 The application is for external alterations only and not a change of use. The premises are to be used as a shop, in A1 use class. Under the General Permitted Development Order the use can be changed from a cafe/bar/drinking establishment (A3/A4) without the requirement for planning permission. As such any subsequent impacts on highway safety from servicing cannot be considered as a material consideration in determining the application, as they do not relate to the development for which planning permission is required.

4.2 The main issues are the appearance of the proposed alterations, their impact on the special historic interest of the host building, which is grade II listed, and the character and appearance of the conservation area. Also whether the air-conditioning units and condensers (plant) would create noise disturbance, that would have an adverse effect on the amenity of surrounding occupants.

PLANNING POLICY

4.3 Local Plan policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of features which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.4 GP16 states alterations to shopfronts will be granted planning permission where they reflect the scale, proportion, materials and architectural style of the building to which they are attached and the area in which they are located.

4.5 GP18 states external attachments to buildings will only be permitted where their design, locations, materials and colouring do not significantly detract from the visual amenity of the building, or the character and appearance of conservation areas.

4.6 HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.7 HE4 states that consent will only be granted for listed building alterations when there is no adverse effect on the character, appearance or setting of the building.

SHOPFRONT

4.8 The proposed new shopfront on Low Ousegate will be of timber, traditional detailing and acceptable proportions, in relation to the host buildings and the street. The existing shopfront is modern (C20) and has a slightly disproportionately sized stallriser (in height). The replacement has a lower stallriser, comparable in height with neighbouring buildings. As such the replacement will improve the appearance of the listed buildings and the conservation area. A condition is proposed in the companion listed building consent application, with regards the exact detailing above and below the fascia panel, to secure a high quality design.

PLANT

4.9 It is proposed to remove old air-conditioning units and install 3 new units and a condenser. The removal of the old plant and ductwork will benefit the appearance of the building. The new units would be located at a low level and enclosed by buildings. They would not have a material impact on the conservation area's appearance and are located on the part of the building that faces King Street which is of less historic interest than the building which fronts Low Ousegate, thus minimising the impact on the listed building.

4.10 The units would be at their loudest during the day, when all would be in operation. The loudest unit would have an average noise level of 40dB, at nighttime the loudest unit would be 32dB. According to PPG24: Planning Noise, to avoid disturbance internal noise levels should not exceed between 30-40dB during the day, and 35dB in bedrooms for a reasonable nights sleep.

4.11 The nearest neighbouring windows are some 5m away, above the takeaway at 3 King Street. Closed single glazed windows will provide attenuation of up to 28dB. As such noise levels from the plant proposed are not likely to cause undue disturbance, in particular in this part of the city centre where background noise levels can be significant, for example a survey carried out a Clifford Street found background noise levels of between 60-70dB.

4.12 Overall the proposed plant would not unduly harm the appearance of the building, or this part of the conservation area, and would not cause undue noise disturbance.

5.0 CONCLUSION

5.1 The design of the replacement shopfront is acceptable, the plant is located to minimise its visual impact, and it would not cause undue noise disturbance. Overall the application complies with policy and is supported by officers.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Existing

101 Ground floor
201 Elevations
301 Sections

Proposed

103C Ground floor
203J: Elevations
401B Section of building
305F Shopfront
306D Shopfront section

Technical data of plant supplied 10.9.2009.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 All redundant plant and associated fixings shall be fully removed prior to

installation of the plant hereby approved. The redundant lights to the fascia of 7 King Street shall also be removed prior to occupation of the building, and the fascia made good.

Reason: To preserve the building's appearance.

4 The premises shall retain views through the shop windows into the premises on the Low Ousegate elevation, i.e. the windows shall not be blocked by either window vinyls or a screens further back.

Reason: In the interest of the appearance of the building, and the conservation area.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would, due to the design of the shopfront and materials proposed and the location and specification of the plant, not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building, the character and appearance of the conservation area and amenity.

As such the proposal complies with Policies GP1, GP16, GP18, HE2, HE3, and HE4 of the City of York Development Control Local Plan.

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