

## COMMITTEE REPORT

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

**Reference:** 09/01700/LBC  
**Application at:** Old Orleans 9 - 11 Low Ousegate York YO1 9QX  
**For:** Internal and external alterations to form retail store, including external condenser, replacement air conditioning units and internal lift.  
**By:** Tesco Stores Ltd  
**Application Type:** Listed Building Consent  
**Target Date:** 6 November 2009

### 1.0 PROPOSAL

1.1 The application relates to 9-11 Low Ousegate, which is listed at grade II. The buildings were originally two houses but have been extended at the rear and 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.

1.2 Listed building consent is required for the following alterations -

#### Ground floor level

- Replacement timber shopfront on Low Ousegate side, including automatic doors behind main entrance doors.
- Removal/thinning of vertical columns which divide the properties (the dividing wall has already been removed).
- Create level floor, by removal of raised platform area toward the rear (King Street side).
- Cover a set of steps which lead down to the basement.
- Install a service lift up to first floor level.
- Remove partition walls, dumb waiter which leads upstairs, bar and servery furniture.
- Install partitions at King Street side of building to separate customer floorspace from service areas.

#### First floor level

- Partition walls for staff room and disabled w/c.
- Remove redundant w/c and associated partition walls.
- External condenser and air-conditioning units on the single storey link building, between the King Street and Low Ousegate sides of the building.

1.3 A preliminary structural survey has also been submitted which advises on repairs deemed necessary before the building can be re-occupied. These include -

- Increasing the amount of headroom at ground floor level, which would be achieved by raising the beams that support the upper floors,
- Ensuring the ground floor can structurally take the loads required from the proposed retail use. It is suggested the floor would be either strengthened from below or replaced.
- The front wall (Low Ousegate side) appears to only sit against the rest of the structure. To stabilise the building it is proposed to tie these elements together, using an application called Cintec, which is a versatile method of structural enforcement, appropriate to historic buildings.

1.4 The application comes to planning committee at the request of Councillor Horton, due to the sensitive nature of the proposals.

## **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; Old Orleans 9-11 Low Ousegate York YO1 1QX 0455

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

2.2 Policies:

CYHE4

Listed Buildings

## **3.0 CONSULTATIONS**

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Advise that the resubmitted scheme generally addresses previous objections.

3.2 Further detail and justification is required for proposals to tie the front facade to the building, works to strengthen floors, and for other proposed structural works. A condition, requiring a full structural survey is requested if the application is to be approved. The early submission of a structural survey, prior to the determination of the application for listed building consent, has been encouraged from an early stage although only preliminary work has been undertaken.

3.3 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.

3.4 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.

3.5 Conservation have also asked for a watching brief at this site, if groundworks are proposed that will disturb archaeological deposits (this site lies inside the Area of Archaeological Importance, which has produced significant Roman, Anglian, Anglo-Scandinavian and medieval deposits).

3.6 The most recent archaeological investigations within the vicinity of this site took place at 1-3 Spurriergate, 1-3 High Ousegate and 1-14 Peter Lane. Residual Roman building material and pottery and Anglo-Scandinavian occupation deposits were found. These contained waterlogged deposits of leather-working debris and spindle whorls, wood, post-and-wattle walling and organic remains. Above these early medieval deposits were the remains of a timber structure sealed by medieval pits. It is probable that similar deposits will be preserved on this application site.

## PLANNING PANEL

3.8 No response to date.

## PUBLICITY

3.9 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments will be 21.10.2009. No representation have been made to date.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES

- Justification
- Special historic interest of the listed building

## RELEVANT PLANNING POLICY

4.2 PPG15 Planning and the Historic Environment advises that applications for listed building consent must be able to justify their proposals. They will need to show why

works which would affect the character of a listed building would be desirable or necessary.

4.3 It is a requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the special historic interest of the listed building and the character and appearance of the conservation area. This is reinforced in policy HE4 of the draft Local Plan which states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building.

## SHOPFRONT

4.4 The existing shopfront dates from the C19, replacement can be supported subject to an agreeable design. A new shopfront is required to update the building's appearance and to provide automatic entrance doors. The entrance is recessed, thus the outer doors can be held open and the automatic doors sympathetically located behind the new shopfront. This approach allows for a traditional shopfront design which respects the listed building. The new shopfront is of appropriate proportions and materials, and allows the premises to be lit without using obtrusive light fixings, as the illumination is integrated into the cornice profile above the fascia panels. Large scale details are required to agree the appearance of the shopfront between the fascia and cornice, but this can be dealt with through a condition.

4.5 There is a companion application for advertisement consent. In officers opinion the proposals relate to a commercial premises, in a primary shopping street, and in their context, the signs proposed are reasonable.

## EXTERNAL PLANT

4.6 Plant is required to control the internal climate of the premises. The plant would be located outside, in replacement of existing. There will be benefit to the building in that ductwork (which runs up to eaves level) and existing plant will be removed. The location is discreet and where the building has been extended. As such the impact on the listed building would be acceptable.

## INTERNAL ALTERATIONS

4.7 Much of the internal work is on the King Street building, which, in relation to the Low Ousegate side, is less sensitive to change. On the Low Ousegate side the vertical columns will remain, showing division between nos. 9 and 11, but will be cut back. Officers are satisfied that adequate evidence remains of the division. Otherwise partitions, and the floor that is to be altered are C19 installations that can be removed without harm to the historic interest of the building. The lift goes through the first floor, where it has already been altered to accommodate an air-conditioning unit. This insertion also does not detract from the building's special historic interest. The lift is unlikely to require groundworks as it would not serve basement level.

4.8 The partitions to be installed at first floor level affect one room in a less important part of the building, which has been altered in the past and can accommodate change.

The w/c's which are a later addition to the building would be removed. There is no objection to these proposals.

## REPAIR AND STRUCTURAL WORKS

4.9 Works are recommended in the structural survey undertaken thus far (see 1.3), although a comprehensive survey is yet to be undertaken along with specific recommendations to remedy identified problems, along with justification that the proposals will be the most appropriate in terms of the special historic interest of the building.

4.10 The works to tie back the front facade proposed use a known sensitive approach and would thus be acceptable. However further information is required that demonstrates the ground floors and support for those above need to be strengthened and an appropriate method agreed. It is proposed these are covered by condition.

## 5.0 CONCLUSION

5.1 The alterations shown on the supplied drawings will have an acceptable impact on the listed building, to this extent the proposals comply with policy. Further information is required regarding structural improvements and the detailing of the shopfront and it is proposed these are controlled through conditions of consent.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

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

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

### Existing

1-11 Basement  
101 Ground floor  
111 First floor  
121 Second floor  
131 Third floor

201 Elevations  
301 Sections

### Proposed

102 Basement  
103C Ground floor  
104C First floor

105A Second floor  
106 Third floor and roof

203J: Elevations  
401B Section of building  
305F Shopfront  
306D Shopfront section  
315 Lift

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 With regards the shopfront to Low Ousegate the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) Notwithstanding the plans hereby approved, large scale section drawing of the shopfront, to include glazing and frames/fascia with mouldings above and below/design of cornice.
- b) Sample panel of shopfront colour to be supplied onsite for approval.
- c) Samples of materials for lettering.

Reason: To protect the special historic interest of the listed building.

4 Prior to development commencing the items listed below shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

- a) Full structural survey.
- b) Full details, including methodology, for all strengthening and tying in works.
- c) Schedule of window repairs: no windows shall be replaced except where agreed.
- d) Specification and extent of works for repairs to lime plaster, including, replacement of laths, to be agreed in writing prior to commencement

Reason: To protect the special historic interest of the listed building.

5 No internal timbers shall be replaced unless justification and proposals are supplied to and agreed in writing by the Local Planning Authority prior to works commencing.

Reason: To protect the special historic interest of the listed building.

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, due to the design and materials of the proposed shopfront, location of the plant and nature of the internal works, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

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