

WEST AREA PLANNING COMMITTEE

11th February 2014

Application Nos. i) 13/03339/CT3
ii) 13/03338/CT3

Decision Due by: 10th February 2014

Proposal: (i): 13/03339/CT3 – Internal alterations involving formation of new residential unit on second floor and enlargement of existing residential unit on the third floor involving removal of staircase from first to second floor. Removal of dumb waiter, insertion of new partitions, formation of new openings, new doors and new secondary glazing. External alterations to upgrade existing roof access and new door fronting Broad Street.

(ii): 13/03338/CT3 – Use of basement, ground and first floor as retail unit (use of class A1). Formation of 1x2 bed flat on second floor and enlargement of existing residential unit on third floor.

Site Address: 23-25 Broad Street (**Appendix 1**)

Ward: Carfax

Agent: Frankham Consultancy Group **Applicant:** Oxford City Council

Recommendations:

- i) Listed building consent **13/03339/CT3** RAISE NO OBJECTION
- ii) Planning application **13/03338/CT3** GRANT PLANNING PERMISSION

For the following reasons:

- 1 The City Council has given considerable weight and importance to the desirability of preserving or enhancing designated heritage asset. It considers that any harm that would result from the proposed development and works to the listed building is justified by the public benefits that would result and that the proposal is considered to comply with adopted policies contained within the adopted Oxford Local Plan, the adopted Oxford Core Strategy, the adopted Sites and Housing Plan and National Planning Policy and Guidance.
- 2 The proposals have evolved through informed analysis of the architectural and historic interest of the buildings and through pre-application discussions with officers. Whilst there will be some impacts on the heritage assets it is considered that these impacts have been minimised by design. Overall the benefits that will be delivered, ensuring the building remains suitable for

continued retail and residential use and supporting the objective to enhance the public's understanding and enjoyment of the heritage asset, justify granting planning permission and listed building consent.

3. The proposals are considered to result in both an additional and an improved flat of good overall quality within a highly sustainable location without resulting in the loss of genuinely usable commercial floorspace. Furthermore the proposals are not considered to result in material harm to important historic fabric of the building or its integrity as a heritage asset or its setting and would, in fact, be returning part of the building to its original residential use. The proposals are therefore considered to accord with all relevant policies of the development plan.
4. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions:

i) Listed building consent

- 1 Commencement of works LB/CAC consent
- 2 LB/CAC consent - approved plans
- 3 7 days notice to LPA
- 4 LB notice of completion
- 5 Further works - fabric of LB - fire regs
- 6 Arch - Implementation of prog + historic post-medieval remains,
- 7 Materials - samples
- 8 Internal features
- 9 Further details for windows, doors, fireplace and service run
- 10 Repair of damage after works

ii) Planning permission

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Implementation of programme of archaeological investigation
- 4 Details of refuse storage

Main Local Plan Policies

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient use of land

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Function Needs

HE3 - Listed Buildings and Their Setting

HE7 - Conservation Areas

HE2 - Archaeology

Core Strategy

CS18 - Urban design townscape char & hist env

Sites and Housing Plan 2011-2026

HP2_ - Accessible and Adaptable Homes

HP9_ - Design, Character and Context

HP11_ - Low Carbon Homes

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations: This application is in or affecting the Central Conservation Area. The development is affecting a Grade II Listed Building.

Public Consultation:

Oxfordshire Architectural and Historical Society – object

- The documentation fails to satisfy the requirements of the National Planning Policy Framework:
- The 'Heritage Statement' does not contain a proper architectural assessment of the building(s) which are affected by these proposals.
- The impact of the proposals on the buildings is not addressed. Supporting information states that "*No Heritage Assets are affected by these works*", which is manifestly not the case as the buildings themselves are heritage assets.
- Confusion about the age of the building and fails to recognise that houses are shown on the site in Loggan's map of 1675, and it is quite possible that parts of their timber frames survive behind the present late 18th century external skin.
- No justification is given for the removal of an open-well staircase from the first to second floors. No appraisal has been made of the staircase, its date and significance.

Relevant Site History:

61/10296/A_H - Change of use from residential to offices. APPROVED

69/21242/A_H - Conversion of 2 properties into one. Change of use of basement. Alterations and new entrance doorway. APPROVED

72/25326/A_H - Change of use of offices on first floor to sales area. APPROVED

98/01146/L - Demolition of 4th storey extension to 23 & reforming roof. Internal alterations, incl. removal of 1970s staircase, proposed internal stair & replacement of external entrance door to managers flat (Amended plans) – APPROVED

01/00511/L - Retain internal alterations to Nos. 23 and 25. Retention of 5 air

conditioning units and modification of roof and west & south. APPROVED

Officer Assessment

Description of site

1. Nos 23-25 Broad Street is situated on the south side of Broad Street on the corner with Turl Street, built as three separate properties and forming part of the stretch of “ancient city property” that lies to the north of the town wall, outside the medieval core.
2. Of mid to late 18th century date, the buildings are timber framed with plastered fronts, replacing earlier buildings on the site. It is possible parts of these earlier building may survive, incorporated within the new build. Nos 23-25 are 4 storeys. There was a 5th floor to No 23 but this was demolished in 1998. The block has projecting bays fronting Broad Street and a return frontage onto Turl Street.
3. Blackwell’s leased Nos 23-24 from Oxford City Council in 1968 and extended into No 25 in 1969. From 2000 until 2013 Nos. 23-25 Broad Street was occupied by Blackwell’s Music shop, occupying the basement, ground first and second floors. The top floor was in use as a flat. The building is now empty.
4. Nos. 23-24 is two rooms deep, with 19th and 20th century extensions at the rear. Part of rear of No 25 on the ground and second floor has been blocked off and now forms part of No 18 Turl Street.

Heritage significance

5. The building is prominent in the street with aesthetic qualities that contribute to the value of the group. It provides physical evidence of the development of Broad Street and the way it has evolved, helping to explain the activities and traditions of past societies.
6. The plan form and internal fabric, though much altered survives to allow understanding of the development and evolution of the building. The location of chimneystacks axial or transverse beams and staircases, for example, provide clues to understand how the building has been adapted and converted from three units into one. There is the potential with further investigation for this understanding to be enhanced.
7. The building with its C18th facades illustrates the changing fashions of architecture and the quality and skills of C18th craftsmen. The canted bays to the front of No 23-24 and the inherent quality and detailing illustrate the status of the occupants and help date the building.

Description of Proposed Development:

8. The applications proposed both internal and external alterations to facilitate the enlargement of the existing third floor flat so that it extends across the entire third floor as well as the creation of a new separate two bedroom flat on the second floor. The basement, ground and first floors would be retained in retail use.

9. The proposals involve the provision of level access to the camera by forming a new entrance to the south side of the building, on axis with the existing north stepped access. This involves a ramped access, including new gate and piers in the boundary railing, new external door and internal lobby. Further Internal alterations are proposed to reconfigure librarian space, access and security controls and furniture layout in the Camera and Old Bodleian. The new entrance will provide a serviced reception and enquiry point for readers and will allow the removal of the invigilator's metal platform in the staircase and removal of existing modern partitions and furniture.
10. Officers consider the principal determining issues in the case to be:
 - Principle;
 - Quality of the Residential Accommodation; and
 - Impact on the Grade II Listed Building and Conservation Area.

Management of Heritage Assets

11. The relevant legislative provisions are set out in the Planning (Listed Buildings and Conservation areas) Act 1990. Sections 16, 66 and 72 require local authorities to have special regard to the desirability to preserve and enhance listed buildings, conservation areas and their settings.
12. In the National Planning Policy Framework the government has reaffirmed its commitment to the historic environment and its heritage assets (including historic parks and gardens) which should be conserved and enjoyed for the quality of life they bring to this and future generations. It lists a number of core planning principles that should underpin decision making including that it should 'conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations'.
13. A key message in the NPPF is that the historic environment is a finite and irreplaceable resource and the conservation of heritage assets should be a high priority. Development that causes harm to a heritage asset or its setting should be avoided unless there is a public benefit to outweigh that harm. The NPPF states that *'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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'*.
14. The NPPF encourages local planning authorities to look for opportunities to better reveal or enhance heritage assets and their settings and states that proposals that do make a positive contribution should be treated favourably. As stated above harmful impacts should be avoided (and in relation to substantial harm applications refused) unless there are public benefits that derive from any proposal that would outweigh the harm. The draft National Planning Practice guide seeks to explain what is meant by 'public benefits', suggesting it could be anything that delivers economic, social or environmental progress and can include heritage benefits such as

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset

Principle of use

15. At present, part of the third floor has a lawful use as staff facilities ancillary to the operation of the shop on the floors below. It provides no meaningful retail floorspace and its loss is unlikely to detract potential retailers from taking up a tenancy in the building given the large retained floorspace on the basement, ground and first floors. Officers therefore have no concerns that its conversion to allow an extended dwelling on the third floor would prejudice the viability of the shop below or, in turn, the city's secondary shopping frontage. Consequently officers are satisfied that the proposals accord with the requirements of policy RC4 of the Local Plan.
16. The second floor currently provides storage space ancillary to the shop premises below. This floor space is, similar to that on the third floor, unnecessary to the continued viability of a shop at the premises and officers are similarly not concerned by its loss to provide a much needed small and sustainably located dwelling making better use of the floor space in the building and returning a designated heritage asset to a beneficial use that is consistent with its original purpose as a dwelling.

Quality of Residential Accommodation

17. The existing third floor flat is small in size and provides cramped living accommodation to a standard that does not meet that now required by policy HP12 of the SHP. Its expansion to encompass the entirety of the third floor would result in a good quality two bedroom flat with an overall reasonable level of light and outlook to all rooms. In addition, the flat will not have to share communal access with staff of the shop as it will have sole use of the third floor which is a far better arrangement than at present.
18. The proposed second floor flat would be a little smaller but would still comfortably meet the minimum size criteria for new dwellings as set out in policy HP12 of the SHP. It would also be a two bedroom unit with each room having reasonable access to daylight and outlook though the kitchen is a little small and has only a small window to light it. Overall however officers are satisfied with its standard which would provide a reasonable quality small dwelling in an attractive sustainable location.
19. Policy HP13 of the SHP requires all new dwellings to be served by outdoor amenity space. In the case of flats this can be in the form of a balcony. The building is listed and officers do not think it acceptable to make alterations to the front façade to provide a balcony. There is no outdoor space to the rear of the building for future occupiers of the flats to use. However, the site is in a city centre location where access to private outdoor space would not be expected. There is also convenient access to a number of public outdoor spaces for residents to make use of. Given the nature of likely occupiers of these flats, such a situation is considered to be entirely reasonable.

20. Refuse storage is proposed to be inside the building making use of the shop's waste store. Details of this arrangement are recommended to be required by condition. There is however no space for cycle storage as required by policy HP15 of the SHP. Given that the site is centrally located within an easy walk of most key amenities and facilities as well as transport links, the lack of private and secure cycle storage is not considered to be objectionable. It is also worthy of note that public cycle parking exists on Broad Street where visitors to that flats could store their bikes.

Impact on Heritage Assets

21. The internal works to the building relate to its adaptation to provide an additional flat on the second floor, in lieu of the retail use and upgrading of the accommodation on the top floor. In pre-application discussions officers have advised the applicant to keep the extent of intervention to the minimum necessary and to avoid unnecessary loss of historic fabric.
22. The works involve the removal of the main stairs from first to third floor. This staircase is modern and its removal will not involve the loss of any *historic* fabric. On the second floor a new opening in a party wall is proposed, necessary to comply with fire safety requirements; and which allows a modern opening in this wall to be filled.
23. Elsewhere internal works involve the removal of modern partitions(including the removal of the existing staff toilet facilities in one of the main rooms) and insertion of new partitions to create lobby areas and a protected means of escape in the event of fire. Externally the works involve a covered exit for the roof access, a new door and ventilation grilles within the stairriser.
24. As a part of the re-use of the building fire safety measures have to be incorporated, as well as noise insulation between floors. These measures are necessary to improve the buildings performance and to ensure it is capable of re-use. Precise details can only be finalised once some opening up works have been undertaken and a condition is proposed to manage these details.
25. To secure the long term viability of historic buildings, and investment in their repair and maintenance they need to continue in use. These proposals demonstrate how this can be achieved, and in this case with remarkably few alterations to the historic building. Oxfordshire Architectural and Historical Society have expressed concern about the quality of the application details and the absence of justification for the works proposed. Officers have carried out their own inspection and assessment of the building and are satisfied that the works shown are the minimum necessary and that the impacts (described above) are justified.
26. Public benefits that would derive from the development include the provision of additional residential accommodation in the city centre, repair and re-use of a historic building, retaining ground floor retail uses in the city centre

Conclusion

The proposals are considered to provide good quality residential units without prejudicing the future viability of the shop at the premises. The proposals would allow the building to be used in a beneficial and more efficient manner, sustaining its special interest.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

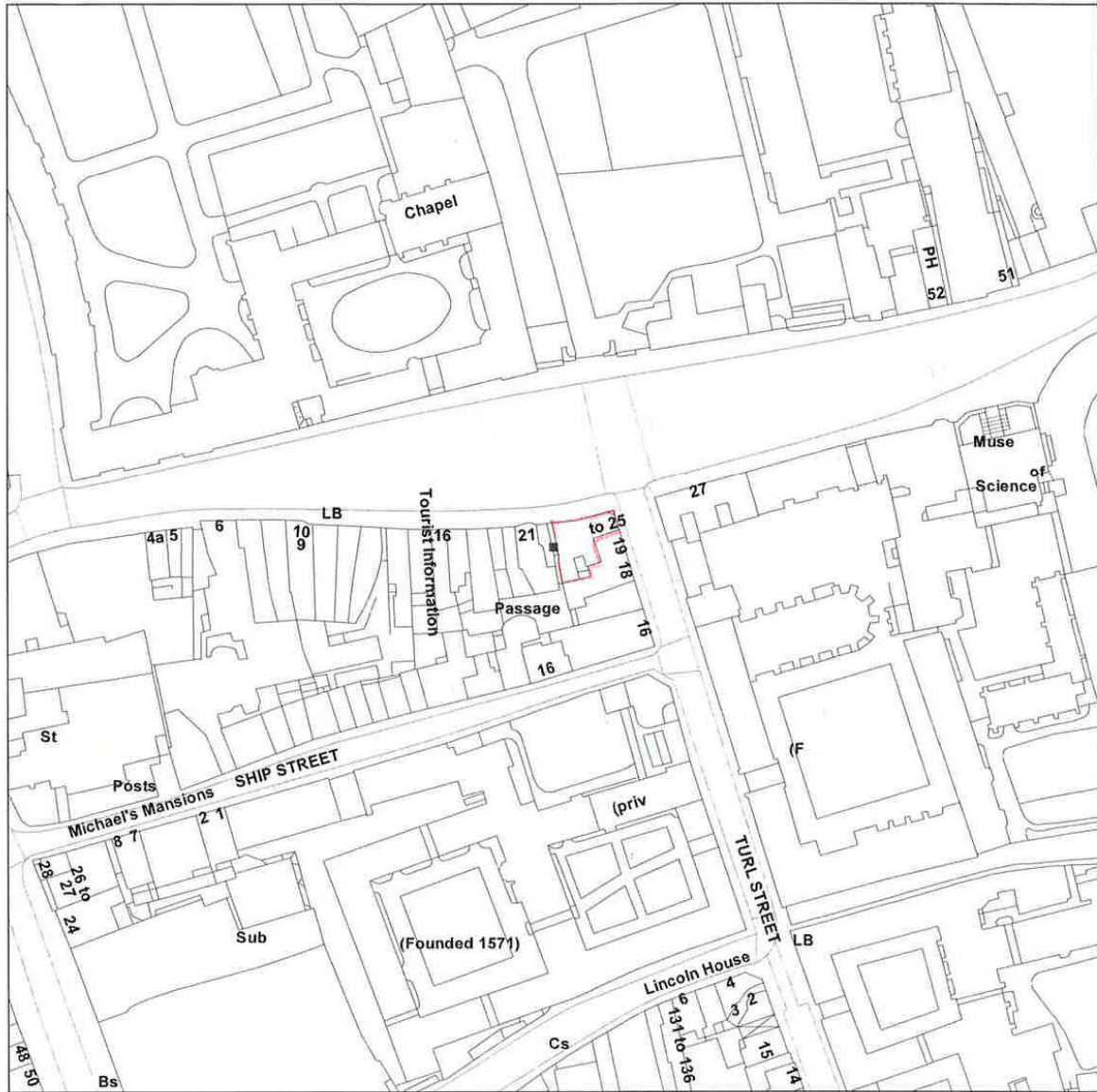
23–25 Broad Street Heritage Assessment. March 2013

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Date: 27th January 2014

Appendix 1 – Site Location Plan



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