

West Area Planning Committee

11th February 2013

**Application Number:** 13/03226/CT3 & 13/02533/CT3

**Decision Due by:** 27th January 2014

**Proposal:** 13/03226/CT3: Alterations involving removal of panels and replacement with glazing at units 131-141, Avenue 4.

13/02533/CT3: Listed Building Consent for removal of panels and replacement with glazing at units 131-141, Avenue 4.

**Site Address:** 131-141 Covered Market, Market Street, Site Plan Appendix 1

**Ward:** Carfax

**Agent:** Mr Michael Stewart

**Applicant:** Oxford City Council

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## Recommendations:

(i) 13/03226/CT3: Grant Planning permission

(ii) 13/02533/CT3: Raise no objection

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 Council 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 and including relevant conditions:

### 13/03226/CT3:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Samples in Conservation Area

### 13/02533/CT3:

- 1 Commencement of works LB/CAC consent

- 2 LB consent - works as approved only
- 3 7 days' notice to LPA
- 4 LB notice of completion
- 5 Repair of damage after works
- 6 Glass not to be tinted in colour, further details to be submitted

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP8** - Design Development to Relate to its Context

**CP10** - Siting Development to Meet Functional Needs

**HE3** - Listed Buildings and Their Setting

**HE7** - Conservation Areas

**Core Strategy**

**CS18\_** - Urban design, town character, historic env

**Other Material Considerations:**

National Planning Policy Framework.

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

**Relevant Site History:**

None relevant.

**Statutory and Internal Consultees:**

Oxford Civic Society: welcomes this application and believe it should be approved. Question the use of blue glass to replace the windows. Documents give no indication of why this area of the Covered Market has been selected for refurbishment, No indication of a long term overall plan for the Market.

English Heritage: supports the proposal. Concerned that the refurbishment of the Covered Market is being approached in a piecemeal way. The recent [late 2013] Consultation Strategy for the Covered Market identified a number of issues which need resolution to secure the Market's future. Chief among these is how to provide additional retail space within the Covered Market. English Heritage encourages the Estates Department to consider refurbishment in conjunction with the strategy's chief objective of increasing available retail space.

**Representations Received:**

None

**Sustainability:**

Helps continued use of Listed Building in its original use.

**Issues:**

Impact on the Listed Building and Conservation Area.

**Site Description:**

1. The site comprises units 131-141 in Avenue 4 of the Covered Market, currently trading as Cardew & Co and Ansari, at the north-east, Market Street end. The site lies within the Central Conservation Area and the Covered Market is grade II listed.
2. The Covered Market was originally built from 1772-4 to designs of John Gwynn as a fresh produce market, to replace market stalls set in the street, to make conditions more hygienic. Most of the market was rebuilt and enlarged in 1834-40 by Thomas Wyatt the younger and later in the 19thC additional roofs and avenues were built. In the 1880s and 1890s, extensive reconstruction was undertaken. The area that is subject of this application dates to the 1880s – 90s.
3. The Covered Market has architectural interest for its lofty arcades of several phases of building and its shop fronts that are characteristic of the market's function. It has historic interest as evidence of the evolution of the contemporary sensibilities towards public health and helps understanding of the commercial development of Oxford.

#### **Proposed Development:**

4. It is proposed to remove existing corrugated asbestos panelling which is situated at high level above the first floor of the shop units, just under the roof and to replace with clear glazing with painted (ivory white) softwood glazing bars.

#### **Officer's Assessment:**

5. Local planning authorities have a duty to have special regard to the preservation or enhancement of designated heritage assets, (e.g. listed buildings and conservation areas). In the NPPF the government has reaffirmed its commitment to the historic environment and its heritage assets which should be conserved and enjoyed for the quality of life they bring to this and future generations. It 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', measured in terms of the public benefits to be delivered through the proposal.
6. 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.
7. Policy CP1 of the Oxford Local Plan states that planning permission will

only be granted for development that shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 and CP10 suggest that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.

8. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their settings and policy CS18 of the Core Strategy emphasizes the importance of good urban design that contributes towards the provision of an attractive public realm.
9. As with other units to the periphery of the Market, Units 131-141 have two storeys plus basement, with a clerestory under the roof. The north end of avenue 4, part of Cardew's, is the best preserved 19thC shop front with large sliding sash window. The northern-most section is glazed (and would be retained) but the others were infilled in the 1960s with asbestos sheets, presumably as they are fire-retardant but which are now very dirty and unsightly.
10. The proposals would improve the appearance of that area of the market by removing unsightly modern sheets and replacing them with glazing that would be historically appropriate. Replacing the asbestos panels with the proposed fixed glazing (which matches the existing) as proposed would enhance the building's significance by re-introducing a lost element of the Market. Their repetitive appearance would complement the repeated glazing pattern of the first floor windows below and it would also bring much needed additional natural light into the building.
11. The Estates Department has confirmed that it would use clear, untinted glass, which could be secured by condition.

### **Conclusion:**

12. It is considered that the proposal would accord with the special character, setting and features of special architectural or historic interest of the listed building and the special character and appearance of the conservation area, in accordance with the policies of the development plan and with national policy.

### **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 grant Listed Building Consent and approve planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

#### **Background Papers:**

13/03226/CT3 & 13/02533/CT3

'The Covered Market: Heritage Assessment', June 2013, Heritage & Specialist Services Team, Oxford City Council  
PPS5 Practice Guide

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**Date:** 28th January 2014

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