

Dear Development Control

Application No.: 19/00958/F - 3 West Bar Street Banbury - Change of Use of existing building together with a 2.5 storey high extension to the eastern elevation to facilitate the conversion of the building to 8 No residential units, associated car parking, bin and cycle storage facilities and amenity space provision

Thank you for inviting the Banbury Civic Society to comment on this application.

As you are no doubt aware, No.3 West Bar Street (hereafter referred to as no.3 West Bar) is a locally-listed heritage asset, lying within the West Bar Character Area of the Banbury Conservation Area. Whilst not statutorily Listed, it lies within the setting of multiple Listed buildings. Since the formal adoption this year of the 2017 Banbury Conservation Area Appraisal, it has had the added protection of an Article 4 Direction, protecting it from normally permitted development. Banbury has had a Local List for a number of years, but it only since the adoption of the 2017 update of the Banbury Conservation Area (in 2018) that the Local List has had statutory force. The building is attached at its west end to a terrace block of high-status Victorian villas which is also locally listed (5-13 West Bar Street). Both no.3 and nos 5-13 are unusual in Banbury on account of their Gothic Revival architecture. (For the Local List and Article 4 Directions, see the Banbury Conservation Area Appraisal, July 2017, notably pp. 120 and 127 - <http://modgov.cherwell.gov.uk/documents/s38854/Banbury%20Conservation%20Area%20Appraisal%20-%20Appendix.pdf>)

Significance of the Asset

Given the heritage sensitivities of the building and its setting, it is also a surprise that there is no evidence that the advice of your specialist officers has been sought at pre-app.

Given the sensitivities of the site, it is more than a surprise that the application appears to have been successfully validated without a either a Heritage Statement or a Design & Access Statement.

A DAS is a validation requirement required under the PPG Paragraph: 030 Reference ID: 14-030-20140306 and the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013.

A Heritage Statement is a requirement under paragraph 189 of the NPPF: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

In order to understand where the significance of a heritage asset lies, 'Conservation Principles, Policies and Guidance' (English Heritage, 2008) is commended to LPAs to ensure that all decisions about change affecting the historic environment are informed and sustainable. This document describes a range of four 'heritage values' that constitute a heritage asset's significance. These heritage values are: aesthetic value, evidential value, communal value and historical value.

The *aesthetic* significance of no.3 West Bar is derived from the irregularity of its plan-form, its two principal elevations facing West Bar Street and The Shades, both with irregular roofline, high chimney stacks and decorative barge-boards, its locally-made brick finish, its distinctive Gothic window and door detailing, its group value with the attached terrace of Gothic villas and its relationship to West Bar Street and The Shades, with surviving boundary hedges and landmark trees. The aesthetic value of the buildings is diminished to an extent by extensive car-parking and the two truncated chimney stacks and four inserted NHS-period steel casement windows in the east elevation.

As a house built for a well-to-do and successful GP, part of the evidential value of the asset derives from the large size of the building, indicative of the wealth of the Doctor who built it, and the size of their family and domestic staff. These features indicate of the social status of a successful GP in the 1870s, the house being one of the largest Victorian houses in Banbury, today exceeded only Wood Green (now Frank Wise community special school) and The Elms (now The Elms Centre of the Horton Hospital), both built for members of the wealthy Gillet banking family. In terms of evidential value, much the rarest and certainly the most important part of the building on a regional and national level is the matching single-storey element at the west end, built as the Doctor's surgery and consulting rooms. This is indicative of the history and origin of the building and of local healthcare provision in the days prior to the NHS. Few such annexes are known to survive anywhere. The building overall, and this annexe in particular, provide a fascinating companion to the Grade II-Listed Horton Hospital, which is again built in red brick Gothic.

No.3 West Bar draws communal value from its prominent location on West Bar Street, only a few metres from Banbury Cross. It has particularly high communal value to the many residents who were registered at its GP surgery in NHS days and to many of the more elderly who are old enough to remember the main building as a Doctor's house and who can recall the single-storey annexe as the public-facing part of the practice.

The building's historical value is similar to its evidential value, viz. the size, single-storey surgery and decorative treatment all being indicative of the high social status of a successful GP in Victorian times and of healthcare provision in the days prior to the NHS. The building overall, and its annexe in particular are certainly now certainly unique in North Oxfordshire, provide a fascinating companion to the Grade II-Listed Horton Hospital, which is again built in red brick Gothic.



General view looking south-west, showing the building's relationship to the adjoining row of Gothic terraced villas. Single-storey GP's surgery at centre of image



View of the West Bar Street (north) elevation looking south-east, with single-storey former Doctor's surgery on right



General view of the West Bar Street (north) elevation, with single-storey former Doctor's surgery on right



General view of the more altered east elevation facing The Shades, showing the prominent '1871' date stone. The surface parking, two truncated chimney stacks and four inserted NHS-period rectangular steel casement windows somewhat diminish the aesthetic value of this elevation.

Planning History

The Site has a long planning history:

- **CHN 483/90** - Demolition of single-storey element and replacement with two- and three-storey element in its place. (Permitted with Conditions). Not implemented
- **CHN CA 288/92** - Demolition of single-storey element and replacement with two- and three-storey element in its place. (Permitted with Conditions). Not implemented
- **08/00919/F** - Conversion and change of use of existing offices to create 10 no. new apartments, three storey extension, replacement of existing single storey element with two storey extension and associated landscaping and 10 car parking spaces (Withdrawn)
- **08/01665/F** – Conversion and change of use of existing offices to create 10 no. new apartments, three storey extension, replacement of existing single storey element with two storey extension and associated landscaping and 10 car parking spaces (Permitted, with Conditions)
There was no corresponding application for Conservation Area Consent, making the application not possible to implement. The application lapsed, with the S106 unsigned.
- **16/00037/F** - Conversion and change of use of existing offices to create 12 no. new apartments. Works including: new 2.5 storey extension (previously approved); replacement of existing single storey element with 2.5 storey extension (previously approved 2 storey extension); associated landscaping and parking (amended scheme to 08/01665/F) (Permitted, with Conditions). Not implemented
Whilst the building was inscribed on the Local List at this time, the Local List had not been formally adopted. It is noted that CDC's Conservation Team did not comment and there was no supporting Heritage Statement. To date it would appear that the S106 has not been signed and the consent remains unimplemented.
- **17/00308/F** - Extension to existing building (similar to the above, also for 12 new apartments) (Permitted, with Conditions).
Whilst the building was inscribed on the Local List, the Local List had still not been formally adopted. It is noted that CDC's Conservation Team did not comment and there was no supporting Heritage Statement. It is not possible to determine whether "*great weight (was) given to the asset's conservation*", but the term does not appear in the Decision Notice or the Committee Report.

To date it would appear that the S106 was has not been agreed and the consent remains unimplemented.

- **17/00914/F** - Demolition of existing single storey element (currently used as a driving test centre) and erection of new building to provide 4 flats (Permitted, with Conditions)
Whilst the building was inscribed on the Local List, the Local List had still not been formally adopted. It is noted that CDC's Conservation Team did not comment and there was no supporting Heritage Statement. To date it would appear that the S106 was has not been agreed. The consent remains unimplemented.
- **17/01599/O56** – Prior Approval of Change of use from Office (B1(a)) to 8 dwellings (C3) (Refused, as it sought change of use of extensions that had not been constructed).
- **17/02425/O56** – Prior Approval of Change of use of existing building (B1(a)) to 8 Dwellings (C3) (Permitted, with Conditions). The consent remains unimplemented.

In each case above (save possibly **CHN 483/90** and **CHN CA 288/92** which are not available online), on each occasion the Officer's Report refers to the previous consents as justification for approval, despite the changing heritage context, including:

- The introduction of the Banbury Local List (c.2000, but unadopted formally until 2018)
- The adoption of the first Banbury Conservation Area Appraisal (2004)
- The replacement of PPG15 by PPS5 and PPS5 Practice Guide in 2010, introducing the requirement for Heritage Statements and providing new protections for non-designated assets;
- PPS5 being replaced by the NPPF and Planning Practice Guidance (as above) in March 2012,
- The adoption of the Cherwell Design & Conservation Strategy 2012-2015 (adopted June 2012)
- The drafting and eventual adoption of the 2nd Banbury Conservation Area Appraisal, including the Local List and Article 4 Directions (2017-18).

In all of the approvals, the involvement of Cherwell's conservation and design specialists has apparently been the exception rather than the rule and at no point has the applicant, nor the Council's conservation team, been asked to provide an assessment of the building's heritage significance or the impact of the proposals on the significance of the host building, nor on the Conservation Area, nor the nearby Listed buildings.

Assessment

In the terminology of the NPPF and PPS5 before that, No.3 West Bar is undoubtedly a *non-designated heritage asset*. The proposed development thus has the potential to result in physical harm to it – See NPPF, para 197: "*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*"

All precedent consents, save for **17/02425/O56** – Prior Approval of Change of use of existing building (B1(a)) to 8 Dwellings (C3)), would result in substantial harm to this exceptional locally-listed building. The development now proposed is clearly less harmful than all of those previously consented, because it largely retains the existing external proportions of the building, including most significantly, the single-storey former Doctor's surgery at the building's western end.

The proposed development will nevertheless involve the addition of a new tower-like extension to the host building's east elevation, facing towards The Shades and the backs of the Listed buildings on South Bar. This will result in a series of physical impacts to two of the characteristic remaining chimney stacks on this elevation and will visually conceal what would remain of them. Historic windows will also be lost. The internal alterations will involve a series of impacts that will alter the traditional circulation routes and the original hierarchy of internal spaces and could result in wholesale loss of surviving historic features, including surviving historic joinery and plasterwork. Whilst there is no requirement to upgrade the building to meet Part L of the Building Regulations (because the building is in a Conservation Area) the change to residential use could lead the applicant to seek to replace the building's generally well-preserved traditional fenestration. Whilst the proposed extension on the east side admirably mimics the building's Gothic detailing, the application does not seek to mitigate its own impacts through the compensatory

repair of previous damage to it, viz. the previous truncation of other chimney stacks or the damage done through the insertion of four rectangular steel-framed windows by the NHS.

In terms of public benefits, the current application delivers no greater public benefit than the existing consent for change of use (**17/02425/O56**), both delivering 8 dwellings, set against the disbenefit of the loss of the present town-centre B1(a) use.

Thus the present application offers no additional public benefit, but requires greater harm to this unusual and historic locally-listed building. Normally it would be hard to justify the additional harm, given the lack of additional public benefit, resulting in a refusal of consent based on ESD15 and para 197 of the NPPF.

That said, we have a situation where we have three arguably flawed 'live' consents (**16/00037/F**, **17/00308/F** and **17/00914/F**) that are considerably more harmful than the present application, all approved (without specialist input) on the pretext of precedent consents going back to 1990, before PPS5, before the NPPF and PPG, before not just the current Banbury Conservation Area Appraisal but the one before that, before the Cherwell Design and Conservation Strategy, before the building was on an adopted Local List and before it was given additional protection of Article 4 status.

Conclusion

The Council will need to decide for itself whether to approve the present application or to refuse it under ESD15 and para 197 of the NPPF. Given the changes that have occurred since 1990 in heritage protection, locally and nationally, the application should be decided from first principles on its own merits and current planning policy and guidance and in line with the advice of the Council's conservation specialists, rather than on the basis of previous consents.

Should the Council decide to approve the application, we would urge that this be with minor amendments or Conditions to secure:

- Pre-commencement building recording to an appropriate level, including the recording of the building's interior to include historic internal details and later NHS changes;
- Notwithstanding the submitted drawings, the replacement of rectangular steel-framed windows in the east elevation with Gothic-headed windows to match the existing;
- Restoration of chimney stacks and replacement of lost chimney pots to a pattern to be agreed in writing;
- The retention or replication as appropriate of traditional rainwater goods and soil vent pipes;
- The repair of all existing timber barge-boards, including the replacement of any missing crockets;
- Any repointing (if required) to be lime-based, to be agreed in writing (if required);
- The retention and repair of all existing timber sash windows, with secondary glazing if required; and
- The revocation of all other existing 'live' consents, save for the consented Prior Approval for Change of Use (**17/02425/O56**).

Of these Conditions, we would regard the last as by far the most important.

Yours sincerely

Rob Kinchin-Smith

Chairman, Banbury Civic Society

(see over for comparative elevations)



North elevation facing West Bar Street as existing (top), as consented under **17/00914/F** (centre) and as now proposed (bottom)



East elevation facing The Shades and the rear of Listed properties on South Bar Street, as existing (top), as consented under **17/00914/F** (centre) and as proposed (bottom)



Rear (south) elevation, as existing (top), as consented under **17/00914/F** (centre) and as proposed (bottom)