

<b>APPLICATION NO.</b>	<a href="#">P22/S2932/LB</a>
<b>APPLICATION TYPE</b>	LISTED BLDG. CONSENT
<b>REGISTERED</b>	9.8.2022
<b>PARISH</b>	THAME
<b>WARD MEMBERS</b>	Pieter-Paul Barker Kate Gregory David Bretherton
<b>APPLICANT</b>	Caffe Gloria LTD
<b>SITE</b>	Wall between No. 104 & 105 High Street Thame, OX9 3DZ
<b>PROPOSAL</b>	Creation of new opening at the first floor level between 104 & 105 High Street to allow for increased covers for Caffe Gloria.
<b>OFFICER</b>	Dani Rogers

## 1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application is referred to the Planning Committee at the request of Councillor David Bretherton on the grounds that the harm to the fabric of the listed buildings is outweighed by an otherwise empty building being bought into commercial use for the benefit of the public.
- 1.2 The application site, which is shown on the plan attached as **Appendix 1**, consists of two separate listed buildings. 104 High Street is a grade II listed former townhouse dating back to the early 19th century. 105 (and 106) High Street is a grade II listed former Coaching Inn dating back to the 18th century.
- 1.3 104 High Street is currently occupied by Mountain Warehouse on the ground floor and commercial offices on the first and second floor. At the rear, planning permission was granted in 2018 for conversion of part of the office to a single residential unit. 105/106 High Street is currently occupied by Biagio the jewellers on the ground floor and Gloria’s Café on the ground and first floor.
- 1.4 The application seeks listed building consent to remove a section of the wall between numbers 104 and 105 High Street to create an opening, allowing further seating for the café. This can be seen on the proposed first floor plan below:



Conservation Officer (South and Vale) – Object (see details below)

### **3.0 RELEVANT PLANNING HISTORY**

#### **3.1 [P21/S2622/PEO](#) - Advice provided (05/08/2021)**

Convert jewellery shop into coffee shop. Serving coffee, soft drinks, alcohol, antipasti, pastries & cakes. Open between 7am & 6pm extended to 10pm in summertime.

### **4.0 ENVIRONMENTAL IMPACT ASSESSMENT**

#### **4.1 N/A**

### **5.0 POLICY & GUIDANCE**

#### **5.1 The Planning (Listed Building and Conservation Areas) Act 1990**

**NPPF Chapter 16 Paragraphs 194-208**

**Development Plan Policies**

**South Oxfordshire Local Plan 2035 (SOLP) Policies:**

ENV6 - Historic Environment

ENV7 - Listed Buildings

#### **5.2 Thame Neighbourhood Plan**

None that are directly relevant to the proposal.

#### **5.3 Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

### **6.0 PLANNING CONSIDERATIONS**

#### **6.1 The relevant planning considerations are the following:**

- **Impact on the historic and architectural interest of the listed building**
- **Public benefits and heritage balance**

#### **6.2 Impact on the historic and architectural interest of the listed building**

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.3 The conservation officer provided the initial assessment copied below:

Recommend refusal.

The proposal concerns the breaking through of an established historic party wall between Nos 104 and 105 High Street Thame. These are two separately listed buildings which have historically fulfilled different town functions.

The first floor of 105 is currently occupied by the noted cafe/restaurant who wish to extend their seating area through to the first floor of 104. This would involve the demolition of a small area of primary fabric in a solid brick masonry party wall. It should also be noted that part of the skirting to the front room of 104 would be lost.

While the brickwork itself does not possess high historical value, the configuration of rooms of each property, and especially what appears to be the historical uninterrupted configuration and decorative scheme of the piano nobile (first floor front room) of 104 is of high historical significance.

The interruption of this configuration by joining these two buildings at any level through the party wall would result in a loss of distinction between the two properties and be an unnecessary and confusing alteration to their established plan form. This would amount to a substantial level of harm to both listed buildings. I must therefore recommend that this application for development be refused.

- 6.4 Following a site visit, the conservation officer provided further comments as copied below:

After visiting the site and discussing the proposal with the Conservation and Design Team I am compelled to deliver a response consistent with my previous assessment of less than substantial harm. The proposed doorway removes the historic separation of two listed buildings of different ages and phases of period construction. These buildings were never intended to intercommunicate, and the proposed doorway is a clear breach of this intention, altering the design of the plan form which historically focuses on vertical integration and not horizontal integration.

The proposed doorway harms the high aesthetic significance of the principle front room of No 104 by removing the symmetry of the east wall. The symmetry of the chimney breast in the principal room was of key importance to period architects and the proposed doorway interrupts this symmetry. Further to this, the front rooms of the first floor represent what are likely one of the best-

preserved examples of merchant class 19<sup>th</sup> century first floor town living in Thame, meaning any interruption to the symmetry and decorative scheme here would be especially damaging.

I consider therefore that the proposed works amount to a medium to high level of less than substantial harm.

That said, this level of harm may be reduced slightly by relocating the proposed doorway to Floorspace 3, as identified in drawing LB-04 of the submitted plans. This would avoid any interruption to the well preserved decorative and plan form of the front rooms. The relocation of the doorway out of the front room would reduce the level of harm to No 104 by preserving the character of the higher status front rooms. In my opinion, any proposal to connect these two separate listed buildings horizontally will erode their historic and architectural interest, resulting in some level of less-than-substantial harm to their significance which will need to be weighed by potential public benefits by the Case Officer.

If this opening is still desired, I would encourage the applicant to explore the option above and I am happy to review amended plans.

6.5 Following discussion with the applicant, they did not wish to pursue the alternative option as proposed by the conservation officer above.

**6.6 Public benefits and heritage balance**

Paragraph 199 of the NPPF advises 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. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

6.7 The conservation officer has identified within their assessment that the proposal would lead to medium to high level of 'less than substantial' harm. In accordance with Paragraph 202 of the NPPF, the harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

6.8 Within the Heritage Assessment, the heritage officer argues that the proposal 'would bring a new use to the upper floors of number 104 High Street and that 'it would provide an economic use for number 104, which has been empty since the beginning of covid'. The Covering Letter argues that the council 'should consider this proposal acceptable, thus allowing the vacant floor to be brought back into use by the public'.

6.9 No further evidence has been provided to demonstrate that the building's (104) optimum viable use as an office is 'at risk', or that the proposed works and use of the building are fundamentally necessary to secure the buildings' optimum viable use or long-term conservation. The offices can in fact be converted at

any point into another use specified within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) without obtaining planning permission. Therefore, providing a wide range of options for its independent use should conversion be required.

- 6.10 Although the opening between the two buildings would provide extra seating for the café, I consider the benefit in this instance to be largely private to the owners of the business. Therefore, I consider the harm to the fabric of the listed buildings not to be outweighed by any public benefit.

## **7.0 CONCLUSION**

- 7.1 In officer's opinion the loss of historic fabric, by way of the opening between number 104 High Street and number 105 High Street, to allow for the extension of seating for 'Cafe Gloria' would result in removal of primary fabric and alteration to the design of the plan form. The proposal would result in a medium to high level of less than substantial harm to the significance of both designated Grade II listed buildings. The public benefits of extending the seating of the existing cafe do not outweigh the identified harm to the significance of the designated heritage asset. As such, the proposal is contrary to policies ENV6 and ENV7 of the South Oxfordshire Local Plan 2035 and paragraph 202 of the National Planning Policy Framework.

## **8.0 RECOMMENDATION**

**Refuse listed building consent for the following reason:**

- 1. The proposed opening between number 104 High Street and number 105 High Street, to allow for the extension of seating for 'Cafe Gloria', would result in removal of primary historic fabric and alteration to the design of the plan form. The proposal would result in a medium to high level of less than substantial harm to the significance of both designated Grade II listed buildings. The public benefits of extending the seating of the existing cafe do not outweigh the identified harm to the significance of the designated heritage asset. As such, the proposal is contrary to policies ENV6 and ENV7 of the South Oxfordshire Local Plan 2035 and paragraph 202 of the National Planning Policy Framework.**

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