

1 Bear Garden Road, Banbury

12/01607/CAC

Ward: Banbury Easington

District Councillor: Fred Blackwell, Kieron Mallon and Nigel Morris

Case Officer: Rebekah Morgan

Recommendation: Approval

Applicant: Mr A Osborne

Application Description: Demolition of existing commercial unit

Committee Referral: Member Request

1. Site Description and Proposed Development

- 1.1 The existing building is a two storey, red brick property positioned on the end of a small terrace of residential properties. The application site consists of only the building which fronts directly onto the street and has no other associated outdoor space. The building is a commercial/industrial unit and its last use was as a joinery workshop. The building is currently vacant.
- 1.2 The building is locally listed and situated within a Conservation Area.
- 1.3 The application seeks consent to demolish the existing building. An associated application (12/01606/F) has been submitted for the redevelopment of the site.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment is the 3rd January 2013. At the time of writing the report, no correspondence had been received as a result of this consultation process. Any comments received will be reported to the committee.

3. Consultations

- 3.1 **Banbury Town Council:** Objects to the loss of a locally listed building. Would prefer to see a conversion.

Cherwell District Council Consultees

- 3.2 **Conservation Officer:** No objections

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C23: Retaining buildings, walls and other features in Conservation Areas

South East Plan 2009
BE6: Management of the historic environment

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan - Proposed Submission Draft (May 2012)

The draft Local Plan is due out for public consultation in the near future. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Character and historic significance of the building
- Positive and proactive approach

Relevant Planning History

5.2 Application 95/01368/CAC – Conservation Area Consent granted for the demolition of the building in association with an application to redevelop the site. That application (95/01344/F) granted consent for a three storey (two bedroom) dwelling.

5.3 The application is a resubmission of application 12/01032/CAC. The previous application was withdrawn after concerns were raised relating to the level of detail contained in the design and access statement.

5.4 Following a pre-application meeting with the case officer and the Council's conservation officer, the application has been re-submitted with a revised design and access statement

Character and historic significance of the building

5.5 Paragraph 135 of the National Planning Policy Framework states that '*The effect of any application on the significance of a non designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly 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*'.

- 5.6 When assessing an application for the demolition of a building, there are several points to consider; the historic significance of the building, its current state, its contribution to the Conservation Area, the alternative options for the site, and any benefits of the proposed redevelopment.
- 5.7 No. 1 Bear Garden Road is a small former commercial/industrial unit and is a locally listed building. The local listing clearly shows that the building has been identified as a building of local importance, however despite this, very little appears to be known about the building. The Council's Conservation Officer has stated that *'it's last use was as a joinery workshop, but it is clear from the large amount of alterations that have been undertaken to the front elevation that this was not its only use'*.
- 5.8 The building forms part of Banbury's industrial heritage and has some relationship with the 'workers cottages' on Milton Street. The lack of historic information relating to the building makes it difficult to assess the significance of the building and its contribution to the history and character of the Conservation Area.
- 5.9 The building is currently in a relatively poor state; previous alterations to the front elevation have not been sympathetic. The building appears to have suffered from frost damage and movement in places, and therefore would require a substantial amount of work if it were to be converted to any new use.
- 5.10 The historic significance of the building lies in its former use rather than its current appearance. It could be argued that the current appearance has a negative impact on the Conservation Area. Due to the limited information about the building, it would be difficult to re-create the front elevation which has any historic correctness as there is little to base the design on. Furthermore, the structural engineers report suggests it would be financially unviable to convert the building. If a viable use can not be found, the building is likely to decay further if it remains vacant. Therefore the officers are doubtful about a viable alternative to demolition being found.
- 5.11 The redevelopment of the site can be approached in a variety of ways; re-build a 'typical' Victorian workshop; use a completely modern design; or the proposal to design a building that is influenced by the architecture of the Conservation Area. The Council's Conservation Officer has considered all of these approaches (Full comments available online) and advised that the applicants approach is considered to be the most appropriate for the site.

Conclusion

- 5.12 The existing building is currently vacant and through its history has undergone some unsympathetic alterations. Unfortunately, due to the lack of historic information, it is difficult to argue a case for the retention of the building. Having considered all of the options, the redevelopment of the site appears to have the greatest public benefit, therefore outweighing the loss of the locally listed building.
- 5.13 Paragraph 136 of the National Planning Policy Framework states that *'local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will*

proceed after the loss has occurred'. Therefore, conditions have been recommended to ensure the building is not demolished without the redevelopment of the site following on.

- 5.14 The loss of the building and redevelopment of the site will not have a detrimental impact on the character or appearance of the Conservation Area. The proposal accords with government advice on conserving and enhancing the historic environment contained within the National Planning Policy Framework, Policy BE6 of the South East Plan and Policy C23 of the adopted Cherwell Local Plan.

Positive and Proactive Approach

- 5.15 The applicant and his agent entered into pre-application discussions with the case officer and the Council's conservation officer. The concerns raised in relation to the previous applications discussed prior to the resubmission of the applications.
- 5.16 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

6. Recommendation

Approval, subject to the following conditions:

1. S.C 1.4A (RC2) – [Time]
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: Drawing number 001, drawing number 002A, drawing number 003A, drawing number 004A and drawing number 005A received 12 November 2012.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with the National Planning Policy Framework.

3. S.C 5.3A (RC25A) – [Demolition and redevelopment of site]

4. Prior to any demolition on the site and the commencement of the development, a professional archaeological organisation/building recorder acceptable to the Local Planning Authority shall carry out a full recording of the building concerned and submit the record to the Local Planning Authority.

Reason - To secure the proper recording of the building which is of archaeological or historic importance, to comply with Government advice on conserving and enhancing the historic environment contained within the National Planning Policy Framework and Policy BE6 of the South East Plan 2009.

SUMMARY OF REASONS FOR THE GRANT OF CONSERVATION AREA CONSENT AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, Government advice contained within the NPPF and the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its merits as the proposal preserves the character and appearance of the Conservation Area. As such the proposal is in accordance with Government guidance on conserving and enhancing the historic environment contained within National Planning Policy Framework, Policy BE6 of the South East Plan 2009 and Policy C23 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and Conservation Area Consent granted subject to appropriate conditions, as set out above.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.