

**Site Address: Crown House
Christchurch Court
Banbury**

13/00455/CAC

Ward: Banbury Grimsbury and Castle

District Councillor: Councillors Andrew Beere, Ann Bonner and Margaret Cullip

Case Officer: Graham Wyatt

Recommendation: Approval

Applicant: Slighte Ltd

Application Description: Partial demolition of 18 Bridge Street, Banbury

Committee Referral: Public interest and because of simultaneous submission of application by Cherwell DC – see other reports on this agenda

1. Site Description and Proposed Development

1.1 18 Bridge Street was constructed in the early 1900's and is of a mock Tudor design. The building is essentially split into two elements. The western part of the building is currently occupied by a hairdressers. The remaining building to the east is currently vacant and would be demolished and replaced as part of the proposal. The application seeks Conservation Area Consent to demolish 18 Bridge Street and replace it with a restaurant with five apartments above. Planning application 13/00454/F deals with the replacement building and this application considers the loss of the building which lies within the Banbury Conservation Area.

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 was the 21st May 2013. One letter from the Campaign to Protect Rural England (CPRE) was received as a result of the consultation process objecting to the development. CPRE state that the loss of 18 Bridge Street would have a detrimental impact on the Conservation Area and should be resisted.

3. Consultations

3.1 **Banbury Town Council:** No objection to the hotel development but object to any loss of Bridge Street frontage.

Cherwell District Council Consultees

3.2 **Conservation Officer:** I support the development of this site which has detracted from the quality of Banbury Town Centre for many years. The design proposals for the site involve a simple renovation of the main building and demolition and reconstruction of number 18 Bridge Street. While a wholesale redevelopment of the site could optimise the potential of this site, the current proposals would improve the appearance of the area and bring it into active use.

4. Relevant National and Local Policy and Guidance

4.1 Adopted Cherwell Local Plan (Saved Policies) (ACLPL)

C23: Conservation Areas

Other Material Considerations - Policy and Guidance

4.2 Cherwell Local Plan - Proposed Submission (August 2012) and Focussed Consultation (March 2013) (PSLP)

The Local Plan (March 2013) has been out for a second round of public consultation. 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. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

ESD16 The Character of the Built & Historic Environment

National Planning Policy Framework

5. Appraisal

5.1 The key issues for consideration in this application are:

- Character and historic significance of the building.

Character and historic significance of the building

5.2 18 Bridge Street is a mock Tudor building which was built in the early part of the 20th Century and is not a listed building. It is however, within the Conservation Area. Part of the building is currently in use as a hairdressers and it is proposed to retain this part. The remainder of the building will be demolished and replaced with a contemporary building that will provide a restaurant at ground floor with 5 duplex apartments over.. The Bridge Street facade would then comprise three double doorways which provide entrance to the restaurant. The first floor would provide three sets of double windows with a zinc mansard roof at second floor. The elevations will white render. The merits of the replacement building are not for consideration as part of this application, rather the loss of the building to be replaced.

5.3 Saved policy C23 of the adopted Cherwell Local Plan states that there "will be a presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character or appearance of a Conservation Area."

5.4 The Cherwell Local Plan - Proposed Submission (August 2012) and Focussed Consultation (March 2013) has been through a second round of public consultation and is the subject of objections that are currently being considered. The plan has not been through an examination by an inspector appointed by the Secretary of State. Therefore, while the plan has some weight, this is limited due to its current status and the policies may not take their current form on adoption. Policy ESD16 requires new development to "preserve, sustain and enhance designated and non-designated heritage assets..."

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 The building at 18 Bridge Street is a pastiche of a Tudor building from a former era. The building has the appearance of age although it was built in the early part of the 20th century. The building is attractive in its design, as are most buildings of this type. However, one has to balance the scale of harm resulting from the loss of the building and its potential impact on the character of the Conservation Area.
- 5.8 In my opinion, the loss of the building and its replacement with a restaurant and apartments would have a greater public benefit as opposed to retaining the building simply for the sake of keeping it. I would expect the greater use of the building as a restaurant and its contribution to the night time economy at this part of the town, coupled with the residential accommodation above outweighs the loss of the building. The Conservation Officer has not objected to the proposal.
- 5.9 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, a condition has been recommended to ensure the building is not demolished without the redevelopment of the site.
- 5.10 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.

Engagement

- 5.11 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 determination of the application.

6. Recommendation

Approval, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

3. None of the buildings the subject of this consent shall be demolished until a contract has been let for the redevelopment of the site in accordance with the granting of a planning permission for such redevelopment.

Reason - To ensure that the demolition of the building is not unrelated to a replacement development in order to safeguard the historic character and visual

amenities of the locality in accordance Government guidance contained within the National Planning Policy Framework.

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.