

# **Cherwell District Council**

## **Lead Member Report – Lead Member for Planning**

**31 August 2018**

### **Banbury Conservation Area Appraisal**

#### **Report of Assistant Director for Planning Policy and Development**

This report is public

#### **Purpose of report**

To consider the adoption of the Banbury Conservation Area Appraisal and Management Plan and the revised boundary of the Banbury Conservation Area.

#### **1.0 Recommendations**

1.1 The Lead Member is recommended:

To approve the revisions to Banbury Conservation Area boundary and to adopt the Banbury Conservation Area Appraisal and Management Plan.

#### **2.0 Introduction**

- 2.1 The Banbury Conservation Area Appraisal and Management Plan have been produced as part of a rolling programme of works, which includes the review of all the conservation areas within Cherwell, undertaken by the Design and Conservation Team.
- 2.2 This report sets out the comments received on the draft appraisal, the proposed changes to the Banbury Conservation Area boundary. The report requests that both the proposed changes to the conservation boundary and the amended appraisal are approved under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 with immediate effect.
- 2.3 The Conservation Area Appraisal looks to identify and analyse the distinctive character of an area derived from its unique topography, historic development and features such as buildings, streets, layout and form.
- 2.4 The Management Plan seeks to outline opportunities to enhance the area and identify threats to its character and appearance. This determines a series of action points outlined to address these issues.

- 2.5 The appraisal of the character of a conservation area provides a sound basis for development control and for developing initiatives for improving the area. A clear definition of those elements which contribute to the special architectural or historic interest of a settlement will provide a robust framework for the future management of that settlement against which applications can be considered.
- 2.6 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides legislation for the protection of the nation's heritage of buildings and places of architectural and historic interest, '*the character or appearance of which it is desirable to preserve or enhance.*' Local planning authorities have a duty under the Act to consider boundary revisions to their conservation areas 'from time to time'.

### **3.0 Report Details**

- 3.1 Banbury Conservation Area was first designated in 1969. This is the third review of the conservation area. The purpose of a conservation area appraisal is to provide a comprehensive assessment of the current character and appearance of the conservation area to provide a basis for informed judgements on the future conservation and management of the designated area.
- 3.2 The existing boundary to the conservation area included the original medieval core and the surrounding 18<sup>th</sup> and 19<sup>th</sup> century extensions to the town. A number of limited changes to the boundary were proposed as part of the re-appraisal to provide a more comprehensive conservation area approach, these include:
- The extension of the boundary to include the northern suburb of Neithrop and also Castle Street.
  - The land formerly part of the Calthorpe estate at the heart of the conservation area.

### **Public Consultation**

- 3.3 A draft appraisal document was prepared and an exhibition and public meeting arranged for Thursday 22 June 2017 to enable local residents and those interested to inspect the draft document in order to comment upon the proposed conservation areas boundary and to identify buildings of local interest.
- 3.4 Public consultation took place on the draft appraisal between 22 June 2017 and 27 July 2017 with the approval of the lead member. The document was available to download from the Council's website and in hard copy from Bodicote House and available to view at both Banbury and Woodgreen libraries. Copies of the draft appraisal document were handed out at the public meeting and additional copies made available by request. The exhibition has been on display in the shop window of 68-69 High Street, one of several empty properties in the town. Publicity was also undertaken through local leaflets and posters.
- 3.5 The public meeting was attended by CDC lead member for planning, Cllr Clarke, the Team Leader for Design and Conservation and a Senior Design and

Conservation Officer. It was attended by around eighteen residents, who engaged in debate about the proposals.

- 3.6 A total of 10 written responses were received including 6 emails only. These were all supportive of the Banbury Conservation Area Appraisal except one email where the correspondent expressed concern over the proposal to issue Article 4 Directions covering the pre-WWI council housing in Kings Road. The Banbury Town Council, Banbury Heritage Working Party (BHWP), the Cherwell North CPRE and Banbury Civic Society (BCS) were extremely supportive.

### **Conservation Area Boundary**

- 3.8 Comments in relation to the boundary were supportive; some changes to the boundary have been suggested through the public consultation. The BHWP and the BCS petitioned robustly for both the inclusion of Neithrop and adjacent areas as well as additional boundary extensions. The CPRE also petitioned for the boundary to be extended beyond that proposed.
- 3.9 The proposed boundary to Banbury Conservation Area will be taken forward, with the addition of the northern suburb of Neithrop and Castle Street, an infamous 19<sup>th</sup> century working class area and the area formerly part of the Calthorpe estate in the heart of the conservation area. Other proposals for the extension of the area have not been taken forward. These include further extension along Warwick Road to the north and the inclusion of one cottage on Union Street. Any development in the surrounding area would impact on the setting of the conservation area and would be considered accordingly.

### **Buildings of local significance**

- 3.10 The NPPF asks Local Authorities to identify buildings and structures of local heritage significance. Cherwell District Council's has a district-wide programme of Local Heritage Assets (formerly known as the Local List). A number of properties have been proposed for inclusion on this register and this was strongly supported locally and by Historic England (HE). In particular Kings Road Pre-WWI council houses were previously put forward for listing, HE expressed the view that that these buildings should be identified as non designated heritage assets (Local Heritage Assets) as well as protected by an Article 4 Direction.

### **Article 4 Directions**

- 3.11 The executive of Cherwell District Council had previously authorised the rolling out of a district-wide programme of Article 4 Directions. The issue of selective Article 4 Direction was raised both at the public meeting and with the BHWP. Whilst there was some concern as to the financial implication for residents and commercial tenants, the idea was ultimately supported by everybody except one resident. The proposal for an Article 4 Direction will be progressed independently of the Conservation Area Process.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 Conservation area appraisals are an important way of ensuring that this aspect of policy framework is up-to-date, robust and of the greatest value in the consideration of development proposals within conservation areas.
- 4.2 Up-to-date conservation area appraisals will assist the consideration of planning applications in the areas covered by the appraisal from the point at which they are adopted, and will also assist the implementation of the Cherwell Local Plan
- 4.3 It is for these reasons that it is recommended that the revisions to the boundary of the Banbury Conservation Area be adopted along with the Banbury Conservation Area Appraisal and Management Plan.

## **5.0 Consultation**

Public consultation – 22 June 2017 to 27 July 2017

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified:

Option 1: To agree the recommendations as set out in the report

Option 2: To amend the recommendations

Option 3: Not to agree the recommendations

## **7.0 Implications**

Financial and Resource Implications

- 7.1 Any expenditure in relation to the conservation area reviews for the villages will be from existing resources.

Comments checked by:

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### **Legal Implications**

- 7.2 Conservation areas may affect residents of the district, business and other parties. Works that can usually be undertaken to the land and property as 'permitted development' may be restricted in conservation areas.
- 7.3 If adopted, the Banbury Conservation Area Appraisal and Management Plan will become part of the evidence base for the forthcoming Local Plan and represent a material consideration in the planning process.

Comments checked by:  
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## 8.0 Decision Information

### Wards Affected

Banbury Calthorpe and Easington  
Banbury Cross and Neithrop  
Banbury Grimsbury and Hightown  
Banbury Hardwick  
Banbury Ruscote

### Links to Corporate Plan and Policy Framework

This report directly links to all three themes from the Joint Corporate Strategy 2018-19:

- District of Opportunity & Growth
- Protected, Green & Clean
- Thriving Communities & Wellbeing

### Lead Councillor

Cllr Colin Clarke  
Portfolio Holder for Planning and Environment

### Document Information

Appendix No	Title
Appendix 1	Banbury Conservation Area Appraisal and Management Plan
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