

<b>Application No:</b> <b>10/00122/CAC</b>	<b>Ward:</b> <b>Bicester Town</b>	<b>Date Valid:</b> <b>25/02/2010</b>
<b>Applicant:</b>	Sanctuary Group, Hindle House, Trinity Way, Adderbury, Banbury, Oxfordshire, OX17 3DZ	
<b>Site Address:</b>	Bryan House, Chapel Street, Bicester, Oxfordshire	

**Proposal:** Demolition of wall to Chapel Street car park and other means of enclosure within the Conservation Area.

## 1. Site Description and Proposal

- 1.1 The site is located south west of Bicester Market Square between Chapel Street and Priory Lane within the historic core of the town and partly within the Conservation Area.
- 1.2 Bryan House, falling short of current standards for accommodation, is scheduled for demolition but is not within the Conservation Area. The remaining parts of the site are predominately used for car parking but the site features walls and other means of enclosure which fall within the Conservation Area and are subject of this application for their demolition to make way for a development currently under consideration (10/00106/F refers) and the proposed redevelopment is a demonstration project identified in the Eco Town Growth Funding Bid.
- 1.3 The principle affected wall, subject of this application and proposed for demolition, runs alongside the southern access point to the site on its south side. Other walls include those either side of footways and covered areas to Town Brook are similarly affected as are the steel railings which run alongside that same brook. For ease of reference the affected features are identified on amended drawing, number 2007/1016/P18.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notice, neighbour letter and press notice. The final date for comment was 5 March 2010. No comments have been received.

## 3. Consultations

- 3.1 Bicester Town Council – **No objection.**
- 3.2 Conservation Officer – **No objection.**  
It is recognised that the proposal will facilitate the redevelopment of the Bryan House site resulting in an overall enhancement of the Conservation Area. There should be a presumption in favour of retaining traditional materials.

## **4. Relevant Planning Policies**

- 4.1 Applications for Conservation Area Consent for demolition are governed by the Town & Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 and the present legislative provision relating to such cases is found in the Planning (Listed Buildings and Conservation Area) Act 1990. The current circular is 01/2001. Relevant to this case is that the guidance advises that any gate, wall, fence or other means of enclosure which is more than one metre high where it abuts a highway (including a footpath, waterway or open space) requires Conservation Area consent.

- 4.2 Central Government Guidance in the form of PPS5: Planning for the Historic Environment

On 23 March 2010 the Government introduced this new planning guidance PPS5 which supersedes the PPG guidance notes with immediate effect. Members are advised that paragraph 20 of the accompanying practice guide states:

‘Nothing in the PPS changes the existing legal framework for the designation of scheduled monuments, listed buildings, conservation areas, registered parks and gardens or protected wrecks. Existing law also sets out the basis on which scheduled monument consent, listed building consent, conservation area consent or licences to deal with protected wrecks may be required. Again, nothing in the PPS changes those requirements and the interpretation of the words and phrases used.’

- 4.3 South East Plan Policies: BE6

- 4.4 Adopted Cherwell Local Plan: saved policy C23

- 4.5 Non-Statutory Cherwell Local Plan 2011 Policies: EN39 and EN40

## **5. Appraisal**

- 5.1 The only issue to consider in the determination of this application is the effect it will have on the character or appearance of the Conservation Area. The proposal will only be acceptable if it assists in the achievement of the objective of preserving or enhancing the Conservation Area. PPS5 holds the general presumption in favour of retaining building/structures which make a positive contribution to the character or appearance of the Conservation Area and as such proposal to demolish should be assessed against the same criteria as proposal to demolish listed buildings. Where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the Conservation Area, including, where appropriate through development.

- 5.2 In this case, the walls are made of natural stone but in themselves are not remarkable features. Similarly the boundary treatment along the brook is mainly simple modern hand railings which do not improve or enhance the area. The development of the site as a whole will improve the Conservation Area and it requires that these walls and enclosures are removed. It is the opinion of HDC&MD

that the application for their removal has sufficient merit to stand alone and does not require to be conditioned to ensure their replacement given that this could be adequately achieved by other more simple means. However, retention of the stone, being a traditional material, could be achieved and used elsewhere in the development of the site, hence the recommendation.

## **6. Recommendation**

**Approval subject to the following conditions:**

- 1. 1.5A (RC3)**
- 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with drawing nos. 2007/1016/P02, P03 and P018 and the design and access statement submitted with the application.  
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 Policy BE1 of the South East Plan 2009**
- 3. That the stone on the existing walls shall not be disposed of but shall be conserved and re-used in the redevelopment of the Bryan House site.  
Reason: To ensure that the materials are preserved and retained and that the completed development is in keeping with and conserves the historic character and visual amenities of the locality in compliance with Policy BE6 of the South East Plan 2009.**

### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the Planning (Listed Building and Conservation Areas) Act 1990, Government advice contained in PPS5 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 Policy BE6 of the South East Plan 2009 and Policy C23 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and Conservation Area Consent granted subject to appropriate conditions as set out above.

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