



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) AND PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Mr Richard Walker
Walker Graham Architects
44 Horton View
Banbury
OX16 9HP

Listed Building Determination

Date Registered: 23rd May 2022

Proposal: Alterations to and conversion of upper floors to apartments. New access in front facade

Location: 14 & 15 High Street, Banbury, Oxfordshire, OX16 5EE

Parish(es): Banbury

LISTED BUILDING CONSENT SUBJECT TO CONDITIONS

Cherwell District Council, as Local Planning Authority, hereby **GRANTS** listed building consent for the works described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information, **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

David Peckford Assistant Director - Planning and
Development
**Assistant Director – Planning and
Development**

Date of Decision: 19th August 2022

Checked by: Nathanael Stock

SCHEDULE OF CONDITIONS

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

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and drawings numbered WG1103-001, WG1103-007B, WG1103-008B, WG1103-009B, WG1103-010A, S1 and GSG-001.

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

3. Notwithstanding the details on the approved plans and prior to any works to the existing shop front, full details of the proposed new shop front and access to the flats including, sections drawings, materials and finish shall be submitted and approved in writing by the Local Planning Authority. The new shop front shall thereafter be completed in accordance with the approved details prior to the first occupation of any dwelling hereby permitted and shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to any works to any external windows or doors, a schedule identifying the window/doors to be repaired and those to be replaced shall be submitted and approved in writing by the Local Planning Authority. Where this proposes the replacement of historic windows it must be supported by suitable evidence to demonstrate that the condition of any historic window is not suitable for repair.

- Where repair is proposed, full details of the proposed repairs to said items, including a method statement for the works, shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

- Where new windows or doors are proposed full details of the doors and windows, at an appropriate scale including a cross section, cill, headers and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority.

The doors and windows shall not be provided other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of any works, a schedule of repairs/replacement to the floors, walls and ceilings of each room of the building including relevant drawing and method statements for undertaken the works shall be submitted and approved in writing. The details shall demonstrate how impact on historic features and fabric will be reduced during the works. Within the room in the attic to be used as habitable accommodation this shall include details of the new partition all beneath the existing purlin. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special

character of the existing historic building and to comply with saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of any internal works to the flooring, ceilings and walls of the building, a schedule of works and method statement detailing any re-wiring, plumbing, ventilation, fire prevention methods, sound proofing and thermal upgrading shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how the works will limit the impact on historic fabric and also include the position and appearance of vents and. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the details on the approved plans, prior to any works to any existing stair in the building, including removal, full details of any such works proposed shall be submitted and approved in writing. The details shall include how the historic elements of the stair shown to be removed, including the historic balustrade and newel will be retained. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the installation of the new stair in the building, full details of the stairs and the works required to accommodate them shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the installation of any new internal walls hereby permitted, details of new internal walls and their junction with the existing historic fabric of the building, including chimney breasts, shall be submitted, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the removal of any internal doors, a schedule and full details of existing internal doors and proposed internal doors within the building, and where appropriate scale drawings including a cross section or photographs, to include finish, shall be submitted to and approved in writing by the local planning authority. The doors shall not be installed within the building other than in accordance with the approved details. All existing internal doors shall remain on site unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C18 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

11. Prior to the first occupation of the development, details of the screens to protect occupants in the rooms with low window sills shall be submitted and approved in writing by the Local Planning Authority. This shall include details of the appearance and how they will be fixed to relate to the window. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the installation of any secondary glazing, details of how the glazing will be installed to reduce impact on historic features such as timber window surrounds shall be submitted and approved in writing by the Local Planning Authority. This shall include details of the appearance and how they will be fixed to relate to the window. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the removal of any existing internal wall or creation of new openings, full details of any structural works to accommodate these alterations shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

INFORMATIVE NOTES TO APPLICANT

1. **Conditions** – the applicant’s attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £34 per request for householder development and £116 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has ‘1app’ forms for such applications, but their use is not mandatory.

There is no fee for the discharge of conditions on listed building consents.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.



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NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 12 and Schedule 3 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, listed building and conservation area consents are subject to time limits. If a condition imposing a time limit has been expressly included as part of the consent, then that condition must be observed.

If listed building consent or conservation area consent is granted without such a condition, then it shall be deemed to have been granted subject to the condition that the works to which it relates shall be begun not later than the expiration of three years from the date on which consent was granted.

This does not apply to any consent for the retention of works granted under Section 8(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which authorises such works only from the date of the grant of that consent.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.

OTHER NECESSARY CONSENTS

This document only conveys listed building consent or conservation area consent for the works the subject of the application, and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters:

- The need in appropriate cases to obtain planning permission for the proposed works.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further

advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 01295 227006 or E-mail at building.control@cherwell-dc.gov.uk

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site - Telephone: 01295 227006. Email: Building.Control@Cherwell-dc.gov.uk**
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development requires any of the above consents or approvals.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant consent subject to conditions, you can appeal to the First Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If you wish to appeal, then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000.**

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

PURCHASE NOTICES

If listed building consent or conservation area consent is granted subject to conditions, whether by the Local Planning Authority or by the First Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he/she may serve on the District Council a purchase notice requiring the Council to purchase his/her interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.