

# LISTED BUILDING CONSENT STATEMENT OF COMMON GROUND

Former Buzz Bingo Site, Bolton Road, Banbury, OX16 0TH

APPEAL REF: *APP/C3105/Y/22/3298661*

**planning***issues*  
TOWN PLANNING AND ARCHITECTURE

TOWN & COUNTRY PLANNING ACT 1990

APPEALS BY CHURCHILL RETIREMENT LIVING LTD AGAINST CHERWELL DISTRICT COUNCIL'S FAILURE TO DETERMINE A PLANNING APPLICATION FOR THE REDEVELOPMENT FOR 80 RETIREMENT LIVING APARTMENTS INCLUDING COMMUNAL FACILITIES, CAR PARKING AND LANDSCAPING & ITS FAILURE TO ALSO DETERMINE A LISTED BUILDING CONSENT APPLICATION FOR ASSOCIATED REMEDIAL WORKS TO TRELAWN HOUSE

SITE: Former Buzz Bingo site, Bolton Road, Banbury, OX16 0TH  
& Trelawn House, 34 North Bar Street, Banbury OX16 0TH

LPA REFS: 21/04202/F & 21/04179/LB

PLANNING INSPECTORATE REFS: APP/C3105/W/22/3296299 & APP/C3105/Y/22/3298661

PLANNING INQUIRY DATE: 9<sup>th</sup>-12<sup>th</sup> August 2022

## 1.0 INTRODUCTION

- 1.1 This Listed Building Consent Statement of Common Ground has been prepared by the Appellant but submitted jointly by the District Council as Local Planning Authority and the Appellant in this its final version.
- 1.2 The statement relates solely to the listed building consent application (21/04179/LP) that accompanied the planning application for the redevelopment of the adjoining site for 78 Retirement Living apartments for older persons including communal facilities and car parking. It has been produced by the parties following Inspector's request for clarification on the parties position with regard to the proposed remedial works to the listed building, Trelawn House.
- 1.3 The statement should be read alongside the previously submitted and agreed Statement of Common Grounds (July 2022).

## 2.0 APPEAL PROPOSAL

- 2.1 The application for listed building consent was submitted in conjunction with the planning application (21/04204/F) for 80 [now 78] Retirement Living apartments for older persons. The application was required for remedial works to the listed building (Trelawn House) following the demolition of the existing Buzz Bingo building which physically adjoins the listed building.
- 2.2 Trelawn House is an early 19th Century Grade II Listed building, fronting North Bar Street. It is constructed of red brick and is surrounded on three sides by the Buzz Bingo building and associated offices fronting North Bar Street. The walls directly adjoin on the northern and southern elevations and there is around a 50cm gap to the rear of the building.
- 2.3 It is uncertain what the condition of the external walls of the listed building will be following removal of the Buzz Bingo building and the Appellant put forward with the listed building application a couple of options for the public facing brickwork with preference for the remove of all internal plasterwork from the wall, clean and repair bricks and repoint all mortar joints. The second option proposed involved an application of a lime based mortar to the external face of the building. The rear elevation to Trelawn House has been much altered including large areas of blockwork and the application proposed to apply a lime based mortar to ensure rear elevation is watertight. If the appeal is allowed and listed building consent granted, then the Council would prefer the Appellant's Option 1 for the north and south flank elevations and would support the proposals for the eastern rear elevation.
- 2.4 The listed building application subject of this appeal was submitted to Cherwell District Council on 16th December 2021 and validated from the 23rd December 2021. The target date for determination was 10th February 2022. The Appellant lodged an appeal for non-determination of this application on the 11<sup>th</sup> May 2022.

### 3.0 UNDETERMINED DRAWINGS AND DOCUMENTS

3.1 The application submitted to the Council in December 2021 included the following plans:

<b>Details</b>	<b>Plan Number</b>	<b>Scale</b>
Site Location Plan	10116BB-PA20	1:1250 @ A4
Site Plan	10116BB-PA21	1:200 @ A1
Existing Elevations	10116BB-PA22	1:50 @ A1
Proposed Works	10116BB-PA23	1:50 @ A1

3.2 The application was also submitted with the following accompanying statements and information;

- Design and Access Statement by Planning Issues Ltd;
- Planning Statement by Planning Issues Ltd;
- Heritage Statement by Ecus Ltd;
- Covering Letter.

### 4.0 DEVELOPMENT PLAN POLICY

4.1 It is agreed that the following are relevant policy/guidance considerations in respect of this Appeal.

Development Plan Policy

Cherwell Local Plan 2011-2031

Policies:

- ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996

Policies:

- C18: Determining applications for Listed Building Consent

National Planning Policy

National Planning Policy Framework

- Section 16 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance (NPPG) 2019

- Historic Environment

Other Material Considerations

Banbury Conservation Area Appraisal (Sept 2018)

5.0 Agreed Position

5.1 The Local Planning Authority's evidence confirms at Paragraph 6.1 of Mr Bateson's proof that *'No particular reasons for refusing the listed building remediation works necessary to Trelawn House in the event of the planning appeal being allowed were advanced (application 21/04202/F), as they would only be consequential works'*.

5.2 The parties agree that the following conditions would be appropriate in the event of the appeals being allowed:

6.0 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 remedial works being carried out information regarding to the exposed elevations following demolition of the adjoining building are to be submitted to the Local Planning Authority along with a schedule of proposed works and finishes to be approved in writing by the Local Planning Authority and thereby carried out in accordance with the approved details.

7.0 SIGNATORIES

Signed....  .....

Mr. Matthew Shellum on behalf of Churchill Retirement Living Ltd.

Date.... 8<sup>th</sup> August 2022.....

Signed.. 

Mr. Andrew Bateson on behalf of Cherwell District Council.

Date....8<sup>th</sup> August 2022.....