



## **Heritage Appeal Statement:**

**Former Buzz Bingo, Bolton Road, Banbury,  
OX16 5UL**

**Appeal by Churchill Retirement Living**

**Planning Application: 21/04202/F  
& 22/04179/LB**

**PINS: APP/C3105/W/22/3296229  
& APP/C3105/W/22/3298661**

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# 1. Introduction

## 1.1 Qualifications and Experience

- 1.1.1 My name is Paul White. Since 2013 I have been employed as Head of Heritage at Ecus Ltd, an independent, multi-disciplinary environmental consultancy providing professional environmental management advice and services to a variety of public sector and private clients in the UK.
- 1.1.2 I graduated with a Bachelor of the Arts (Special Honours) degree in Archaeology from the University of York in 1995, and a Masters of Philosophy in Geographic Information Systems and Remote Sensing from the University of Cambridge in 1999.
- 1.1.3 Since 1995, I have worked as a professional archaeologist and heritage consultant which has included: (i) six years as a Landscape Archaeologist with Herefordshire Council, leading projects on recording and analysing local distinctiveness of the non-designated built heritage of the county; and (ii) eight years with Wessex Archaeology where I was part of the Conservation Management team specialising in built heritage and historic landscapes. I am a Professional Member of the Chartered Institute for Archaeologists' (MCIfA), a Practitioner of the Institute for Environmental Management and Assessment (PIEMA) and an Affiliate member of the Institute of Historic Building Conservation (IHBC).
- 1.1.4 Since 2015 I have worked with Churchill Retirement Living on multiple schemes across the country advising on heritage issues from initial due diligence appraisals, planning application support and expert witness at appeals. This has included successful planning applications within World Heritage Site of the Cornwall and West Devon Mining Landscape in Tavistock which included the setting of the Grade II\* listed Church of Our Lady & St Mary Magdalene.

1.1.5 I can confirm that the evidence which I have prepared and provide for the appeal (reference number APP/C3105/W/22/3296229 and APP/C3105/W/22/3298661) is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

## **1.2 Statement of Involvement**

1.2.1 I have been involved with the design of the scheme and advising the appellant on the heritage constraints on the appeal site since August 2021. I can confirm that consideration of the historic environment around the appeal site have been at the forefront of the design of the appeal scheme from the outset and as such has ensured that there is no harm to the heritage significance of the designated heritage assets.

## **1.3 Scope of Statement**

1.3.1 This evidence is submitted on behalf of Churchill Retirement Living Ltd (the Appellant) in support of its appeal against the non-determination of a planning application (21/04202/F) by Cherwell District Council (the Council) in March 2022 for the redevelopment of the former Buzz bingo site for 80 retirement living apartments including communal facilities, access parking and landscaping.

1.3.2 Within the Officer's Report (OR) Reason 1 for Refusal (RfR) relates to heritage and states:

*The development proposed, by virtue of its scale, form and design in relation to Trelawn House adjacent and the Banbury Conservation Area is considered to have a detrimental impact (less than substantial) upon the character and appearance, historical integrity and setting of this grade II Listed building and would fail to preserve and enhance the character and appearance of the Banbury Conservation Area. Furthermore, the development by virtue of its form*

*and design fails to provide the bespoke landmark building as required by Policy Banbury 8 and the Banbury Vision and Masterplan SPD 2016. The benefit of bringing the site back into use and making efficient use of the land would not outweigh the harm caused to the heritage assets. The proposals are therefore contrary to saved Policy C18 of the adopted Cherwell Local Plan 1996, Policies Banbury 8 and ESD15 of the adopted Cherwell Local Plan 2015 and Government guidance within paragraphs 199, 202 and 206 of the National Planning Policy Framework.*

- 1.3.3 The RfR1 clearly states the two specific designated heritage assets, the Grade II listed Trelawn House and the Banbury Conservation Area which would be harmed by the virtue of the scale, form and design. This harm is considered by the Council to be less than substantial and as such NPPF 202 is engaged.
- 1.3.4 It is my professional opinion that the scheme would not result in harm to either of these designated heritage assets as a result of the proposed changes within their setting nor to the character and appearance of the small part of the appeal site that falls within the conservation area.
- 1.3.5 If the Inspector is minded to consider that there is less than substantial harm, then in accordance with NPPF 202 that harm should be weighed against the public benefits of the proposal. The public benefits of the proposal are provided within Mr. Shellum's planning evidence.
- 1.3.6 This statement refers to the Heritage Statement (HS) prepared by Ecus Ltd in December 2021 and submitted as part of the planning application.
- 1.3.7 The heritage significance of designated heritage assets (i.e. listed buildings and conservation area) and, where relevant, the contribution of the settings to their heritage significance is detailed in the HS (Section 4).

## 2. Planning Context

### 2.1 Planning Policy, Legislation and Guidance

2.1.1 Those policies, legislation and guidance that are considered relevant to heritage are:

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework, revised 20 July 2021, Section 16  
Conserving and enhancing the historic environment:
- National Planning Practice Guidance. Updated July 2019, Historic Environment  
Conserving and enhancing the historic environment:
- Cherwell Local Plan 1996: Saved Policy C18:
- Cherwell Local Plan 2015: Policies Banbury 8 and ESD15
- Cherwell District Council. Sept 2018, Banbury Conservation Area Appraisal
- Historic England The Setting of Heritage Assets Good Practice Advice in  
Planning Note 3 (2nd edition, December 2017):

### 2.2 National Planning Framework and Planning Policy Guidance

2.2.1 Section 16 of the NPPF relates to the conservation and enhancement of the historic environment within the planning regime. This is informed by the statutory duties as established in the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Act”). Of relevance to listed buildings is s.66 (1) of the Act which sets out the requirement to ‘*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*’ Section 72 (1) imposes an equivalent duty in relation to buildings and land within conservation areas, namely, that ‘*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*’

2.2.2 Paragraph 194 of the Framework establishes that the starting point for assessing

harm to heritage assets is to identify and assess the significance of the assets in question. Heritage significance is defined as *'the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'*.<sup>1</sup>

2.2.3 Paragraphs 199 to 202 consider the assessment of potential impacts to designated heritage assets. Paragraph 199 states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

2.2.4 In addressing harm to heritage assets, the Framework makes a distinction between 'substantial harm' and 'less than substantial' harm. Paragraphs 200 and 201 of the NPPF relate to the assessment of substantial harm to designated heritage assets, These state:

*200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*201. Where a proposed development will lead to substantial harm to (or total*

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<sup>1</sup> Annex 2 Glossary NPPF



*loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: (a) the nature of the heritage asset prevents all reasonable uses of the site; and (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and (d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

2.2.5 Paragraph 202 of the NPPF relates to less than substantial harm and states:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

2.2.6 The courts have clarified that substantial harm comprises serious harm to a heritage asset<sup>2</sup>. The Council do not consider NPPF 200-201 are engaged as part of the appeal (citing less than substantial harm within their reason for refusal and NPPF 202 is engaged). The recent decision of the Court of Appeal in *Bramshill*<sup>3</sup> has reaffirmed previous case law (*Jones v Mordue* [2015]) that if the approach in NPPF 200-202 is followed then the section 66 (1) duty is likely to be properly performed<sup>4</sup>.

2.2.7 The *Bramshill* judgment has provided clarity on the meaning of ‘great weight’ within NPPF199. The concept in NPPF 199 does not predetermine the appropriate amount

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<sup>2</sup> Bedford BC v SoS [2013] EHC 2847 (Admin)

<sup>3</sup> City & Country Bramshill Ltd v SoS for Housing, Communities and Local Government, Hart District Council, Historic England and National Trust [2021] EWCA Civ 320

<sup>4</sup> *Ibid*, paragraph 72

of weight to be given to the conservation of a heritage asset in a particular case<sup>5</sup>. The judgment continues that the imperative of giving ‘considerable weight’ to harm to the setting of a listed building does not mean that the weight to be given to the desirability of preserving it or its setting is ‘uniform’. That will depend on the extent of the assessed harm and the heritage value of the asset in question<sup>6</sup>. Therefore to apply the policy contained in those paragraph 199-202 correctly, it is necessary to first establish whether there will be any harm to the significance of a designated heritage asset as a consequence of what is proposed and, if so, to form a view on the extent and nature of that harm.

2.2.8 Paragraph 202 of the Framework states that less than substantial harm needs to be weighed against the public benefits of the scheme. The *Bramshill* judgment has confirmed that, in light of previous cases, such as *Palmer*<sup>7</sup>, there is no prescribed, single, correct approach to the balancing of such harm against any likely benefits. In terms of public benefits these do not need to be heritage benefits and all types of public benefits can be taken together and weighed against harm. Cases will vary and that the balancing exercise under policies 201 and 202 of the NPPF is not the whole decision-making process but only part of it.<sup>8</sup>

2.2.9 Paragraph 206 of the Framework states:

*Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

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<sup>5</sup> *Ibid*, paragraph 73

<sup>6</sup> *Ibid*, paragraph 75

<sup>7</sup> *Palmer v Herefordshire Council* [2016] EWCA Civ 1061

<sup>8</sup> *Ibid*, paragraphs 76-79

## 2.3 Consideration of Heritage Significance and Setting of Heritage Assets

2.3.1 The significance of heritage assets is defined in terms of their value to this and future generations because of their heritage interest, deriving not only from their physical presence, but also from their setting. This interest may be archaeological, architectural, artistic or historic.<sup>9</sup>

2.3.2 The setting of a heritage asset is defined within the NPPF as:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*<sup>10</sup>

2.3.3 As Historic England state within their widely adopted professional guidance on assessing the setting of heritage assets that setting is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.<sup>11</sup> Therefore the contribution made by the setting to their significance will vary and what is required to be considered is the capacity the appeal site has to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it.

2.3.4 The setting assessment undertaken as part of the original heritage statement and within my evidence has followed Historic England's staged approach to assessing setting:

- Step 1: Identify which heritage assets and their settings are affected
- Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated

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<sup>9</sup> (NPPF, Annex 2: Glossary)

<sup>10</sup> *Ibid*

<sup>11</sup> Historic England, The Setting of Heritage Assets (2nd edition, December 2017), page 4, paragraph 9

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- Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it.
  - Step 4: Explore ways to maximise enhancement and avoid or minimise harm<sup>12</sup>

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<sup>12</sup> Historic England, The Setting of Heritage Assets (2nd edition, December 2017), page 8, paragraph 19

## 3. Baseline Assessment

### 3.1 Introduction

3.1.1 This section summarises the detailed assessment of heritage significance of the identified heritage assets within the Heritage Statement (Ecus 2021). The setting of the heritage assets is also described together with its contribution to the heritage significance of the assets. The contribution of the appeal site is also assessed. This is in accordance with Historic England's Guidance Steps 1 and 2 for assessing the Setting of Heritage Assets (CD-19).

### 3.2 Trelawn

#### *Description*

3.2.1 A Grade II Listed Building, Trelawn comprises a former early nineteenth century house later bought by the council in the mid-twentieth under a compulsory order to make way for a new road scheme in this area (Photo 1). Archival sources<sup>13</sup> indicate that the building was then left to deteriorate before being used for several purposes including a junk store and temporary home of Banbury Cross Players. It has subsequently been converted into offices.

3.2.2 The two storey building is constructed of red brick with a hipped slate roof. Its principal (western) elevation features a central entrance with panelled door and decorative overlight and the door case has fluted Ionic columns. Sash windows are present on both floors and all windows have stepped keystone voussoirs (NHLE: 1046925).

#### *Heritage Significance*

3.2.3 The Listed Building is considered to hold high heritage significance due to its historic and architectural interests. These interests primarily relate to the architectural detailing and its form as an example of an early nineteenth century house. Despite

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<sup>13</sup> Article on Trelawn House, Banbury Guardian 23.9.1982 p. 6 a

alteration internally several nineteenth century features have been retained, including doors, door frames, ceiling mouldings and the staircase; these elements contribute to its historic and architectural interest. Its historic interest also derives from its development as part of the expansion of Banbury and the Listed Building also retains limited archaeological interest through its post-medieval fabric.

3.2.4 The Listed Building is set back from North Bar Street beyond an area of hardstanding and footpath. As the building is enclosed on all directions save to the west, views of the building are restricted to North Bar Street and the crossroads to the north west. These views allow for the physical fabric in the principal elevation to be appreciated and its position on the roadside to be understood. Due to the undulating character of the road and the presence of intervening built form, long-distance views of the principal elevation from along the road and the wider environs are restricted.

3.2.5 Historically, the Listed Building would have formed part of a built up residential frontage along the north eastern side of North Bar Street (Photo 2). A review of archival sources indicates that it formerly had a garden with a privet hedge, outbuildings (aviary) and decorative beds. Due to subsequent development and alteration the historic setting of this building to the immediate north, east and south does not survive and consequently the building cannot be understood or fully appreciated with its historic context (Photos 3 and 4).

### **3.3 Contribution of Setting to Heritage Significance**

3.3.1 The current setting of the Listed Building is dominated by the current building on the appeal site which does not hold, on its own or with Trelawn, any historic or architectural interest. In terms of plan, layout and construction there is no innovation or architectural features of rarity that are considered to contribute towards heritage interest and as a late twentieth century building it does not relate by age nor have any significant historical associations with Trelawn.

3.3.2 As a result of the late twentieth century development on the appeal site the space around Trelawn was encroached upon and has ultimately resulted in the Listed Building becoming encased on three sides and overwhelmed by the adjoining building. The appeal site in its current character and appearance is not considered to provide a positive contribution to the setting of this Listed Building. Its appearance in views which encompass the Listed Building is not considered to make a meaningful contribution and it actually detracts from the significance by diverting attention away in views along North Bar Street.

### **3.4 Banbury Conservation Area**

3.4.1 The Conservation Area was originally designated in 1969 but has since been subject to extension. The south west and western extent of the appeal site falls within Banbury Conservation Area.

#### ***Heritage Significance***

3.4.2 The Banbury Conservation Area is considered to be of high heritage significance due to its historic, architectural, artistic, and archaeological interests which are derived from the history and development of the settlement. The central core, which retains its medieval street pattern intact, is considered to be of particular significance and it is the continued development and growth of Banbury which has defined the character and appearance of the settlement in this area. The Grade I Listed Church of St Mary is a focal point on which settlement was and remains centred.

3.4.3 The main route corridor, which extends from South Bar Street northwards to Southam Road channels and defines movement through, into, and out of, the Conservation Area. These views demonstrate the importance this corridor has as a thoroughfare and the role the road network has played in the development of Banbury. The significance of the route corridor derives from the variety of buildings (types, ages, uses and styles) present along the route but the homogeneity of this character area is derived from its linear space clearly defined by strong building lines

(Banbury Conservation Area Appraisal, p. 4).

3.4.4 The Conservation Area contains buildings of high heritage significance which is recognised through their designation as Listed or Locally Listed Buildings. These include villas, nineteenth and early twenty century workers housing and nineteenth century middle class housing. Due to the variety of buildings present, which visually reveals the chronological development and expansion of the town (as well as trades and different social groups) eleven character areas have been identified within Banbury (Map 1) with those closest to the appeal site comprising:

- Medieval core;
- Church precinct;
- Main route corridor; and
- 19th century suburbs (north) – Neithrop, Warwick Road and Castle Street.

***Medieval Core Character Area***

3.4.5 The significance of the medieval core character area derives from its historic, and continued, function as the focal part of the town where land use is predominately civic and commercial. The medieval street pattern is preserved in this area and the built form is dense comprising enclosed street frontages with backland development. As a result views are funnelled along the streets and views over the wider townscape, including towards the appeal site, are restricted. The appeal site does not contribute to the character and appearance of the medieval core of Banbury. It does not contribute to those heritage interests which contribute to the significance of that character area and is not encompassed in any positive, negative or deflected views identified within the Conservation Area appraisal (Cherwell District Council 2018, p. 32) or noted during the site visit.

3.4.6 Views from the appeal site encompass the rear elevations of backland development extending off Parson's Street. Whilst such views illustrate backland development in former burgage plots these views are considered to provide less of a contribution



than those which encompass the principal elevations of the buildings (i.e. afforded along the primary and secondary streets). The built form in such views is not aesthetically pleasing and has been described as ‘unsightly’ in the Conservation Area Appraisal (Cherwell District Council 2018, p. 32).

#### ***Church Precinct Character Area***

3.4.7 The significance of the Church precinct character area derives primarily from the Grade I Listed Church of St Mary, its associated buildings and its setting. Its surroundings support its function as a place of worship and contemplation and the various footpaths running through the grounds connect it with the surrounding townscape. Its green aesthetic also contributes to and contrasts with the built up character of the surrounding environment. Due to the presence of dense mature vegetation and surrounding built form, long-distance views from the church precinct are restricted. There are no clear views from the character area towards the appeal site. Whilst views towards the church from the appeal site and its surroundings are restricted and glimpsed to the upper-stories of the tower, this assessment has concluded that such views are not of the greatest significance (they do not allow for a full appreciation) and the appeal site’s contribution to the wider townscape is not meaningful.

#### ***Main Route Corridor Character Area***

3.4.8 The heritage significance of the main route corridor derives from its character and appearance, both in the form of the route and in the buildings present along it, as well as the activity generated by movement. The main route corridor has evolved as Banbury has expanded and developed since the medieval period, with the western side of North Bar Street opposite the appeal site redeveloped as a modern three to four storey development (on the junction with Warwick Road).

3.4.9 As a result of the historic and ongoing redevelopment of this area, views along the

streetscape reflect the present day and consequently differ somewhat from views of the streetscape in the nineteenth and twentieth century as illustrated on historic photographs in the Conservation Area Appraisal (Cherwell District Council 2018, p. 24-25).

3.4.10 Cartographic and documentary sources therefore afford a full appreciation of the surviving historic building in its original historic context and form (Maps 2 and 3). Despite this, views along the streetscape do contribute to the overall character and appearance of this area today alongside elements such as strong building lines and boundary walls along the route, vegetation and landmark features such as the Grade II\* Listed Banbury Cross. The Site is encompassed within views along the main route corridor, notably from Horse Fair and North Bar Street. The appearance of the Site in such views is not considered to provide any meaningful contribution. Whilst it resembles late twentieth century development on the northern extent of North Bar Street, and forms a strong building line along the eastern side of the road, it is void of any historic or architectural interest. It draws attention away from its surroundings and in its current character and appearance is not considered to positively contribute or enhance this area. It has been identified as a negative landmark in the Conservation Area appraisal and I agree with this assessment (Cherwell District Council 2018, p. 41).

#### ***19<sup>th</sup> Century Suburbs (North) Character Area***

3.4.11 The character area 19th century suburbs (north) predominately covers Neithrop and Warwick Road although a small section extends along the northern side of Castle Street, opposite the appeal site, encompassing c. 5-83 Castle Street. The significance of this particular part of the character area derives from the terraced red brick housing which is illustrative of mid-nineteenth century two and three storey housing built as part of the expansion of Banbury during this period. This housing creates a strong building line along the northern side of Castle Street although it is

described within the Conservation Area appraisal as sitting 'ill with the twentieth century roads' (Cherwell District Council 2018, p. 93).

3.4.12 The appeal site is not in keeping through date or appearance with the terraced buildings along the northern side of Castle Street and the eastern extent of the appeal site, the car park, contrasts with the built up frontage to the north. Although views along Castle Street in both directions (east/west) encompass all of these elements of the streetscape, the appeal site is not considered to positively contribute and appears within the context of other modern development which comprises tall buildings. Similar such views are afforded across the Appeal site.

### ***Summary***

3.4.13 The appeal site, in its current character and appearance, does not contribute to the understanding and/or appreciation of the interests that embody the character areas mentioned above nor the wider Banbury Conservation Area. Although it illustrates historic development in the late twentieth century, and is a landmark building as a result of its position on the crossroads, through its lack of visual and architectural interest it provides a negative contribution. Its appearance in views does not enrich our understanding, experience or appreciation of the historic development nor does it complement and enhance its surroundings. The following statement in the Conservation Area appraisal is considered appropriate for the appeal site 'North Bar...lacks landmark buildings of any note' (Cherwell District Council 2018, p. 46). Based on the above, I consider that the appeal site makes a negative contribution to the setting and significance of the Banbury Conservation Area.

## **4. Analysis of the Appeal Scheme and Reason for Refusal No. 1**

### **4.1 The Appeal Scheme and Reason for Refusal No.1**

4.1.1 The design of the scheme is detailed in Mr Jackson's evidence, whilst my evidence considers the appeal scheme with regard to the built heritage

4.1.2 The OR states that the Appeal Scheme would lead to less than substantial harm to the setting of the Grade II Trelawn and Banbury Conservation Area by virtue of its scale, form and design. These aspects of the RfR are considered below and it will be demonstrated that they do not result in harm to the designated heritage assets.

#### ***Scale***

4.1.3 The proposals comprise a single building which extends along the northern and south-western part of the appeal site. The appeal Site is considered to have the capacity to accommodate the size of the footprint without appearing out of character as large footprints are not unprecedented either in the Banbury Conservation Area or its setting.

4.1.4 As the appeal site comprises a large boundary plot, it is considered to have the capacity to accommodate the density of development proposed. The proposals will introduce one building and through its design the overall mass and scale has been broken up by architectural elements such as projecting bays and setbacks.

4.1.5 The building has been designed to respect the topography within the area and consequently will have a staggered roof height. Along Castle Street the building will have a four storey corner element on the junction between Castle Street and Bolton Road, before stepping down to three and half and three storeys as it extends west. Although this part of the redevelopment will be taller in scale than the existing built form along Castle Street, it is not considered inappropriate as it would: result in a landmark building of visual interest; reference the strong frontage on the northern side of Castle Street; and funnel views eastward.

4.1.6 The south-western wing along North Bar Street will be three storeys in height.

Consideration has been given to the height and placement of the proposed building given its proximity to Trelawn and the townscape character of this part of the Conservation Area. Although the proposed building will be taller in height than the Listed Building, the difference is considered appropriate as it prevents the proposed building appearing as a continuation of the historic structure and thus resulting in a superficial echoing of the historic environment whilst permitting a demarcation, and thus appreciation, between the proposed modern and existing historic built form to the north and south (Grade II Listed 42 North Bar Street). The height of this part of the building has also been designed with the local topography in mind and will reflect the gradually decreasing/stepping down height of built form in a northward direction along the eastern side of North Bar Street. The roofline will also not exceed that of 42 Bar Street to the south. The design along this streetscape has taken into account the visibility of the appeal site in short and long-distance views along the main corridor route character area of Banbury Conservation Area and consequently its reduced height is considered appropriate and in keeping therewith.

4.1.7 The proposed building will also comprise a four storey element located on the southern elevation. Four storey elements are not uncommon in this area and its positioning ensures that it will not be visible from the majority of the Banbury Conservation Area or its setting. Clear views of this element will be predominately restricted to Bolton Road to the south and its appearance in such views would be in keeping with the context of the proposed building.

4.1.8 Whilst the proposals would introduce a building that is taller than what is currently on the appeal site, the development principles for the appeal site outlined in the Banbury Vision and Masterplan document produced by Cherwell District Council 2016 support development of three to four storeys in height in this area (p. 63). The masterplan document also supports the inclusion of an increase in building height

in the north eastern corner (the location of the proposed four storey element).

4.1.9 Historic buildings are predominately two and three storeys in height within this part of Banbury with modern development of three to four storeys. Consequently the proposed scale of the building reflects the variances in the surrounding built environment and ridgelines.

***Form***

4.1.10 The overall shape of the footprint of the building is considered positive and appropriate as it is orientated to and thus corresponds with the surrounding roads – Bolton Road, Castle Street and North Bar Street. By corresponding with the streetscape, the shape of the footprint addresses the townscape and removes a currently unattractive open site (in the eastern extent of the Site) from view. Locating the proposed retirement living accommodation car park in the southern extent of the appeal site creates more internal amenity whilst preventing the proposed car park becoming a dominant or visible feature in the townscape. The removal of an open car park along Castle Street is also considered positive as it removes an unsightly edge and introduces a strong building line which connects to North Bar Street.

4.1.11 The setback position from Castle Street with landscaped edge to the north would also be in keeping with the suggestions for development site 8 in the Banbury Vision and Masterplan document (Cherwell District Council 2016).

4.1.12 By creating cohesion in the building line along both Castle Street and North Bar Street, the shape of the footprint ensures that the development is in keeping with the character of built form in this area, i.e. continuous development overlooking the road and channelling views along the routes. The north eastern part of the building is short (does not extend along the eastern boundary) and consequently does not enclose the appeal site in its entirety.

4.1.13 Although the building will be setback from Castle Street beyond boundary treatments and an area of amenity grass and planting, this is considered appropriate

as it prevents the building appearing as an overly prominent structure immediately adjacent to the roadside drawing attention in views from the surrounding streets and overshadowing the terraces to the north. Its setback position will also result in the building being screened in long-distance views from Southam Road to the north west and along Warwick Road to the west.

4.1.14 The proposed positioning and location of the building is also considered beneficial as it would introduce space around the Grade II Listed Trelawn thus affording a degree of separation between the historic building and later development. As noted in the pre-application response, re-establishing space assists in redressing the harm caused by the existing building.

4.1.15 By removing the existing building within the appeal site and introducing space around the building, the northern and southern elevations would be exposed thus allowing for the historic fabric to also be experienced and the building to be understood and appreciated. As illustrated on historic mapping, these elevations would have historically been visible (the northern elevation predominately) from the surroundings and the reinstatement of views towards these is considered positive and an enhancement.

4.1.16 The inclusion of an area of public realm in the north western corner of the appeal site along with landscaping and planting between this area and Trelawn is also considered to be positive and beneficial to the setting of the historic building.

4.1.17 The proposed layout and positioning of the building is also respectful to the built form (designated (NHLE: 1046926, 1300919, 1369550, 1200151 and 1046927) and non-designated) which extends along the eastern side of North Bar Street to the south of the Site. The redevelopment will maintain the space between the southern elevation of the south-western part of the building and the built form to the south (the closest of which comprises No. 42 North Bar Street; NHLE: 1046926) and continue to use this area for pedestrian access. This is considered positive.

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### ***Design***

- 4.1.18 The design of the building takes inspiration from the surrounding townscape both in form and materials but avoids the introduction of a pastiche building which would be erroneous on the Site. The use of setbacks in replacement of gaps between sections of the building within the Site is deliberate and reflects the wider absence of gaps and continuous frontage which characterises the surrounding streetscape. The roof design is also in keeping with the continuous roof ridge line which is a key feature along Castle Street and North Bar Street, only broken by changing heights of buildings or gables.
- 4.1.19 The proposed materials include the combined use of brick and render and these chosen materials reflect the surrounding townscape and add interest to the vertical elements of the building aiding it to appear as a series of separate units with strong vertical rhythm and simple variation rather than one uniform building. The materials and colour palette reflect that which is already present within Banbury on historic and modern (i.e. on the junction between Warwick Road and North Bar Street) development.
- 4.1.20 Whilst the Conservation Area Appraisal has noted that there are several landmark buildings of no visual note, this assessment recognises the difficulty faced with development on such sites. A balance must be drawn between introducing buildings which are sympathetic, appropriate and of visual interest without result in the introduction of a dominant or focal structure (Cherwell District Council 2018, p. 46). The proposed redevelopment is considered to achieve this as it is simplistic, yet not generic, and modern, while exhibiting elements of the surrounding townscape.
- 4.1.21 Although the design includes the presence of dormers, these are limited to part of the Castle Street elevation outside of the Conservation Area. The absence of dormers within the conservation area is considered positive and ensures the character and appearance of the area is preserved.



4.1.22 The redevelopment would introduce space around Trelawn and make good the associated elevations following demolition of the existing building in the appeal site. By incorporating this within the design the proposals are in keeping with the aim of reinstatement in the Banbury Vision and Masterplan document and reinstate the character and historical integrity of the structure (Cherwell District Council 2016).

## **4.2 Impact upon the Identified Heritage Assets**

### ***Trelawn***

4.2.1 The removal of the existing building within the Site is considered to have a positive impact upon the setting of Trelawn. The redevelopment for retirement living accommodation is not considered to negatively impact upon our ability to understand, experience and appreciate its heritage interests inherent in the physical fabric. The redevelopment will enhance the setting, by revealing the listed building in its much altered setting since its original construction, and the design of the south western part of the proposed building is intended to complement Trelawn without drawing attention away from, overshadowing or providing a pastiche of the historic building. Although views from North Bar Street will encompass the Listed Building within the foreground of the redevelopment to its rear, the presence of such would not appear out of place in the townscape of Banbury.

4.2.2 Although the proposed building will be visible in the context of the Listed Building, its appearance will be an improvement upon the existing and its presence is not considered to affect the appreciate or ability to understand and appreciate the roadside and townscape setting of the building.

4.2.3 Whilst the pre-application advice raised concern over the design of the proposed redevelopment overwhelming and diminishing the character and historical integrity of Trelawn, it should be noted that its historical integrity and character is not as it was during the post-medieval period or early twentieth century due to subsequent

development within the Site.

- 4.2.4 The design of the proposed redevelopment does not repeat the harm caused by the existing building within the appeal site and is set away from (i.e. not attached to) the Listed Building. It would reopen elevations of the building which are currently hidden and intends to make good the building to ensure its long-term conservation. The works would enhance the building, reinforcing the heritage interests and the positive contribution it makes to the area.
- 4.2.5 Based on the above observations, no harm has been identified as a result of the redevelopment on the setting of the Grade II Listed Trelawn.

#### ***Banbury Conservation Area***

- 4.2.6 The existing Buzz bingo building makes a negative contribution to the character and appearance of the Conservation Area within its setting. Consequently the removal of the existing building would result in a positive benefit to the Banbury Conservation Area (together with the designated and non-designated heritage assets located within it) and its setting.
- 4.2.7 The appeal site is considered to have the capacity to accommodate the redevelopment without resulting in harm to either the designated area or its setting. The change in use from commercial to residential and the introduction of modern development would not be out of character. The redevelopment would be in keeping with the urban character of the area and has taken inspiration from both historic and modern buildings to be harmonious and in keeping with its surrounds.
- 4.2.8 Due to the continuing development of this area, views within the Conservation Area have been subject to change and consequently do not resemble that which was present in the post-medieval and twentieth century. Although historic buildings survive along the streetscapes from these periods, both the buildings themselves and their setting have been subject to change through the continual development

and growth of this area. The appearance of the proposed development in views therefore needs to be considered in the context of the current appearance of the appeal site and the negative contribution it provides.

4.2.9 The redevelopment would not be perceived from the majority of the Conservation Area and through its design it would not result in a dominating building which overshadows its surrounds. Establishing this building at a gateway entrance to the town would enhance the overall area and address the crossroads as being a point of ‘disorientation’ as identified within the Conservation Area Appraisal (p.41). The overall design is intended to introduce a building of prominence, rather than dominance, which draws inspiration from the surrounding townscape whilst reflecting the continuing development and growth of Banbury.

4.2.10 Although the redevelopment represents a change, it would not ultimately prevent the ability to understand, experience and appreciate the surrounding heritage assets or townscape of Banbury. The redevelopment would remove a building of no visual interest whilst preserving those elements of the established townscape that make a positive contribution. It represents an opportunity for regeneration which would enhance the quality of the streetscape which in turn would positively benefit views in this area and improve the public realm. The proposed development will address the following issues and opportunities outlined within the Conservation Area appraisal:

*Management and regeneration of degraded areas;*

*Encourage the protection of historic detail and the reinstatement of missing architectural details;*

*Ensure that all new development is sustainable, high quality, and responds to its historic environment (CAA, p. 5);*

*There are development opportunities to enclose the exposed backs of properties for example at Bolton Road (CAAherwell District Council 2018, p. 35)*

*North Bar is the poor relation in this linear family of streets and, despite the construction of a fairly massive block of apartments at the Warwick Road junction, lacks landmark buildings of any note (CAAherwell District Council 2018, p. 46).*

## 5. Conclusion

### 5.1 Summary

5.1.1 It is my professional opinion that the appeal site has the capacity to accommodate the proposed scheme without resulting in harm to the heritage significance of the listed building nor the conservation area. I do not share the opinion of the Council that the scheme would result in less than substantial harm and therefore, my view is that para 202 of the NPPF is not engaged. If, contrary to my view, the Inspector is minded to conclude that the proposal would result in less than substantial harm, then, in line with para 202 of the NPPF 202 and Policy EN9, he will need to weigh that harm against the public benefits of the appeal scheme which are set out within Mr. Shellum's evidence.

5.1.2 The appeal site currently comprises a building of no visual interest and with poor public realm. The eastern extent of the appeal site comprises an unattractive open area currently in use as a private car park. The appeal site is void of any heritage interest or elements which positively contribute to or enhance the streetscape or surrounding townscape which forms part of Banbury Conservation Area and its setting.

5.1.3 In line with Paragraph 206 of the NPPF, the redevelopment of the appeal site will enhance the Banbury Conservation Area (and the designated and non-designated heritage assets located within it) through: (i) the removal of a building/area which currently provides a negative contribution to the CA; and (ii) the proposed improvements to Trelawn House and the surrounding streetscene. Although the redevelopment presents a change, such change would not diminish our understanding of the historic environment, those key elements which contribute to it, nor the ability to experience it.

5.1.4 The overall design of the building is considered appropriate. Although the redevelopment would introduce a building which is taller than the majority of the

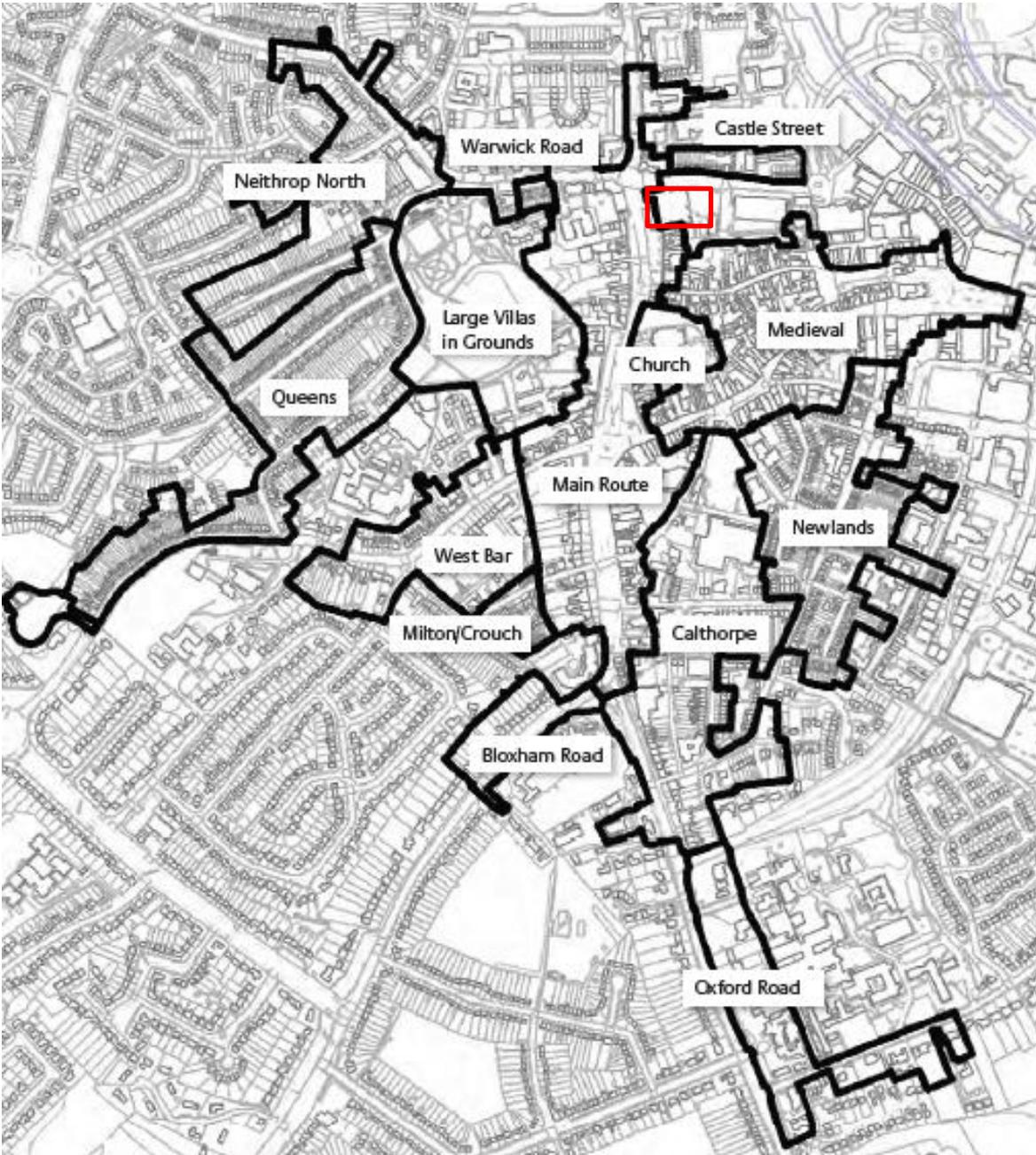
historic buildings within the Conservation Area, it would be observed in the context of other tall modern buildings with varying roof heights. By utilising the topography within its design the overall perceived height in such views would be reduced. The redevelopment presents a modern building that is contextual to its surroundings and to which it responds.

5.1.5 Although redevelopment of the appeal site would result in a change to the setting of Trelawn House, it would not result in harm to its heritage significance. Through its design and careful layout the scheme would enhance the setting and open up elevations currently blocked. Consequently, the Listed Building would be better understood, experienced and appreciated.

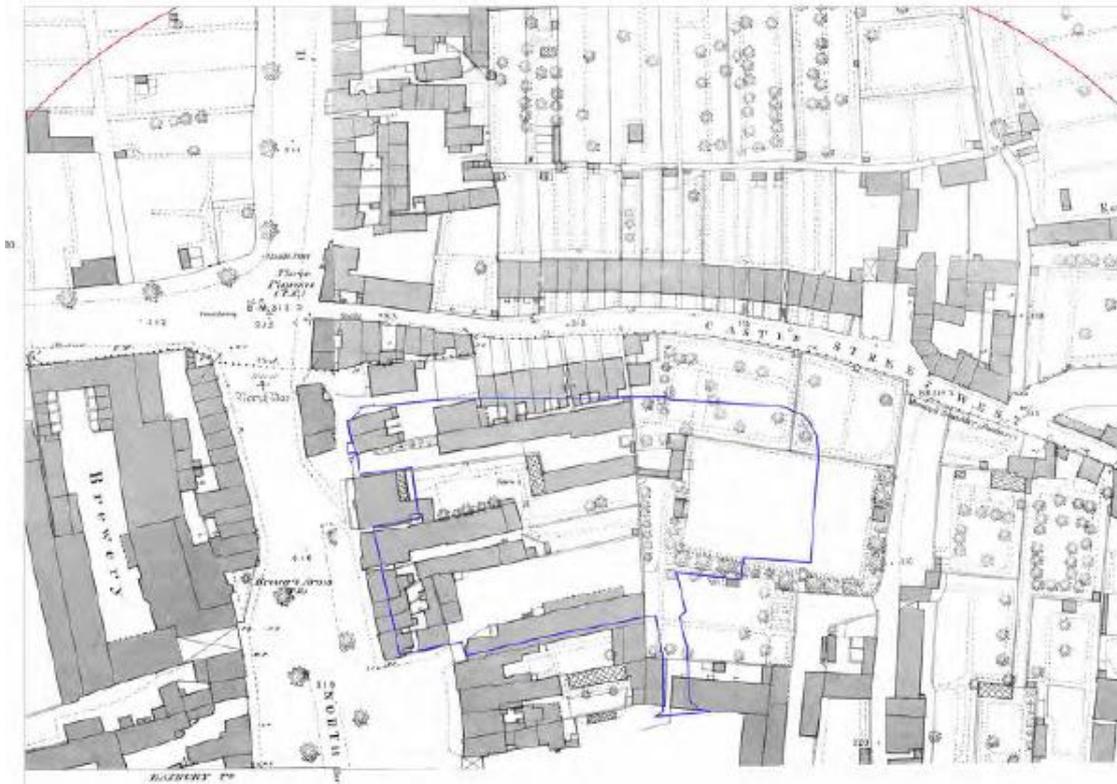
5.1.6 It is my professional opinion that the redevelopment of the Site presents the opportunity for regeneration, improvements to public realm and to enhance to the heritage significance of Trelawn House. As I have identified no harm to any heritage asset nor to the conservation area, the proposals are considered to accord with the duties set out at sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the NPPF and local planning policy.

# Illustrations

Map 1: Character Areas of Banbury Conservation Area. Site shown in red



**Map 2: 1882 1:500 Ordnance Survey Map**



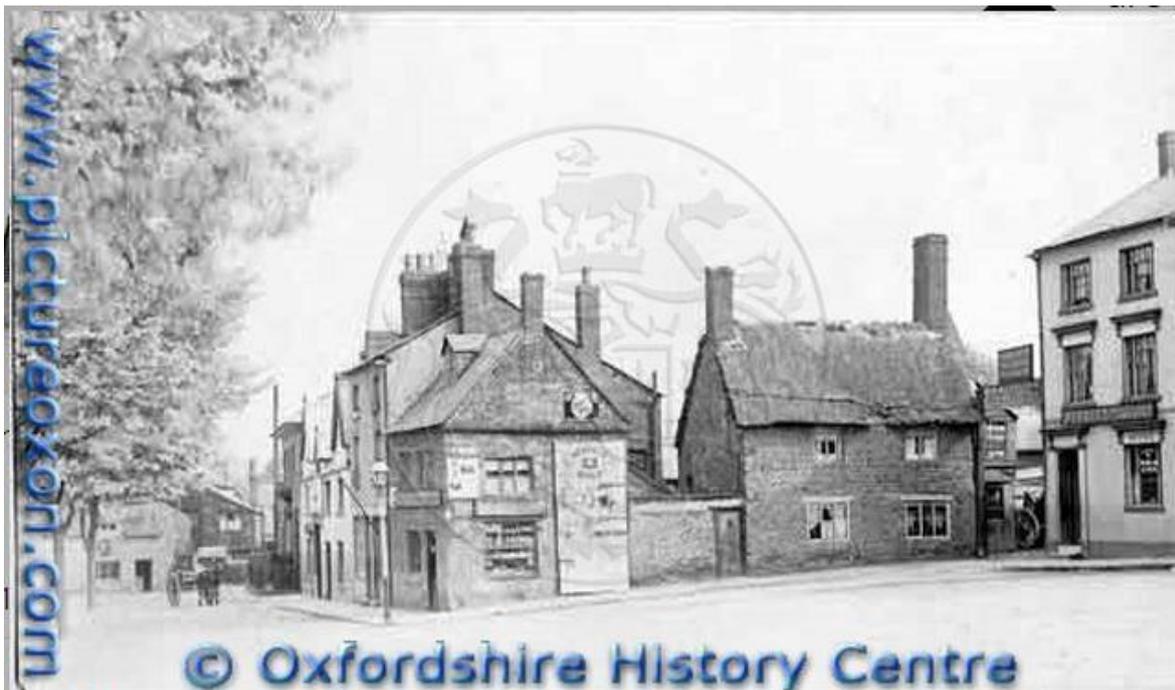
**Map 3: 1956 1:1250 Ordnance Survey Map**



**Photo 1: Trelawn House**



**Photo 2: 1908 photo showing former row of buildings on North Street prior to road widening. Trelawn on end of row with projecting cornice**





**Photo 3: Photo of Appeal Site along Castle Street circa 1980**



**Photo 4: North elevation of Trelawn house prior to re-development circa 1980**

