



Appeal Decisions

Inquiry Held on 9 August 2022

Site visit made on 16 August 2022

by **S R G Baird BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th August 2022

Appeal A - Ref: APP/C3105/W/22/3296229

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Churchill Retirement Living against Cherwell District Council
- The application Ref 21/04202/F is dated 15 December 2021.
- The development proposed is a redevelopment for 78 retirement living apartments including communal facilities, access, car parking and landscaping.

Appeal B - Ref: APP/C3105/Y/22/3298661

Trelawn House, North Bar Street, Banbury, OX16 0TH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
- The appeal is made by Churchill Retirement Living against Cherwell District Council.
- The application Ref 21/04179/LB is dated 15 December 2021.
- The works proposed are remedial works to the external elevations of Trelawn House following the demolition of the Buzz Bingo building.

Preliminary Matters

1. Originally submitted for 80 units, the application for the apartments was amended to 78 units. The local planning authority (lpa) resolved that had it been able to decide this application, it would have been refused for 4 reasons¹. The putative reasons for refusal (RfR) were, 1. an adverse impact on heritage assets, 2. drainage, 3. piecemeal development, and 4. the absence appropriate infrastructure contributions². The lpa did not pursue RfR 2 and 4³ and during the inquiry, the lpa said that it no longer intended to pursue RfR 4⁴.
2. The outstanding putative RfR reads, "*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*

¹ Planning Committee 19 May 2022.

² Cherwell District Council Statement of Case.

³ Statement of Common Ground.

⁴ Mr Bateson 10 August 2022.

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.

3. No putative RfR for the listed building consent (LBC) application were issued.
4. A signed Unilateral Undertaking (UU) under S106 of the above Act was submitted to provide financial contributions for Travel Plan monitoring and administration.

Decisions

Appeal A

5. The appeal is allowed and planning permission is granted for a redevelopment for 78 retirement living apartments including communal facilities, access, car parking and landscaping at the former Buzz Bingo, Bolton Road, Banbury, OX16 5UL in accordance with the terms of the application, Ref 21/04179/LB dated 15 December 2021, and the plans submitted with it, subject to the conditions contained in the attached Appeal A - Schedule of Conditions.

Appeal B

6. The appeal is allowed, and listed building consent is granted for remedial works to the external elevations of Trelawn House following the demolition of the Buzz Bingo building at Trelawn House, 34 North Bar Street, Banbury, OX16 0TH in accordance with the terms of the application Ref 21/04179/LB dated 15 December 2021 and the plans submitted with it subject to the conditions contained in the attached Appeal B - Schedule of Conditions.

Main Issue

7. Common to both appeals, this is, the effect on Trelawn House (TH), a Grade 2 Listed Building (LB) and the Banbury Conservation Area (CA).

Reasons

Development Plan and Other Policy Guidance

Local Context

8. The development plan includes the Cherwell Local Plan 2011–2031 Part 1 (CLP) and saved policies of the Cherwell Local Plan 1996 (LP). Of the policies listed in the Statement of Common Ground, the most important for determining these applications are, CLP Policies ESD 15 – The Character of the Built and Historic Environment, Banbury 8 – Bolton Road Development Area and LP Policy C18 – Listed Building Consents. The Ipa adopted, as a Supplementary Planning Document, the Banbury Vision and Masterplan (BV&M).
9. CLP Policy ESD 15 seeks high quality development that conserves, sustains, and enhances heritages assets (HA) through, amongst other things, respect for the traditional pattern of routes, spaces, enclosures and the form, scale, and massing of buildings. LP Policy 18 reiterates the statutory duty that, when considering proposals for listed building consent (LBC), the decision maker will

have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

10. CLP Policy Banbury 8 locates the sites within the Bolton Road Development Area, where a range of town centre and high quality residential uses are sought. Key design and space making principles include, designs that respect and enhance the CA and LB, the creation of a high quality public realm and schemes that, in terms of height and massing, are sensitive to their surroundings. Although the supporting text says that a Masterplan for the site is being prepared, to date nothing has been produced. The BV&M provides Urban Framework and Key Urban Design/Development Principles for the 3 sites that make up the Bolton Road allocation⁵. Despite the wording of the putative RfR, neither CLP Policy Banbury 8 nor the BV&M require the appeal site to provide a "landmark building". CLP Policy 8 relates to the whole allocation and seeks a "...high quality, landmark mixed use development...".

National Context

11. Paragraph 11d of the National Planning Policy Framework (Framework) says that where the most important policies for determining an application are out-of-date i.e., as in this case where the lpa cannot show a 5-year supply of deliverable housing land, permission should be granted unless Framework policy that, amongst other things, protects designated HAs provide a clear reason for refusing permission or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Framework Sections 6, 7, 11 and 12 recognise, the need to significantly boost the supply of homes particularly homes for older persons, that residential development can play an important role in ensuring the vitality of centres, the value of the effective use of under-utilised land and buildings with substantial weight attaching to the use of brownfield land and the need for high quality in the design of places and buildings.
12. The Framework recognises that HAs are an irreplaceable resource, to be conserved in a manner appropriate to their significance. When considering the impact of development on the significance of a designated HA, great weight should be given to its conservation and the more important the asset, the greater the weight should be irrespective the scale of harm. In cases where, as the lpa submit here, the development would lead to less than substantial harm to the significance of a HA, the harm is to be weighed against the public benefits of the proposal.

Appeal A

13. TH, a Grade 2 LB, is a double-fronted early 19th century former house of high architectural and historic significance. Architecturally, TH is as an example of an early 19th century dwelling and historically is associated with the expansion of Banbury. The setting of TH is restricted by its enclosure on 3 sides by the bingo hall and offices, to limited areas of North Bar Street (NBS) to the north and front of the building, the NBS/Castle Street junction, and short stretches of Southam Road and Warwick Road to the north and west.

⁵ Appendix 1.

14. The bingo hall is a late 20th century building with a squat ground-floor elevation dominated by a steep mansard roof. This building has no architectural or place making merit and is recognised as a negative landmark⁶. The modern office building is bland and in some views obscures TH. Neither of these buildings contribute to or allow the architectural and historic significance of TH to be fully appreciated. Indeed, their lack of any merit detract from the significance of TH. The lpa acknowledges that redevelopment would be a substantial benefit.
15. The road junction is identified by the lpa⁷ as an area of “*disorientation*”. Whilst term is not explained, its dictionary definition is, a feeling of being confused about where you are or what is happening. This aptly describes the contribution this part of TH’s setting contributes to its significance. Essentially the only part of TH’s setting where, its architectural significance, and to a lesser extent historic significance, can be fully appreciated is from directly opposite. However, in this view the significance of TH is diluted by the meritless and bland appearance of its neighbours.
16. The Banbury Conservation Area Appraisal (CAA) recognises the diverse character and appearance of the CA, dividing it into 14 character areas. Only TH, the front part of the office block and a short length of Castle Street are located within the Main Route Character Area. The mainly 3-storey terraced houses opposite (Nos. 5 to 43) and properties to the east are located within the Castle Street (19th century suburbs) Character Area.
17. The Main Route Corridor is extensive and runs through the heart of the CA and town centre from Southam Road in the north to South Bar Street in the south. The significance of this area is derived from the historic character of the route as a main route through the town, its linear form and variety of buildings spanning different periods. Buildings on NBS are identified as generally 3-storey and the frontage comprising TH, the offices, and the buildings south of No.42 up to Parson’s Street are identified as a “*strong building line*”. The CAA notes that the NBS/Castle Street junction and the area to the north has experienced substantial redevelopment, contains 2 negative landmarks (Town Centre House and the bingo hall) and is an area of disorientation.
18. The Castle Street Character Area is identified as one of several 19th century suburbs. The character of this area is formed by the terraced housing along its northern frontage described as reminiscent of speculative mid-19th century working class housing. The terrace comprises narrow fronted, mostly red brick houses of 3-storeys with minimal detailing bookended by 2-storey houses. Whilst the terrace is highlighted as creating a strong building line, its character/appearance has been significantly diluted through, the loss of original fenestration and detailing, the proliferation of satellite dishes, incongruous porches and by road widening.
19. The BV&M has been prepared and adopted as a SPD in the context of the policies of the CLP, the CAA and the statutory requirements of Sections 66 and 72 of Planning (Listed Buildings and Conservation Areas) Act 1990 and provides the starting point to judge the proposed scheme. The Urban Framework Plan identifies the site of the bingo hall, TH, and the Tyre Depot to the rear, Area 1, as the location for 3/4-storey mixed use residential and town centre uses. The NBS frontage, a short length of Castle Street close to the junction with NBS and the frontages at the junction of Castle Street and Bolton Road are

⁶ Banbury Conservation Area Appraisal – Fig 18 Visual Analysis – Main Route Corridor.

identified as Important Frontages. The corner of Castle Street and Bolton Road is shown as an area where building heights might increase. The Castle Street frontage is shown as hard landscaping/strategic landscape edge. The strategic landscape edge is shown to have a minimum depth of 7m. TH is to be retained and development should seek to preserve and enhance the LB and CA.

20. The development comprises 3/4-storey residential development with a design/finish consistent with mature/new buildings in the CA. The 4-storey block would be located at the Castle Street/Bolton Road junction. A private landscaped strip along the bulk of the Castle Street frontage and an area of public space at the NBS/Castle Street junction would be provided.
21. Given the clear thrust of CLP/LP policy and the statutory requirements of Sections 66 and 72, it is inconceivable that the authors when setting out the above urban framework/design principles and the lpa adopting them, did not have full regard to the implications of a 3/4-storey development on the LB and CA, including the effect on views of St Mary's Church from Castle Street. The scheme generally complies with the urban framework/design principles of the BV&M. However, as always, the devil is in the detail. These are, the relationship of the scheme to, the terrace on Castle Street, TH, the building lines on NBS and Castle Street and the nature of the public space/strategic landscaping.
22. The 3/4-storey block on Castle Street, would be a substantial development. However, through a combination of design features that include a mix of brick and render, appropriate solid to void ratios, a varying roofscape, setbacks and rainwater downpipes, the visual mass of the building would be broken up. As a result, the block would read as a series of terraces in the streetscape. Despite being set slightly higher than Castle Street, the building, for the reasons above and the substantial gap to the terrace opposite, would not dominate or detract from the character and appearance of Nos. 5 to 43 Castle Street. The creation of a new strong building line on the south side of Castle Street the development would have no impact on the strong building line created by the terrace opposite.
23. The proposed landscape strip would vary in width from less than 7m at the Bolton Road end to double that at the western. Although the BV&M says a minimum of 7m, given there is no explanation of how this figure was derived, it cannot be treated as a "pass or fail" figure. In my view, the acceptability and contribution to the character of the CA of this part of the scheme must be judged on its quality. Whilst the precise details of any planting could be the subject of a planning condition, the site plan shows the strip would comprise a grass with tree planting similar in style to that fronting the car park to the east of Bolton Road set behind iron railings. In addition, the scheme proposes hedging closer to the front elevation of the flats largely to preserve privacy. Such a feature would be consistent with the objectives of the BV&M and together with the scale, mass and design of the residential block would enhance the character and appearance of Castle Street.
24. On NBS, consistent with the BV&M, the proposed block would be 3-storeys high albeit set back behind a landscaped strip enclosed by railings. With a mix of brick and render, an appropriate solid to void ratio and rainwater downpipes the design, scale, and mass of this part of the building would be consistent with the character and appearance of buildings along the Main Route Character

Area. As to the strong building line and the important frontage, the set back and the use of railings would be consistent with the character and appearance of this part of NBS in earlier days. The historic building line between Parsons Street and the original Castle Street junction can be seen on the Ordnance Survey maps from 1882 onwards and in photographs in the CAA. These show a distinct, staggered building line. Similarly, the use of railings to the street frontage is not inappropriate. Indeed, at one time, TH had railings to the front and there are examples of railings being used to demarcate public from private space in the area generally. The proposal would be consistent with and preserve the character and appearance of the CA.

25. As to TH, the concerns relate to the scale of the 3-storey blocks, the roofscape behind TH and the implications of creating a public space to the north. The eaves and ridge levels of the proposed blocks would be higher than those on TH. However, because of the way they are viewed, the submitted plan elevations exaggerate the relationship between the above elements and TH. Here, the elevation drawings suggest that the blocks would dominate TH. However, whilst the elevation drawings accurately represent the design/frontage of the blocks, they do not present a realistic street view of the scheme and the relationship with TH.
26. The appellant supplied verified winter and summer street views of the building that provide more realistic impression of the building in context. Seen from the street, the effect of the increased eaves and ridge heights would be less pronounced and mitigated by the set back from the rear and southern elevations of TH and the use of a hipped gable on the Castle Street block. The development would open gaps between the rear elevation and southern elevation of TH. Whilst these gaps would allow views of the development from Castle Street and NBS, these would be limited to fleeting glimpses and would not detract from the architectural and historic significance of TH. Overall, the verified views confirm that the blocks, although taller would not dominate or detract from the historical and architectural significance of TH. With the creation of the open space immediately to the north, the treatment of which could be the subject of a condition, the heritage significance of TH would be enhanced, particularly the ability to appreciate its architectural significance in the wider setting.
27. Drawing all the above together, the proposed scheme would not result in harm to TH and would enhance its setting such that its architectural and historic interest would be preserved. Similarly, the scheme would enhance the character and appearance of the Castle Street and Main Route Character Areas of the CA thus preserving and enhancing the character and appearance of the CA. Accordingly, the proposal would not conflict with CLP Policies ESD 15 and Banbury 8 and LP Policy C18 or the development plan when read as a whole. Accordingly, it is unnecessary to engage with Framework paragraph 11d.

Conditions

28. A list of agreed conditions and pre-commencement conditions were discussed at the inquiry. The appellant confirmed acceptance of the pre-commencement conditions. Where appropriate and in the interests of precision and enforceability, I have amended the suggested conditions.
29. To achieve speedy contributions towards the housing land supply and accommodation for older age groups, the lpa suggest a reduction in the time

limit for implementation of the permission from the standard 3 to 2 years. Given the proposal complies with the development plan, I see no reason to reduce the standard time limit. In the interests of certainty, Condition 2 listing the approved plans is imposed. In the interests of the character and appearance area, Conditions 3 and 12 are necessary. Conditions 4, 6 and 7 are necessary in the interests of highway and pedestrian safety.

30. Condition 5 is necessary to ensure implementation of the approved Travel Plan. Conditions 8 and 9 are necessary in the interests of drainage and flooding. Condition 10 is necessary in the interests of protecting neighbours' living conditions. Given the brownfield nature of the site and to ensure potential risk from contaminated land are minimised, Condition 11 is necessary. Given the history of the area, Conditions 13 and 14 are necessary.

S106 Unilateral Undertaking

31. The completed S106 Unilateral Undertaking (UU) provides for financial contributions towards the monitoring of the Travel Plan and administration costs. The Travel Plan proposes annual surveys to determine travel modes and the impact of the plan in reducing use of the private. Thus, to ensure the Travel Plan achieves its objectives it requires monitoring. These obligations have been costed and detailed and are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development proposed. The UU complies with the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL) and has been taken into account.

Appeal B

32. The remedial works are contingent on the bingo hall and offices being demolished and necessary to make the side and rear elevations weather-tight. The bulk of the side elevations of TH House are internal to the buildings to be demolished. The rear elevation of TH is set back from the internal wall of the bingo hall, where the gap contains a web of structural steelwork and is roofed over. Here, former window openings have been infilled with breeze block and other areas appear to have been liberally splashed with mortar.
33. The condition of the brickwork on the unexposed side elevations and the effect of the demolition works on the original brickwork are unknowns. In this context, 2 options are proposed. Option 1, the preferred option, is to clean and repair the brick substrate and repoint. Option 2 shows the exposed areas finished in a lime based mortar coloured to match the brickwork. The treatment of these elevations could be controlled by an appropriate condition.
34. Option 2, would result in less than substantial harm to the significance of TH and the appearance of the CA. Here, the benefits of the redevelopment include, boosting the supply of housing particularly for older persons, making effective use of previously developed land and economic benefits. These benefits attract substantial weight and would materially outweigh the limited less than substantial harm.

Conditions

35. As with appeal A above, there is no reason to reduce the standard time limit for implementation from 3 to 2 years. Condition 2 is necessary in the interests of the appearance of the building and the CA to ensure that whatever option is

deemed appropriate, full consideration is given to the nature and effect of the proposed works.

Overall Conclusions

36. For the above reasons and having taken all other matters into account, these appeals are allowed subject to the conditions set out in the attached Schedules of Conditions.

George Baird

Inspector

APPEARANCES

FOR THE APPELLANT

Sasha White QC and Kim Ziya of Counsel instructed by Planning Issues Limited.

They called:

Paul White BA (Hons), MPhil, MCIfA, PIEMA
Regional Director, Head of Heritage, ECUS Limited.

Robert Jackson BArch, MArch, RIBA, ARB.
Design Director, Planning Issues Limited.

Matthew Shellum BA (Hons), Dip TP, MRTPI.
Planning Director, Head of Appeals, Planning Issues Limited.

FOR THE LOCAL PLANNING AUTHORITY

Timothy Comyn of Counsel instructed by Browne Jacobson LLP on behalf of Cherwell District Council.

He called:

Andrew Bateson BSc (Hons), MRTPI.
Development Management Team Leader, Cherwell District Council.

Samantha Pace BA (Hons), MSc, IHBC.
Built Heritage Consultant, Place Services, Essex County Council.

DOCUMENTS SUBMITTED AT THE INQUIRY

- | | | |
|-------|---|-------------------------------------|
| Doc 1 | - | Table of Benefits/Impacts. |
| Doc 2 | - | Section 106 Unilateral Undertaking. |
| Doc 3 | - | List of Agreed Conditions. |

APPEAL A - SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2 Except where otherwise stipulated by conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan - 10116BB-PA00; Site Layout Plan - 10116BB-PA01 C; Ground Floor Plan - 10116BB-PA02 A; First Floor Plan - 10116BB-PA03 A; Second Floor Plan - 10116BB-PA04 A; Third Floor Plan - 10116BB-PA05 A; Roof Plan - 10116BB-PA06 A; Castle Street Elevations - 10116BB-PA07 B; North Bar Street Elevations - 10116BB-PA08 B; Internal and Gable Elevations 10116BB-PA09 B; Proposed Site Sections - 10116BB-PA10; Existing Elevations - EL 01; Existing Site Plan - 210076-3DR-XX-XX-DR-A-10001; Existing Bingo Hall/Office Plans - 210076-3DR-XX-XX-DR-A-10002; Vehicle Tracking Plan 536.0037.001 C; Refuse Vehicle Tracking Plan 536.0037.003 D; Vehicle Turning Tracking Plan 536.0037.006.
- 3 No development shall commence above slab level until details/samples of the materials and finishes for the external walls and roof of the development hereby approved have been 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 schedule and shall be retained as such thereafter.
- 4 Prior to implementation, details of footway improvement work to be delivered on North Bar Street and Bolton Road shall be submitted to and approved by the local planning authority. These works shall include dropped kerbs to provide access onto the existing footway in North Bar Street and dropped kerb crossings at the site access junction on Bolton Road. The development shall not be occupied until the approved works have been completed.
- 5 The development hereby permitted shall be implemented in accordance with the submitted Green Travel Plan. Thereafter, the approved Green Travel Plan shall be operated in accordance with the approved details.
- 6 No development shall commence unless and until a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist has been submitted to and approved in writing by the local planning authority. The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan.
- 7 Prior to first occupation of the development, a Delivery and Servicing Plan shall be submitted to and approved in writing by the local planning authority. Thereafter, during the operation of the development, all delivery and servicing shall be conducted in accordance with the approved plan.
- 8 The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:
Document: Flood Risk & Drainage Technical Note Ref: P:\1260 Castle Street, Banbury\C Documents\Reports\1260 - Castle Street, Banbury - Flood Risk & Drainage Technical Note - C Issue: 28 June 2022 Drawing: Preliminary drainage layout Drawing No: 01-PDL-1001, Rev E. All relevant Hydraulic calculations produced via Microdrainage Date 27 June 2022, File 1260-NW-01-A-101-SURFACE WATER.
- 9 Prior to the first occupation of the development, a record of the installed SuDS

and site wide drainage scheme shall be submitted to and approved in writing by the local planning authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) as built plans in both .pdf and .shp file format;
 - (b) photographs to document each key stage of the drainage system when installed on site;
 - (c) photographs to document the completed installation of the drainage structures on site;
 - (d) the name and contact details of any appointed management company information.
- 10 No development shall commence unless and until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties adjacent to or surrounding the site together with details of the communication to be carried out with local residents has been submitted to and approved in writing by the local planning authority. The development must not be carried out other than in accordance with approved CEMP.
- 11 Any contamination that is found during construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 12 Notwithstanding condition 2, no development shall take place above slab level until details of and a timetable for the implementation of hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The scheme shall include:
- 1) details of the hard surface areas including vehicular pavements, pedestrian footways and other areas, crossing points and steps;
 - 2) details of the soft landscaping proposals along Castle Street, beside Trelawn House, around the car park, beside the Tyre Depot and around the Bolton Road boundaries.

Development shall be implemented in accordance with the approved plans and timetable.

- 13 Prior to any demolition and the commencement of the development, a professional archaeological organisation acceptable to the local planning authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the local planning authority.
- 14 Following the approval of the Written Scheme of Investigation referred to in condition 13, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research, and analysis necessary to produce an

accessible and useable archive and a full report for publication which shall be submitted to the local planning authority within 2 years of the completion of the archaeological fieldwork.

APPEAL B – SCHEDULE OF CONDITIONS

1. The works to which this consent relates shall be begun not later than the expiration of 3 years beginning with the date of this consent.
2. Before the commencement of any works, a scheme of remedial works shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall include:
 - (1) a brickwork/mortar course condition survey of the exposed elevations carried out by a historic buildings surveyor, the details of which have first been submitted to and approved in writing by the local planning authority;
 - (2) full details of the proposed remedial works to include:
 - (a) justification for the proposed works;
 - (b) details of the proposed works and finishes including, where appropriate, samples of replacement brick;
 - (c) details of the proposed contractor.

Development shall be carried out in accordance with the approved scheme.