

<b>Application number(s):</b>	23/02523/F
<b>Application site:</b>	Kirtlington Village Hall South Green Kirtlington OX5 3HJ
<b>Proposal:</b>	Erection of single storey detached community shop and cafe

<input type="checkbox"/>	Listed Building	<input checked="" type="checkbox"/>	Conservation Area	<input checked="" type="checkbox"/>	Setting of a Listed Building
<input type="checkbox"/>	Grade I	<input checked="" type="checkbox"/>	Grade II*	<input type="checkbox"/>	Grade II

### Policies

#### **Cherwell Local Plan 2011-2031 (2015)**

<input checked="" type="checkbox"/>	<b>Policy ESD15</b> New development proposals should: Conserve, sustain and enhance designated and non-designated 'heritage assets' including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated, furthermore development should respect the traditional pattern of the form, scale and massing of buildings
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#### **Cherwell Local Plan 1996 Saved Policies**

<input checked="" type="checkbox"/>	<b>C18</b> Works to a listed building should preserve the building, its setting and any features of special architectural or historic interest. Alterations or extensions to a listed building should be minor and sympathetic.
<input checked="" type="checkbox"/>	<b>C23</b> Presumption in favour of retaining positive features within a Conservation Area.
<input checked="" type="checkbox"/>	<b>C28</b> The layout, design and materials proposed within a new development should respect the existing local character. 'control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the urban or rural context of that development.

#### **NPPF – Chapter 16**

<input checked="" type="checkbox"/>	<b>Paragraph 199.</b> 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.
<input checked="" type="checkbox"/>	<b>Paragraph 200.</b> 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: <ul style="list-style-type: none"> <li>a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;</li> <li>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.</li> </ul>

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

**Paragraph 202.** 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.

**Paragraph 203.** The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

#### **Other Relevant Policies and guidance**

#### **Planning (Listed Buildings and Conservation Areas) Act 1990**

**Section 16.** In considering whether to grant listed building consent for any works the local planning authority shall 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.** With respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

#### **Significance (50 words)**

The site lies within Kirtlington Conservation Area and Kirtlington Park Registered Park and Garden as well as being in close proximity to St Marys Church, a grade II\* listed building.

#### **Appraisal (250 words)**

Conservation have previously provided comments dated 16th December 2021 under pre-application reference 21/03745/PREAPP, within which queries were raised about the location and design of the proposed community shop and café.

It is noted that within the LPA pre-application response that the principle and proposed location of the community shop and café was considered acceptable.

Within the submitted Heritage Statement, further justification has been submitted with respect to the proposed use of materials, such as the timber cladding and slate roof.

Following on from the additional information and justification it is considered that the proposed materials would complement the village hall by appearing a well-designed and honest, modestly scaled building,

reflective of traditional materials and complementary in its materials to the existing village hall building and its location within the conservation area.

Due to the lack of inter-visibility and the distance there would not be a harmful impact upon the setting of the listed building, with a neutral impact.

For the reasons detailed above, it is considered that the character and appearance of the conservation area, and the setting of St Marys Church, would be preserved.

**Level of harm**

No Harm

Less than Substantial Harm

Substantial Harm

**Public Benefit (NPPG)**

Yes

No

**Comments**

The public benefits are for the case officer to balance in-line with the NPPF.

**Recommendation**

No objections

Objections

Engage in preapp

**Suggested Conditions**

- Full joinery details to be submitted for approval.
- Samples and details of external materials to be submitted for approval.

**Conservation Officer:** L. Crouch

**Date:** 16<sup>th</sup> October 2023