

Application number(s):	21/03918/F
Application site:	2 - 6 Waterperry Court Middleton Road Banbury OX16 4QG
Proposal:	Conversion of 2-6 Waterperry Court to a hotel (use class C1) including eastern extension, associated car parking , landscaping and ancillary works.

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

Policies

Cherwell Local Plan 2011-2031 (2015)

- Policy ESD15** 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

Cherwell Local Plan 1996 Saved Policies

- C18** 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.
- C23** Presumption in favour of retaining positive features within a Conservation Area.
- C28** 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

- Paragraph 199.** 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.
- Paragraph 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:
- grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - 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.

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 does not contain any heritage assets and it is outside of the conservation area, however the significance lies in the location of the site, on the edge and at the entrance to the conservation area and opposite a Grade II Listed Building. Therefore the building contributes to the setting of these Heritage Assets.

Appraisal (250 words)

There are no objections to the change of use of the site to a hotel in terms of impact on heritage assets, however this is a prominent site on the edge of the conservation area which is also in close proximity to the grade II Listed Building the former elephant and castle public house. The current building does not make a positive contribution to the area and therefore the change of use of the site is considered to provide an opportunity to enhance the site and reduce the impact the building has on the listed building and the conservation area through development within their setting.

It is recognised that the proposed scheme responds to discussions undertaken at the pre application stage however it is felt that it does not satisfy all the concerns raised.

The building is already a dominant structure due to its prominent position, height, and massing in a location which although not within the conservation area contributes to the entrance to it. Although architectural changes to the building are supported in principle, the appearance of the proposal due largely to the range, mix and number of materials used is considered to sit uncomfortably in this location. The existing building is much simpler in design and materials with brick elevations dominating. It is considered that the proposed elevations would therefore also benefit from a simpler design, in addition to the use of materials that reflect the locality. The design should take its cues from both the modern buildings and the more traditional properties surrounding the site. The window proportions and distribution alongside the type of materials and cladding proposed give the building a generic appearance that does not respond to the area as well as it might. However there are no objections in principle to the introduction of an additional storey to the main part of the building or to the roof design.

The reduction in height and the approach which maintains the step down in height at the eastern end of the site is welcomed as this will reduce the more localised impact on the listed building. However the three-storey section here and the roof treatment of this part of the building is inconsistent and is not considered to sit comfortably. It is therefore suggested that this is rethought.

The proposal will come slightly closer to the Listed Building and the conservation area boundary than previously. Because of the massing and design of the building is still considered that the development would cause some harm to the Listed Building as a result of development within its setting.

Level of harm

No Harm

Less than Substantial Harm

Substantial Harm

Public Benefit (NPPG)

Yes

No

Comments

The public benefits of the development should be weighed against the potential harm.
The conservation team would welcome further discussion if the case officer feels this is appropriate.

Recommendation

No objections

Objections

Engage in preapp

Suggested Conditions

If the application is to be approved:

- Material details
- Doors and windows

- Signage
- Details of canopy

Conservation Officer: Emma Harrison

Date: 13/01/2022