

<b>Application number(s):</b>	21/03918/F
<b>Application site:</b>	2 - 6 Waterperry Court Middleton Road Banbury OX16 4QG
<b>Proposal:</b>	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)

Previous comments still stand that there are no objections to the change of use of the site to a hotel in terms of impact on heritage assets. However it should be recognised that this is a prominent site on the edge of the conservation area that is in close proximity to the grade II Listed Building. The redevelopment of the site is considered to be an opportunity to enhance this area.

It is recognised that the proposed amended scheme responds to discussions undertaken between the applicant and the Planning and Conservation Officers and as a result the amendments are welcomed.

The reduction in the mix and number of materials has resulted in a simpler appearance and the dominance has moved back to brick, this in addition to the minor changes to the overall design of the building and the consistency of the new roofs has resulted in a more complementary appearance.

The design which maintains the step down in height at the eastern end of the site is supported as this is considered to reduce the more localised impact on the listed building. The simplified canopy/entrance will also help to reduce the visual impact and therefore is now not considered to detract from the Listed Building.

Overall on balance the proposal is now not considered to result in unacceptable 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 development is likely to provide some public benefit

#### Recommendation

No objections

Objections

Engage in preapp

#### Suggested Conditions

If the application is to be approved:

- Material as per plans submitted/brick to match the existing
- Doors and windows
- Signage (if required)
- Details of canopy/entrance

Conservation Officer: Emma Harrison

Date: 23/03/2022