

Case Officer: Gemma Magnuson

Recommendation: Application
Permitted

Applicant: Mr & Mrs A Pasteur

Proposal: Demolition and rebuild of leaning garden wall

Expiry Date: 9 April 2020

Extension of Time: No

1. APPLICATION SITE AND LOCALITY

1.1. Cedar Lodge is a detached Grade II listed dwelling situated to the north of the village of Steeple Aston. The site is in the designated Conservation Area and there are other Grade II listed buildings in close proximity to the site. The site is of archaeological interest and the land is potentially contaminated.

1.2. The application relates to a section of stone wall along the eastern boundary of the curtilage.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The applicant seeks planning permission for demolition and rebuild of leaning garden wall. The existing wall would be carefully dismantled with all stone to be set aside for re-use. New foundations would be formed. The wall would be rebuilt using the set aside stone, slate copings and lime mortar.

3. RELEVANT PLANNING HISTORY

3.1. There is no planning history directly relevant to the proposal.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **31 March 2020**, although comments received after this date and before finalising this report have also been taken into account. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Steeple Aston Parish Council – no comments received.

6.3. Mid-Cherwell Neighbourhood Plan Forum – no comments received.

OTHER CONSULTEES

6.4. OCC Archaeology – no archaeological constraints to the scheme.

6.5. CDC Arboriculture – no comments received.

6.6. CDC Conservation – There are no objections to the demolition and rebuild of the wall and it is clear that this is necessary work. The wall should be reconstructed to the same height. Once the wall has been demolished a method statement (by the person who will be undertaking the reconstruction work) should be provided. This should include a photographic record and measurements of the existing wall prior to demolition, an assessment of how much of the existing material is capable of re-use and where additional material will be sourced from, details of the mortar mix and a basic section showing the proposed foundations. A sample panel should also be constructed and a photograph included within the method statement.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development

MID-CHERWELL NEIGHBOURHOOD PLAN

- PD4: Protection of important views and vistas
- PD5: Building and Site Design

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Design, and impact on the character of the area, including heritage assets and their setting

- Residential amenity

Design and Impact on the Character of the Area, including heritage assets and their setting

- 8.2. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 8.3. Policy ESD 15 of The Cherwell Local Plan 2011-2031 Part 1 requires development to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Further, development proposals will be required to conserve, sustain and enhance designated and non-designated heritage assets including buildings, features, archaeology, conservation areas and their settings. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset.
- 8.4. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development. In sensitive areas, such as Conservation Areas, development will be required to be of a high standard and the use of traditional local building materials will normally be required.
- 8.5. Policy PD4 of the Mid-Cherwell Local Plan states that development should not harm to the Conservation Area and its setting, other heritage assets or historic street and village views and longer distance vistas. Policy PD5 requires development to be designed to a high standard which responds to the distinctive character of the settlement, including where possible appropriate landscape mitigation, identification and protection of traditional stone walls and the improvement of footpaths and cycleways.
- 8.6. The existing wall is leaning and has been described as dangerous by the Agent in the submission. I consider that a like-for-like replacement wall here would safeguard the long-term future of this curtilage listed wall, whilst avoiding the risk of collapse. The re-use of existing material is positive. I consider that the rebuilding of the wall is likely to enhance its appearance, and that the development would not harm the character, appearance or historic significance of the curtilage listed wall, the setting of nearby listed buildings or the designated Conservation Area, in accordance with the above Policies.

Residential Amenity

- 8.7. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD 15 of the Cherwell Local Plan 2011-2031 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the Cherwell Local Plan 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority.

8.8. The wall would be rebuilt as existing, resulting in no additional impact upon its surroundings to that of the existing wall. That said, the wall is a sufficient distance from neighbouring openings to avoid harm in terms of a loss of amenity, in accordance with the above Policies.

9. PLANNING BALANCE AND CONCLUSION

9.1. For the reasons set out in this report, the proposal complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the information contained within the application form and the following approved plans: Design Statement dated 12.02.2020, Dwg. No. 2018-1014-PL30

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Following demolition of the wall, a method statement for the reconstruction of the wall, to include a photographic record of the former wall with measurements, an assessment of how much of the existing material is capable of re-use, where any additional material shall be sourced from, details of mortar mix, a basic section plan showing the proposed foundations and photographs of a stonework sample panel, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Gemma Magnuson

DATE: 07 April 2020

Checked By: Paul Ihringer

DATE: 8/4/20
