

Case Officer: Gemma Magnuson **Recommendation:** Approve

Applicant: Mr & Mrs A Pasteur

Proposal: Demolition and rebuild of leaning garden wall

Expiry Date: 8 April 2020 **Extension of Time:** No

1. APPLICATION SITE AND SUMMARY OF SIGNIFICANCE

- 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 Grade II curtilage section of stone wall along the eastern boundary of the curtilage. The significance arises from its association with Grade II listed Cedar Lodge and its 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 and by advertisement in the local newspaper. 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 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)

- C18 – Development proposals affecting a listed building

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)
- Managing Significance in Decision-Taking in the Historic Environment: Historic England Good Practice (2015)
- The Setting of Heritage Assets: Historic England Good Practice (2015)

8. APPRAISAL

8.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed building(s).

8.2. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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. Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

- 8.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 190 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*
- 8.4. Paragraph 193 of the NPPF directs that: *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.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance. Saved Policy C18 of the Cherwell Local Plan 1996 seeks minor and sympathetic alterations to listed buildings.
- 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.

9. RECOMMENDATION

That consent is granted, subject to the following conditions:

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

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Gemma Magnuson

DATE: 7 April 2020

Checked By: Paul Ihringer

DATE: 8/4/20