

Case Officer: Catherine Harker

Recommendation: Approve

Applicant: Mr Jason Trinder

Proposal: Repair of collapsed dry stone wall that borders the public pathway on the High Street. Only the collapsed part of the wall to be rebuilt. Holly tree next to the wall in the garden to be removed.

Expiry Date: 6 August 2020

Extension of Time: No

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a Grade II Listed wall associated with a Grade II Listed Cottage. Cottage and wall were listed separately in 1985

Listing Entries:

- 1.2. Cottage: *Two cottages, now house. C18. Regular coursed ironstone rubble. Thatched roof. Each cottage has 2 brick end stacks. Cottage to left: 3-unit plan. Single storey plus attic. C20 extension to right. Rustic porch to left of extension. 6-panelled door with 4 glazed lights. Sash window to left. 2 windows to attic. Cottage to right: 2-unit plan. Single storey plus attic. Central door has wooden lintel and is flanked by 2 sashes. 2 similar windows to attic. Rear: Mostly C20 windows, one metal with lead comes. Interior not inspected.*
- 1.3. Wall: *Wall and doorway. C18. Regular coursed rubble. Arched doorway. Included for group value.*
- 1.4. The wall has partially collapsed and it is proposed that this should be rebuilt. The wall is built from similar 'Hornton' stone and appears to be of a similar age to the cottage.
- 1.5. The Heritage Statement notes that the wall was built as traditional 'rubble fill' with facing stone where visible. The wall is unlikely to have any formal foundations but may be sat on stone 'setts'. the integrity of the wall is reliant on interlocking of the stones of the two leaves and/or presence of stones that pass through the full thickness of the wall. Failure of the connection between the leaves is common. This often results in bulging of the wall and occasionally complete collapse of one leaf or failure of the wall. It is clear, in this case, that the outer leaf has failed over a large area and total collapse has occurred over a smaller area. The condition of the remaining adjoining elements should be regarded as potentially dangerous. The mode of failure has clearly been delamination of the outer leaf followed by collapse of the remaining slender wall.
- 1.6. It is likely that the problems stem from a large holly bush growing close to the wall (now removed) and the fact that non-porous cement had been used to maintain the wall, causing water to be retained in the stonework. This is exacerbated by the fact that the wall also retains earth behind it.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The wall has partially collapsed and it is proposed that this should be rebuilt.

- 2.2. It will be necessary to provide a structure that will provide adequate certainty of resisting the earth pressure. As the remainder of the wall has had many year to reach a settled condition it is important that the underlying structure is rigid but some degree of flexibility is possible in the facing structure. It is therefore proposed to construct a reinforced masonry wall on a concrete base to provide the structure, with a stone facing and wall above that is not integrally bonded to it. The natural stone face will, therefore, not be used as part of the reinforced masonry and thus avoid excessive rigidity which would be at odds with the requirement for some degree of flexibility required for a natural stone wall.
- 2.3. The upper part of the wall will be formed as a traditional rubble fill using stone from the collapsed wall, supplemented as necessary with other matching reclaimed material below the garden level. The natural stone facing wall will be tied to the concrete blockwork of the retaining structure with stainless steel ties that will allow a small degree of flexibility.
- 2.4. Natural hydraulic lime mortar will be used to allow sufficient flexibility in order to avoid the need for expansion joints in the wall and to ensure vapour permeability and thus enhance the life of the stonework

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

Application: 20/01441/LB

Repair of collapsed dry stone wall that borders the public pathway on the High Street. Only the collapsed part of the wall to be rebuilt. Holly tree next to the wall in the garden to be removed.

Application: 20/01447/TCA

T1 x Holly - Removal to causing further damage to partially collapsed listed wall.

- 3.2. These represent the planning application that accompanies this listed building consent, and the request to remove the holly tree which is believed to have damaged the wall.

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 **16 July 2020**, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. The comments raised by third parties are summarised as follows
 - One letter stating they have no objections to the proposal as the wall is hazardous
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register

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. No comments received

OTHER CONSULTEES

- 6.3. OCC Archaeology - The site is of archaeological interest. However, based on the photographs submitted with the application, it is clear that any structural or contextual information that might have been observed by archaeological monitoring is already likely to have been lost. I therefore consider that there are no archaeological constraints to this scheme
- 6.4. OCC Highways - The wall needs to be repaired for the safety and benefit of the public. In order to work on the public highway, the applicant must first seek approval through a separate process via Oxfordshire County Council's Streetworks and Licensing Team, this will include footpath diversions. Please contact LicensingandStreetworksTeam@Oxfordshire.gov.uk
- 6.5. CDC Conservation - No objections, but would recommend that the structural engineer is retained to oversee the works and that there are conditions for a photographic record of the wall prior to further work (to provide evidence of the existing coursing and make up of the wall) and that any additional stone required for the wall is provided as a sample.
- 6.6. CDC Arboricultural Officer – The Holly tree was probably instrumental in the wall falling. No further comments. (Tree has been removed under separate application see above)
- 6.7. CDC Building Control – Building Control application not required

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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

8. APPRAISAL

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

- Impact on the Listed Wall
- Design, and impact on the character of the area
- Residential amenity
- Highway safety/parking provision

8.2. Impact on the Listed Building

8.1. 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.

8.2. 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.*

8.3. 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.

8.4. The wall has collapsed, due in all likelihood to the proximity of a holly tree which has now been removed, and the use of cement to maintain the wall, which has led to problems of water retention within the stone, as the impermeable cement traps water and prevents evaporation.

8.5. The wall clearly needs to be rebuilt in such a way that such a collapse will not soon recur.

8.6. In accordance with the request of the Conservation officer, a photographic record of the wall has been submitted for future reference.

8.7. The proposed new wall would re-use the existing stone where possible and use matching stonework as shown in the photo submitted by email 30/09/20. Although the stone sample panel of the reclaimed stone is not a perfect match, when mixed with the existing stone from the wall it is considered that it would have an acceptable appearance.

- 8.8. The proposal would sustain and enhance the listed wall whilst ensuring its long term survival. It would comply with policy ESD15 of CLP 2031 and the NPPF, and as such a positive recommendation is made.
- 8.9. Design and Impact on the Character of the Area
- 8.10. Paragraph 124 of the NPPF states that: *‘Good design is a key aspect of sustainable development’* and that it *‘creates better places in which to live and work’*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*
- 8.11. Saved Policies C28 and C30 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.*
- 8.12. The current collapsed state of the wall has a harmful affect on the visual amenity of he street scene and the character and significance of the Conservation Area, Repairing the wall will sustain and enhance the Conservation Area and improve the street scene. It would therefore comply with policy ESD15 of CLP 2031 and the NPPF, and Saved policies C28 and C30 of CLP 1996.

Residential Amenity

- 8.13. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have *a high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*
- 8.14. The Council’s Home Extensions and Alterations Design Guide (2007) provides informal guidance on how the Council will assess proposed extensions to houses, including guidance on assessing the impact on neighbours. This includes assessing whether a proposed extension would extend beyond a line drawn at a 45° angle, as measured horizontally from the mid-point of the nearest habitable room window.
- 8.15. The repair of the wall would not be likely to affect residential amenity.

Highway Safety/Parking Provision

- 8.16. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in.* This is consistent with Paragraph 110 of the NPPF which states that: *developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.*
- 8.17. The wall is currently collapsed onto the footway, with risk of further collapse if it is not repaired. The repairs proposed would improve Highways Safety and convenience so that pedestrians can use the footway again without walking out into the road with vehicular traffic to go around the fallen wall.

8.18. Highways has raised no objections but asked that the applicant be informed that they must ask for Highways consent for work undertaken on the Highway. This will be attached to the decision as an informative.

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: Location and block plans, Design and Access Heritage Statement, calculations and sections of wall, and sections through wall drawing

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. The wall shall be rebuilt from the stone from the collapsed section of wall with any additional stone required being of the same type, texture, colour and appearance as the stone used to construct the existing wall. The stone and shall be laid dressed, coursed and pointed to match the existing wall.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building 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.

Informative: In order to work on the public highway, the applicant must first seek approval through a separate process via Oxfordshire County Council's Streetworks and Licensing Team, this will include footpath diversions.

Please contact LicensingandStreetworksTeam@Oxfordshire.gov.uk

Case Officer: Catherine Harker

DATE: 1/10/20

Checked By: Paul Ihringer

DATE: 2/10/20
