

# Site Address: Bridge north east of The Duck on the Pond over the River Swere South Newington

14/02091/LB

Ward: Hook Norton

District Councillor: Ray Jelf

Case Officer: Bob Neville

Recommendation: Approval

Applicant: Skanska - Oxfordshire County Council

**Application Description:** To strengthen the bridges central arch barrel, by using the Goldhawk Helifix System, i.e. the introduction of stainless steel reinforcement, cut into chases in the intrados stonework of the arch barrel and set in resin. To replace the kerbs, re-surface the west verge, pave the east verge and re-surface the carriageway over the bridge.

Committee Referral: Member call-in

Committee Date: 19/02/2015

## 1. Site Description and Proposed Development

- 1.1 The site is a grade II listed stone built bridge which spans the River Swere in the village of South Newington. The bridge carries traffic on the A361, a busy main route between the towns of Banbury and Chipping Norton.
- 1.2 The site is within the South Newington Conservation Area and Historic Village Core. Grade I listed St Peter's Church and Grade II listed Arcadia lie some 100m to the south and grade II listed South Newington Mill is some 150m north-west of the site. Records show the presence of legally protected species (Bullhead and Great Crested Newts) within the vicinity. The site is also within an area of high flood-risk and the Swere Valley and Upper Stour Conservation Target Area.
- 1.3 The application seeks consent for works to strengthen the bridges central arch barrel, by using the Goldhawk Helifix System, i.e. the introduction of stainless steel reinforcement, cut into chases in the intrados stonework of the arch barrel and set in resin and also to replace the kerbs, re-surface the west verge, pave the east verge and re-surface the carriageway over the bridge.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notice and press advert. The final date for comment was the 05.02.2015. Eight letters of objection/comment have been received as a result of this process.
- 2.2 The objections that have been received raise the following issues:
  - Impact of the method of repair on the character and appearance of the bridge and its future structural integrity.
  - The amount of traffic traveling through the village is detrimentally impacting on the historic buildings within the village; including the listed bridge subject of this application.
  - The site is not suitable as a HGV route.
  - No analysis is offered within the application to demonstrate the effectiveness of the system in increasing the safe load carrying capacities; and what the load capacity would be following implementation of the strengthening work.
  - There are doubts about the future integrity of the bridge.
  - The current parapet heights of the bridge are sub-standard. These clearly present a considerable health and safety risk to the public.
  - There are legally protected species (Crayfish) within ¼ mile of the site, within

the River Swere.

- Cherwell District Council has identified within its Conservation Area Appraisal that it needs to work with Oxfordshire County Council as Highways Authority to reduce the impact that vehicles travelling on the A361 have on the historic buildings and structures within the village.

2.3 The issues raised in the objections and the response from the Parish Council (below) will be addressed within the relevant sections of the main body of this report. Full contents of all the representations that have been received are viewable on the Council's web-site. Any further responses received following the drafting of this report will be presented to Planning Committee in the form as a written update prior to the commencement of the committee meeting.

### **3. Consultations**

3.1 **South Newington Parish Council** - Comments as follows:

South Newington Parish Council does not object to the applicant's aim of strengthening the Grade II listed bridge that carries the A361 over the River Swere and preventing its further deterioration. But the Parish Council makes the following observations concerning the method and extent of the proposed strengthening and the wider implications of the project.

1. The Helifix system proposed will leave a visible grid of chasing on the intrados of the bridge arch whereas the alternative Archtec Cintec anchor system would be virtually invisible. The Parish Council considers that English Heritage should be invited to comment on the proposals and bring to bear their wide experience of the repair of listed buildings before a final choice of method is made.
2. The LPA should seek assurance that if the Helifix system is accepted the resin used to secure the stainless steel bars and fill the chases is compatible with the stone of the bridge and will not cause cracking or other damage to the stone by, for example, being relatively rigid compared with the stone.
3. If permission to use the Helifix method is granted a specific condition should be imposed that the resin or other material used to fill the chasing should be carefully matched in colour and texture to the stone of the bridge to minimise the visual impact of the chasing. (Please see the attached case study from the Helifix website – [www.helifix.co.uk](http://www.helifix.co.uk) – of a comparable project where the chasing grid is clearly visible on the intrados of the bridge).
4. The Design and Access Statement proposes changes to both the eastern and western the kerbs and verges on bridge and discusses their effects on the heights of the parapets (1st paragraph on the second page). After the changes both parapets will be below the accepted minimum safe height but the Highway Authority does not intend to raise the heights because "the verges are very infrequently used by pedestrians and the parapets are relatively wide (0.46m), reducing the risk of persons falling over them". No evidence is given for the assumption that the verges are "very infrequently used by pedestrians". In fact the eastern verge in particular is an essential link between two public footpaths - one leads from the A361 through the churchyard into South Newington and the other leads from the A361 by the Thames Water sewage pumping station to Milcombe. The route a popular walk used by residents of South Newington and Milcombe and by visitors.

The danger to pedestrians using the verges is significant when the road is not restricted, as it is currently, because cars and HGV's are forced to drive close to the verges because of the width and alignment of the road and the risk of oncoming traffic. The Highway Authority should therefore be required to reassess its conclusions about the height of the parapets and either raise

them or take other measures to ensure the safety of pedestrians using the verges.

5. The Design and Access Statement states that “Ecological surveys carried out indicate that there are no protected species that are at risk or harm from the proposals, i.e. bats and crayfish” (1st paragraph on the last page). However, the applicant’s ecological surveys have not been supplied with the application. These should be supplied because it is known locally that there are protected crayfish in the River Swere in proximity to the bridge. These may be disturbed during the project depending on how access for working on to the intrados of the bridge arch is to be provided, e.g. from a platform resting on the bed of the stream or close to the adjoining banks.
6. The “Access Statement” in the Design and Access Statement (2nd and 3rd paragraphs on the last page) make no mention of how access to the intrados of the arch will be gained. There is a small area of highway land east of the bridge but the land to the west side is in private ownership. The Parish Council is not aware of any approach being made to the landowners for access permission.
7. A bridge across the Swere is mentioned in a 1279 document but its site is not known, it may have been on or near the site of the 18th Century bridge or further downstream. If permission for the strengthening work is granted a condition should be imposed requiring careful attention to the archaeology of the bridge and the surrounding area to avoid loss of or damage to any evidence of earlier structures that may be present.
8. In the South Newington Conservation Area Appraisal published in February 2014 CDC said under ‘Threats’ to the Village (page 26):

“Due to the strategic nature of the A361 the road has made both positive and negative contributions to the nature of the village. But with time and as the size and type of the vehicles has changed, this impact has become very much more negative to the point now where the HGV traffic can only be described as ‘problematic’.

The long term effects on the historic buildings are detrimental. The heavy goods vehicles are causing splash back from the hard road surfaces and degrading the stonework. The vibrations caused by the weight of the lorries is liable to disturb the limited foundations of the historic buildings. Both of these actions will cause long term structural defects to these properties”.

And in the ‘Management Plan’ (page 30) CDC sets out that it will work with OCC to reduce the impact of the A361 and of highway maintenance activities on the village:

Objective	Action	Action by
Reduce the impact of the A361 to the historic properties (many designated).	Work with OCC to reduce the traffic through this historic settlement to help safeguard the buildings.	CDC and OCC
Improve the quality and amenity value of the public realm in the Conservation Area.	Encourage OCC’s highway maintenance programme to undertake repairs within the Conservation Area that respect the historic materials palette.	CDC and OCC

The proposed strengthening of the Swere bridge will give it an “unlimited” weight capacity (information given by Robin Calver, OCC Project Engineer, in a telephone conversation with the chairman of South Newington Parish Council), meaning that it will be able to carry not only 44 tonne vehicles but also occasional loads of higher weights.

This has important implications for the continued use of the A361 through South Newington by larger HGV's. Planning application 14/02091/LB should therefore be considered in the context of the concerns expressed by CDC in the Conservation Area Appraisal and the first objective and action committed to in the Appraisal Management Plan. This may lead CDC and OCC to consider limiting the strength of the bridge to a lower weight capacity.

The second objective and action quoted above are relevant to:

- Choice of strengthening method, which the action implies should be as invisible as possible, and;
- The proposal to pave the eastern verge, which is currently grassed. Paving the eastern verge will not be in keeping with the rural setting of the bridge and a method of stopping water penetration whilst preserving a grass verge should be sought.

### 3.2 **Cherwell District Council Internal Consultee:**

**Conservation Officer** - I have no objection to the proposed Goldhawk Helifix system, re-surfacing or new kerbs. While there will be some harm to the listed bridge - specifically to the underside of the arch (intrados), I believe that the works proposed will safeguard the integrity of the structure and that the benefits derived from the works would out-weigh this harm.

## 4. **Relevant National and Local Policy and Guidance**

### 4.1 **Development Plan Policy**

Adopted Cherwell Local Plan 1996 (Saved Policies)

C18: Development proposals affecting a listed building

### 4.2 **Other Material Policy and Guidance**

**National Planning Policy Framework (NPPF) - March 2012**

**Planning Practice Guidance (PPG)**

**Submission Local Plan (SLP) - October 2014**

Submission Local Plan (October 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in March 2015. The Plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case:

ESD 16: The Character of the built and historic environment

## 5. **Appraisal**

- 5.1 The proposals are not considered to require planning permission therefore the key issue to consider is the impact upon the historic character, interest and fabric of the listed structure, and the impact upon the significance of this designated Heritage Asset. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application would

include conserving and enhancing the historic environment.

- 5.2 The structure is a Heritage Asset and therefore the NPPF requires that any development must sustain and enhance its significance. The emphasis is on ensuring that the historic significance of the heritage asset is not harmed. The NPPF (paragraph 132) further states 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. The more important the asset, the greater the weight should be”.*

- 5.3 The Adopted Cherwell Local Plan principle policy C18 advises of the Council’s desirability of preserving the listed building and structures or their setting or any features of special architectural or historic interest. Normally alterations will be approved where they are minor and sympathetic to the architectural and historic character of a building or in this case the structure.
- 5.4 The proposed method of repair (Goldhawk Helifix System) is detailed within the Design and Access Statement submitted in support of the application. Notwithstanding the resurfacing and new kerbing (required to reduce water penetration) the majority of the actual proposed strengthening work will largely be confined to the underside of the bridge and views from the public domain will be limited. Several options have been considered, weighing the potential harm to the listed structure and the potential disruption to highway users and the public; on balance the Goldhawk Helifix System, indicated within the application documents, was considered to be the most appropriate course of action.
- 5.5 The proposals will result in the loss in the grass verge over the bridge, which is regrettable. However, officers consider that the benefits to the future structural integrity of the bridge, through the reduction in water penetration into the fabric of the bridge, outweigh any visual harm that would be caused to the Heritage Asset.
- 5.6 Given the nature of the worked proposed, and the status of the bridge as grade II listed Heritage Asset officers have not considered it necessary to seek further advice from English Heritage on this matter. The Council’s Conservation Officer has been consulted on the application and raises no objection to the proposed works; noting that although there will be some harm caused to the listed structure, a visible grid pattern on the intrados face (underside of the arches) of the bridge, in light of the limited opportunity to view the underside of the bridge, this harm is not so significant that it would warrant a reason to refuse the application; given the benefits that are to be had in safeguarding the Heritage Assets future by improving its structural integrity.
- 5.7 In light of the Conservation Officer’s comments it is considered appropriate to apply conditions to any such permission, should such be granted, that any works for the making good should be carried out in materials of a colour and texture that match the historic fabric of the bridge; to ensure that the completed work is in keeping with and conserves the special character of the existing historic structure and to comply with Policy C18 of the ACLP and Government guidance contained within the NPPF.
- 5.8 The view of the Conservation Officer is agreed and it is considered that on balance, subject to the proposed conditions, the proposals will preserve the architectural and historic character of the structure and secure its longer term use; in line with the provisions and aims of both local and national policy guidance contained within the Adopted Cherwell Local Plan and National Planning Policy Framework.

#### **Other matters**

- 5.9 Whilst the proposed work will seek to remedy the immediate structural issues, there

has been a suggestion that further work will be required to ensure the future structural integrity of the bridge going forward. It is not possible to say for certain what work will be required in the future, but it must be noted that any further work would still require listed building consent as a minimum and each application would need to be assessed on its own merits at the time of application.

- 5.10 The proposed works do not require planning permission and therefore issues relating to the impact on highway safety, public health and safety, neighbour amenity, archaeology and protected species are not a material consideration in the context of this listed building consent application; it is solely the impact on the Heritage Asset that is of concern and as such has been the subject of the assessment above.
- 5.11 The village is located on a major transport route (A361) and representations have been made with regard to the amount and type of traffic that passes through the village and the damage that is caused to historic buildings and structures; specifically by heavy goods vehicles (HGVs). Whilst officers do not dispute that the issue of HGVs passing through the village is a threat to the long-term future of the historic buildings within the village (as identified within the South Newington Conservation Area Appraisal), it is not considered that it would be appropriate for these issues to be considered within the context of this listed building consent application. Whilst HGVs and other traffic are highly likely to have contributed to the degradation of the structural integrity of the bridge, this is a listed building consent application only and as such it is the proposed strengthening work that is the subject of this application, and only the impact that this work will have on the character and appearance of the listed bridge is to be assessed.
- 5.12 Although no indication as to the weight capacity of the bridge, post strengthening work, has been given, it is considered likely that the proposed work would allow for heavier vehicles to pass over the bridge. This is a concern that has been raised by objectors and the Parish alike and is an issue that has been identified within the South Newington Conservation Appraisal.
- 5.13 There has been the suggestion of the possible implementation of weight restrictions over the bridge and through the village. This is a matter for Oxfordshire County Council as Highways Authority to consider and representations should be taken up with them on this issue; however, in officer's opinion, this would need to be considered outside of the scope of this listed building consent application. It is considered that a condition imposed on any permission granted for listed building consent for the strengthening work, detailed within this application, requiring a weight restriction to be imposed would fail to meet the tests set out within the NPPF in relation to the use of conditions (i.e. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (NPPF para. 206)), specifically in terms of necessity and relevance, and would therefore be open to challenge should any condition of this nature be proposed.
- 5.14 Issues relating to the safety of pedestrians crossing the bridge have been raised within objections to the application. Whilst, in officer's opinion, the proposals do not significantly alter the current situation with regard to the parapets and a paved area will replace the current grass verge. However, as noted above, again, this is not material consideration within the context of this listed building consent application.
- 5.15 Issues relating to access to the site have also been raised. Land ownership is not a material consideration in either planning or, in this case, listed building consent applications. The granting of consent gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. Access will be a matter that will need to be negotiated by the applicant and relevant land owners.

## **Engagement**

- 5.16 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient determination of the application.

## **Conclusion**

- 5.17 Whilst there are obviously strong feelings within the local community regarding HGV traffic passing through the village, this is not something that can be addressed within the context of this listed building consent application. Due regard has been paid to the desirability of preserving the structure and also securing its long term use. Although the works will result in some harm to the visual appearance of the bridge it is considered that the proposals will, on balance, safeguard the integrity of the structure and that the benefits derived from the works would outweigh this harm. The proposal is not considered to be contrary to the aim of relevant policy; it is therefore considered acceptable and recommended for approval as set out below.

## **6. Recommendation - Approval 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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Location Plan and drawings numbered: B0107/1100 and B0107/2402

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

3. The resin to be used to secure the Helifix Helibars shall be coloured to match the existing stonework of the bridge.

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 C18 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Any remedial stonework necessary for the repair or making good shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing structure and shall be laid, dressed, coursed and pointed to match that of the existing stonework.

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 C18 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

## **PLANNING NOTES**

The applicant is reminded that this building is included in the Statutory List of Buildings of Architectural or Historic Interest, and no works to the exterior or interior of the building, which materially affect the character of the building may be carried out

without the prior express consent of the Local Planning Authority (given through the submission of an application for, and subsequent grant of, Listed Building Consent). This consent gives approval only for those works shown on the plans and details submitted and approved in relation to this application. Additionally the applicant shall carry out the approved works in such a manner as to ensure that the existing building(s) is/are preserved and not structurally or superficially altered in any way whatsoever save in accordance with the approved plans the subject of this consent and the said building(s) shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

The applicant is reminded that the carrying out of any unauthorised work to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

Records show that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact: County Archaeologist, Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE (Telephone 01865 328944).

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.