

**Heyford Manor
18 Church Lane
Lower Heyford
Bicester
OX25 5NZ**

18/01857/F

Applicant: Mr James Macnamara

Proposal: Removal of two rotted plain modern wooden gateposts either side of the entrance. Replacement with simple stone pillars made from local stone sourced on site. Wrought iron gates

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: *The applicant is an Elected Councillor at Cherwell District Council*

Expiry Date: 20 December 2018 **Committee Date:** 13 December 2018

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

The application seeks planning permission to replace two rotten wooden piers with two stone piers, topped with stone spheres and a pair of wrought iron gates, at the entrance to Heyford Manor.

Consultations

Consultees have raised no objections to the application.

Planning Policy

The application site lies within the village of Lower Heyford, in the Rousham Conservation Area, and in close proximity to the Oxford Canal Conservation Area. The site is within the Canal and River Trust consultation zone. Heyford Manor is a grade II listed building and the grade II* Church of St Mary's is positioned to the east of the site. Other grade II listed buildings and structures are in close proximity. Public footpath ref: 289/7/10 runs alongside the southern boundary of the site, and the site is of medium archaeological interest. Protected and notable species have been identified in the area.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- Design, and impact on the character of the area including designated heritage assets
- Residential amenity
- Highway safety, including public right of way
- Biodiversity and the natural environment

The report looks into the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions. The scheme meets the requirements of relevant CDC policies.

RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to the entrance to Heyford Manor that sits at the head of Church Lane, which is a no through road. The site lies within the Rousham Conservation Area, and is in close proximity to the Oxford Canal Conservation Area to the north and west. The site is also in the Canal and River Trust consultation zone. Heyford Manor is a grade II listed building, and the grade II* Church of St Mary's is positioned to the east of the site. Other grade II listed buildings and structures are in close proximity. Public footpath ref: 289/7/10 runs alongside the southern boundary of the site, and the site is of medium archaeological interest. Protected and notable species have been identified in the area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The proposed development would involve the removal of two existing rotten timber posts that sit either side of the entrance to the property, and their replacement with 2 no. 1.5 metre high stone piers to either side of the entrance, with wrought iron gates in a similar style to existing Victorian railings that currently exist to either side of the entrance. The stone piers would be topped with reclaimed stone spheres (finials). The existing railings would not be removed or altered as a result of the proposal.

3. RELEVANT PLANNING HISTORY

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

4. PRE-APPLICATION DISCUSSIONS

4.1. No formal 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 29.11.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties at the time of writing. Any 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. LOWER HEYFORD PARISH COUNCIL – no comments received at the time of writing.
- 6.3. MID-CHERWELL NEIGHBOURHOOD FORUM – no comments received at the time of writing.

STATUTORY CONSULTEES

- 6.4. CANAL AND RIVER TRUST – “no comment to make on the proposal.”
- 6.5. HISTORIC ENGLAND – do not wish to offer any comments, and suggest that the views of specialist conservation and archaeological advisors are sought, as relevant.

NON-STATUTORY CONSULTEES

- 6.6. CDC ARBORICULTURE - the potential pruning or removal of the cherry laurels in order to facilitate the development would not be of detriment to the Conservation Area, and should not prove a constraint to the scheme.
- 6.7. CDC CONSERVATION - **no objection**, although comments that a simpler less decorative approach would be preferable.
- 6.8. OCC HIGHWAY AUTHORITY – **no objection**.
- 6.9. OCC RIGHTS OF WAY – no comments received at the time of writing.

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)

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- 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

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 designated heritage assets
- Highway safety, including public right of way
- Biodiversity and the natural environment

Design, and impact on the character of the area, including designated heritage assets

- 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 ESD15 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.
- 8.4. Saved Policy C28 of the Cherwell Local Plan 1996 seeks 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. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Likewise Section 66(1) of the same Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, 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.
- 8.6. The proposed piers and gates would be visually prominent, sitting at the point where Church Lane terminates and adjacent to a public footpath. The development would also be visible from grade II* listed St. Mary's Church, and would mark the entrance to grade II listed Heyford Manor itself. Existing boundary treatments in the vicinity consist of stone walls with gates of varying design, including ornate gates at the entrance to the grade II* listed church that are referred to in the submission. Similar stone piers to those proposed are also present at the entrance to The Old Rickyard adjacent to the site to the south-east.

- 8.7. The Conservation Officer has queried why decorative stone finials and ornate wrought iron gates have been chosen over a simpler design as this has not been explained in the submission. Notwithstanding this, the Conservation Officer recognises that the church gates are also ornate in design.
- 8.8. Whilst the proposed piers and gates would be clearly visible from the public domain, it is considered that they would enhance the appearance of the streetscene through formal definition of the entrance to Heyford Manor where the current entrance is unremarkable, consisting of vegetation that covers the existing railings and wooden posts. It is considered that the proposed replacement would be in-keeping with the property's status as a manor house and would not cause harm to the settings of the surrounding listed buildings or the wider Conservation Area.
- 8.9. Officers have not pursued a justification for the proposed finials and gates, as the scheme in its current form is considered acceptable, in accordance with Government guidance contained within the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996.

Highway safety, including public right of way

- 8.10. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users, and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.11. The proposed piers and gates would not affect the route of the public right of way. Whilst no indication has been provided as to which way the gates would open, a condition requiring them to be inward opening would prevent them from opening out onto the public highway. Further, sufficient off-street parking would continue to be provided on site. Officers consider the proposal to accord with Government guidance contained within the NPPF.

Biodiversity and the natural environment

- 8.12. Government guidance contained within the NPPF requires the protection and enhancement of biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 8.13. Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 echoes Government guidance, requiring relevant habitat and species surveys to accompany applications which may affect a site, habitat or species of known or potential ecological value, seeking net gains in biodiversity, the protection of existing trees and the protection, management, enhancement and extension of existing resources along with the creation of new ones.
- 8.14. The proposed works would involve minor works to existing vegetation that is unlikely to result in harm to habitat used by protected species. The Arboricultural Officer does not consider that any trees that could potentially be affected by the development are worthy of protection with a tree preservation order. The proposal is therefore considered not to pose any significant harm to biodiversity or the natural environment and accords with Government guidance contained within the NPPF and Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposed piers and gates at the entrance to Heyford Manor would not result in harm to the setting of the listed building or the other listed buildings in close proximity to the site. Further, harm would not be caused to the character or appearance of the designated Conservation Area, the visual amenities of the locality, highway safety or biodiversity. It is therefore recommended that planning permission is granted.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

Time Limit

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.

Approved Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Design and Access Statement, Location Plan, Block Plan, Drawing Illustrating Proposed Gates and Posts, Materials, Photos

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.

Stonework

3. The stonework shall be laid, dressed, coursed and pointed to match that of the existing end of wall as shown on Materials: Photos of stone submitted with the application.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 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.

Gates

4. The gates shall be inward opening only.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.