
MAIN CASE

Reference No: 20/00932/FUL

Proposal: Construction of tennis court in garden to The Abbey

Site Address: The Abbey Abbey Lane Swaffham Bulbeck Cambridge CB25 0NQ

Applicant: Mr & Mrs Burke

Case Officer: Emma Barral Planning Officer

Parish: Swaffham Bulbeck

Ward: Bottisham
 Ward Councillor/s: Charlotte Cane
 John Trapp

Date Received: 20 July 2020 **Expiry Date:** 12th February 2021
[V125]

1.0 **RECOMMENDATION**

1.1 Members are recommended to **APPROVE** the application subject to the recommended conditions below. The conditions can be read in full on the attached Appendix 1.

- 1 Approved Plans
- 2 Time Limit
- 3 Archaeology
- 4 Fencing Details

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks consent for the construction of a new hard surfaced tennis court with surrounding fence to the northwest corner of the Site.

2.2 The proposed hard standing for tennis court will measure 17m x 35m (55 feet x 114 feet) with an area of 595sqm (6400 square foot). It will be located at the northwest corner of the property, at a distance of approximately 50m (164 feet) from the main house. A detailed construction specification is provided in support of this application which details the method of construction for the court. Removal of topsoil to a depth of 150mm (0.5 feet) is required to facilitate construction, with 4x posts installed at the corners to support the fencing.

- 2.3 The boundary of the playing area will be enclosed by fencing measuring 2.75m (9 feet) in height. The court will have a 150mm (0.5 feet) lime-stone base with a further porous layer of macadam and green painted finish. The porous nature of the surface will allow the court to drain quickly to avoid any surface water issues.
- 2.4 The fencing will be high-specification post and chain link with galvanised steel painted black.
- 2.5 The application has been called in to Planning Committee by Councillor Trapp who has stated that the applicants feel that “the condition imposed by County Archaeology has already been met and the applicants have done everything possible to establish that the site is not of significant archaeological significance, and to this end it would be quicker to have this called into Planning Committee”.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

95/00041/LBC	Demolition of Derelict Garage and Repairs, Alterations & Improvements to Dwelling (part demolition)	Approved	27.04.1995
95/01001/FUL	Demolition of existing timber garage and erection of new garage and storebuilding in grounds	Approved	11.07.1996
95/01002/LBC	Demolition of existing timber garage and erection of new garage and storebuilding in grounds	Approved	11.07.1996
05/01160/LBC	Repairs/Rebuilding parapet walls at roof level.	Approved	19.12.2005
05/01162/LBC	Works to support existing chimney	Approved	21.02.2006
12/00416/TRE	T1, T2 & T3 Holly Trees - overall reduction by 50% and reshaping.	Allowed	08.06.2012

12/00779/FUL	Part enclosure of the covered veranda of the existing building to create a wine store.	Approved	02.10.2012
14/01428/LBC	Internal and external alterations to listed building	Approved	10.02.2015
14/01428/DISA	To discharge conditions 3 (windows and doors) and 4 (rainwater and soil vent) of decision notice dated 11.2.15 for internal and external alterations to listed building	Condition Discharged	23.07.2015
15/01057/LBC	To carry out minor alterations to install a new bathroom on the first floor (see previously approved application 14/01428/LBC)	Approved	05.11.2015
15/01057/DISA	To discharge condition 3 (Details of proposed soil vent pipe and visible pipework) on decision dated 5.11.15 for carrying out minor alterations to install a new bathroom on the first floor (see previously approved application 14/01428/LBC)	Condition Discharged	26.01.2016
14/01428/DISB	To discharge condition 3 (Details of proposed windows & external doors) on decision dated 11.2.15 for Internal and external alterations to listed building	Condition Discharged	26.05.2016
14/01428/DISC	To discharge condition 6 (Internal staircases) of decision dated 11/02/2015 for the internal and external alterations to listed building	Condition Discharged	18.07.2016
16/01156/CLB	Replace existing "Bottesford Blue" pan tiles with plain tiles to match existing nearby roofing detail.	Approved	05.10.2016

Proposed sample tiles are on site and photograph attached.

14/01428/DISD	To discharge condition 3 (Window and door detailing) on decision notice dated 11.2.15 for Internal and external alterations to listed building	Condition Discharged	24.04.2017
17/00403/LBC	New window opening in south wall in the easternmost bay of the undercroft plus consolidate and repair defective stonework etc	Approved	25.04.2017
17/02130/FUL	Construction of a new double garage	Approved	02.02.2018
19/00206/TRE	T1 Ash + T2 Ash - Fell due to Ash Dieback disease (butts to be retained at hedge height.) Replacement native hardwoods to be planted within the garden adjacent to felled trees) T3, T4, T5 Ash - Fell due to Ash Dieback disease (but no replacement planting due to proximity of adjacent trees) T6 Willow - Reduce crown by 50% T7 Coast Redwood - Fell due to extensive basal decay.	Allowed	09.10.2019
19/01524/FUL	Construction of bore hole and rill pond within the northeast garden	Withdrawn	23.01.2020

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located to the north-east of the village of Swaffham Bulbeck, approximately 8 miles from Cambridge. The house sits to the north of the site and is set on a north-west to south-east orientation. The Abbey is accessed from the driveway to the south and is the location of a Benedictine Nunnery, first referenced in the 12th century. The majority of the Abbey grounds is open and grassed, given

over to paddocks and wild meadows. To the north of the main house is a private garden and to the east is a large garage with a patio. Further east is a section of wall which is part of the former medieval nunnery. The application site is located outside the development envelope and within the Conservation Area Boundary.

- 4.2 The area of land to which this application relates is in the northwest corner of the Abbey.
- 4.3 The Abbey is a Grade I Listed Building and is a large detached dwellinghouse. Significant alterations and repairs were undertaken to the property in the 1990s. More recently, the current owners have undertaken further alterations and repairs to the property as well as constructing a series of outbuildings to the northeast and northwest of the main house. All works have been undertaken in a careful and sympathetic manner appropriate to the significance of the property. And much of the upper floors of the building have been restored to reflect its 19th century origins.
- 4.4 As a Grade I listed building; the Abbey is considered to be of high significance in heritage terms. The list description guides that the property is listed a result of its architectural and historic interest as a private residential dwelling and its associations with the nunnery that once occupied the site.
- 4.5 The Grade I Listed Building sits within a Scheduled Ancient Monument (as of October 2020). Notification of the Designation Decision was received on 23 October 2020; which confirmed that the *'area of protection includes the buried remains of the medieval nunnery with a surrounding 1m buffer for the protection and preservation of the monument.'* The site of the proposed tennis court lies outside the area that was added to the Schedule of Monuments as this covered the dwellinghouse and rear section of the curtilage only.
- 4.6 To the north of the site is the Grade II Listed Building of Swaffham Prior House set within a Grade II Listed Park and Garden.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Swaffham Bulbeck Parish Council- 10 August 2020- No comment

Conservation Officer - 11 August 2020- "The application site is within the grounds of NHLE ref 116559 The Abbey, a Grade I listed C18 house built over the remains of a C13 Benedictine nunnery. The site also contains a separately Grade II listed fragment of standing wall (NHLE ref 1331452) and extensive earthwork remains, and the whole complex is included in the Commercial End conservation area.

It should be noted that a previous application (19/01524/FUL) involving excavation elsewhere on the site was withdrawn in the face of Cambridgeshire Archaeology's objections. Whilst they will make their own judgements, the site as a whole is clearly archaeologically-sensitive and in the light of the current scheduling application, it would be premature for the Council to determine this application pending its outcome. Recommendation: objection".

Conservation Officer - 26 October 2020- “Now that the scheduling application has run its course and the boundary of the designated area has been confirmed, I am content to withdraw my precautionary holding objection. I would stress however that given the proven archaeological sensitivity of the site, Cambridgeshire Archaeology's view on the application in this location remain paramount”.

Historic England - 25 August 2020- “Thank you for your letter of 29 July 2020 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The grade I listed Abbey is an C18 house that has been built over the well-preserved undercroft of the Benedictine nunnery or priory of Swaffham Bulbeck extant by 1199. The Abbey also lies within the Commercial End conservation area. The planning application is for a tennis court that would be sited approximately 50 metres to the north-west of the house beyond the row of trees and on the opposite side of the driveway. We note the accompanying Heritage Statement and concur with its assessment that the proposed works would not result in a negative impact upon the setting of the Grade I listed building, and therefore do not consider this would result in harm to its significance as a heritage asset.

However, whilst we would have no objection in principle, we note from our records that this site is currently under consideration for scheduling by our colleagues in listing team and you may wish to consider whether the application should be held in abeyance until the outcome of the scheduling application has been decided.

Recommendation

Historic England has no objection to the application on heritage grounds”.

Historic England - 19 November 2020- “Thank you for your letter of 4 November 2020 re-consulting us following receipt of additional information in relation to the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The grade I listed Abbey is an 18th century house that has been built over the well-preserved undercroft of the Benedictine nunnery or priory of Swaffham Bulbeck, that was extant by 1199. The Abbey also lies within the Commercial End conservation area.

Approval is sought for the construction of a hard surface tennis court (17m x 35m) surrounded by a 2.75m chain link fence in the north west corner of the garden. The tennis court would be sited approximately 50 metres to the north-west of the house beyond the row of trees and on the opposite side of the driveway.

We were consulted in July 2020 regarding the proposals; following which the application was withdrawn pending a decision from the DCMS in respect of an application for scheduling of the earthwork remains associated with The Abbey. Notification of the Designation Decision was received on 23 October 2020; which confirmed that the 'area of protection includes the buried remains of the medieval nunnery with a surrounding 1m buffer for the protection and preservation of the monument.' The site of the proposed tennis court lies outside the area that was added to the Schedule of Monuments.

Having considered the comprehensive documentation submitted with the application, including the Design, Access and Heritage Statement produced by Barton Willmore and An Historic Environment Desk-Based Assessment produced Historic England is satisfied that the proposed tennis court would be contextually appropriate within the grounds of the grade I listed Abbey and would not cause harm to the significance of the Abbey or its setting.

We suggest you seek the advice of the Cambridgeshire Historic Environment Team in relation to detailed archaeological advice.

Historic England has no objections to the application on heritage grounds”.

Cambridgeshire Archaeology - 11 September 2020- “The site is located in a site of very high archaeological significance within the grounds of the former Swaffham Bulbeck Priory. The location sits within the grounds of the Grade I Listed Abbey and extant earthworks within the Abbey Grounds are most likely to be associated with the former Abbey.

The proposed development is likely to impact heritage assets of archaeological interest which may be considered as of equivalent significance to designated heritage assets. The National Planning Policy Framework is clear that such assets should be subject to the same policies as designated assets and that development should be wholly exceptional. Furthermore, the site is currently under consideration for scheduling by Historic England, advisors to DCMS.

We therefore object to the application and recommend refusal of the planning application”.

Cambridgeshire Archaeology - 18 November 2020- “I am writing to you regarding the archaeological implications of the above planning application

We have previously provided comments objecting to the proposed development on the grounds of likely impacts on potentially nationally important archaeology associated with the Abbey. The site has since been considered for designation by Historic England and, in accordance with their recommendation, part of the site has been awarded Scheduled Monument status under List Entry 1472391.

The current application was excluded from the Schedule. There is however potential for sub surface archaeological remains relating to the Abbey to survive in the area. We would therefore withdraw our previous holding objection to the proposal and would recommend that the site should be subject to a programme of archaeological

investigation, secured through the inclusion of a negative condition, such as the example condition approved by DCLG:

Archaeology

No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. the statement of significance and research objectives;
- b. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c. The timetable for the field investigation as part of the development programme;
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material

Reason

To ensure that the significance of historic environment assets is conserved in line with NPPF section 16”.

Cambridgeshire Archaeology - 14 January 2021- “I must reiterate our previous advice regarding the conditions for both applications. The site is located in an area of high archaeological sensitivity within the grounds of a former Priory, considered to be of national importance which is reflected in its recent designation as a Scheduled Monument. The areas of the applications were excluded from this schedule as it was felt on balance that these areas were subject to later disturbance. This should not however be taken as confirmation that the areas in question have no archaeological potential. The interpretation of the site layout has not been confirmed by field testing and a cautionary approach to the applications is justified by their location within the precinct of the nationally important medieval Abbey.

In terms of the condition requiring a written scheme of investigation, I believe Quinton addressed this in his email of 30th December. We would of course advise programmes of work which are proportionate to the impact of the proposed schemes. For the tennis court, it is likely that this will involve a monitoring and recording exercise (sometimes referred to as a watching brief) on the limited ground disturbance proposed. I must however point out that this must still be undertaken by the applicant's contractor in accordance with an approved written scheme of investigation. The Chartered Institute for Archaeologists (CIfA), the professional body representing archaeologists in the UK, has a range of Regulations, Standards and Guidance which are designed to ensure that all members work to high ethical and professional standards. CIfA standards and guidance require all archaeological

fieldwork, including watching briefs, to be governed by a written scheme of investigation.

<https://www.archaeologists.net/sites/default/files/CIfASGWatchingbrief.pdf>

3.1.5 However it arises, an archaeologist should only undertake watching briefs which are governed by a Written Scheme of Investigation (WSI) or project design (see Appendices 2 and 3) agreed by all relevant parties, as this is the tool against which performance, fitness for purpose - and hence achievement of standards - can be measured.

3.1.6 The WSI or project design is therefore of critical importance.

I would therefore confirm that we consider our previous recommendations, comprising the use of pre commencement conditions requiring written schemes of investigation to secure the necessary archaeological works, to be justified and proportionate to the scale of the proposed works and the potential archaeological impacts”.

Council for British Archaeology - No Comments Received

SPAB - No Comments Received

Ward Councillors - Councillor Trapp has stated that the applicants feel that “the condition imposed by County Archaeology has already been met and the applicants have done everything possible to establish that the site is not of significant archaeological significance, and to this end it would be quicker to have this called into Planning Committee”.

Ancient Monuments Society - No Comments Received

5.2 **Neighbours** – A site notice was erected near the site on the 20th August 2020, and an advert published in the Cambridge Evening News on the 6th August 2020. No neighbouring properties were directly notified given the proximity of the proposals from any neighbouring development.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood Risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact

COM 8 Parking provision

6.2 Supplementary Planning Documents

Design Guide
Natural Environment
Contaminated Land
Cambridgeshire Flood and Water

- 6.3 National Planning Policy Framework 2019
2 Achieving sustainable development
4 Decision-making
9 Promoting sustainable transport
12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The proposed works are within the residential curtilage of the dwellinghouse in the north-west section of the garden and are for the enjoyment of the occupiers of the dwellinghouse. Therefore, the principle of the proposed development is considered to be acceptable.

7.3 Residential Amenity

7.4 Policy ENV2 of the East Cambridgeshire Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. There are no nearby neighbouring occupiers that would be affected by the proposed construction of a tennis court and surrounding fence within the garden to north-west of The Abbey. As such, the proposals would not result in harm by way of overlooking, overbearing, loss of light, loss of outlook, loss of privacy, overshadowing or similar.

7.5 Therefore, it is considered that the location and scale of the proposed works would not create any significantly detrimental effects on the residential amenity of nearby occupiers and therefore complies with Policy ENV2 of the Local Plan 2015.

7.6 Visual Amenity

7.7 Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The character of the site is that of a private domestic dwelling set within a large private garden.

7.8 The proposed tennis court is to be positioned in the north-west corner of the Abbey grounds. Approval is sought for the construction of a hard surface tennis court (17m x 35m, 55 feet x 114 feet) surrounded by a 2.75m (9 feet) chain link fence in

the north west corner of the garden. The tennis court would be sited approximately 50 metres (164 feet) to the north-west of the house beyond the row of trees and on the opposite side of the driveway.

7.9 The construction of the proposed tennis court and surrounding fencing will not be overly visible from the main house nor the public highway to the south. Given the limited visibility and small scale nature of the proposals they are not considered to result in harm to visual amenity. The proposal therefore complies with Policy ENV2 and ENV11 of the Local Plan 2015 by being designed to a high quality and by utilising sympathetic materials to ensure that the proposed remains sympathetic to the character and appearance of the surrounding area.

7.10 Due to the proposal being in the setting of a Grade I Listed Building and to ensure a high-quality finish, details of the proposed fencing around the tennis courts are appended as a planning condition.

7.11 Historic Environment

7.12 Policy ENV11 of the Local Plan 2015 states that development proposals within Conservation Areas should be of a particularly high standard of design and materials. Section 72 (1) of the Listed Buildings and Conservation Areas Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of an area, with respect to any buildings or other land in a conservation area. Policy ENV12 of the Local Plan 2015 relates to listed buildings and is therefore considered to be the most relevant policy to this proposal. Policy ENV12 states that:

“Proposals that affect the setting of a Listed Building will only be permitted where they would:

- *Preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset.*
- *Not materially harm the immediate or wider setting of the Listed Building. This setting may extend well beyond the immediate building curtilage and may include an extensive street scene or a wider urban design context, especially when the proposal is within a Conservation Area; and*
- *Facilitate the long-term preservation of the building.”*

Furthermore, the Council’s Design Guide Supplementary Planning Document states:

“Any development that affects the historic environment should make a positive contribution to the area and have sufficient regard for the surrounding buildings and features. Development that does not respect the character, detracts from, or has a negative impact on the area, will not be supported.”

7.13 The Conservation Officer has been consulted as part of the application process and has commented that “now that the scheduling application has run its course and

the boundary of the designated area has been confirmed, I am content to withdraw my precautionary holding objection. I would stress however that given the proven archaeological sensitivity of the site, Cambridgeshire Archaeology's view on the application in this location remain paramount”.

- 7.14 As stated by the Conservation Officer, the dwellinghouse and its immediate garden form part of Scheduled Ancient Monument only. The proposed works would still affect the setting of the Grade I Listed Building however they are not included in the Scheduled Ancient Monument designation.
- 7.15 In addition, Historic England have commented that “Notification of the Designation Decision was received on 23 October 2020; which confirmed that the 'area of protection includes the buried remains of the medieval nunnery with a surrounding 1m buffer for the protection and preservation of the monument.' The site of the proposed tennis court and fencing lies outside the area that was added to the Schedule of Monuments.
- 7.16 Having considered the comprehensive documentation submitted with the application, including the Design, Access and Heritage Statement produced by Barton Willmore, together with the Historic Environment Desk Based Assessment produced by CTA, Historic England is satisfied that the proposals would be contextually appropriate within the grounds of the grade I listed Abbey and would not cause harm to the significance of the Abbey or its setting”.
- 7.17 Therefore, given the minor scale of the proposed works and their distance from the Listed Building it is not considered that the proposal would result in any harm to the special interest of the Grade I listed Abbey building or its setting.
- 7.18 Therefore, the proposed development is not considered to result in harm to the Conservation Area nor the setting or fabric of the Listed Building known as The Abbey. The proposal preserves the character and appearance of the Swaffham Bulbeck Conservation Area and the Listed Building complying with Policy ENV11 and ENV12 of the Local Plan 2015. The application complies with Policy ENV12 of the East Cambridgeshire Local Plan, as the proposal is considered to be compatible with the character of the Listed Building.
- 7.19 Archaeology
- 7.20 The Abbey retains historic fabric that dates from the 13th century which provides evidence of how the building has developed over time. The undercroft of the house provides evidence as to the construction of the original buildings on the site. The Planning Agent, applicants and County Archaeology have been involved in discussions since the application was first validated around how the archaeological potential within the site should be considered. There is considered to be high potential for archaeological remains given the proximity to a Scheduled Ancient Monument (SAM). When the SAM was designated Historic England advised that Cambridgeshire Historic Environment Team be consulted to assess archaeology. Any proposed digging could lead to permanent damage to important historic heritage and as such a condition is required to ensure that archaeological findings found are appropriately protected and reported.

- 7.21 County Archaeology have commented that “the site is located in an area of high archaeological sensitivity within the grounds of a former Priory, considered to be of national importance which is reflected in its recent designation as a Scheduled Monument. The areas of the applications were excluded from this schedule as it was felt on balance that these areas were subject to later disturbance. This should not however be taken as confirmation that the areas in question have no archaeological potential. The interpretation of the site layout has not been confirmed by field testing and a cautionary approach to the applications is justified by their location within the precinct of the nationally important medieval Abbey”.
- 7.22 Both sides agree that there is archaeology potential on the parts of the site that lie outside the Scheduled Ancient Monuments boundary, including to the northwest of the site in the location of the proposed tennis court and fencing within the garden to northwest of The Abbey. There is still a need to reach a conclusion if the depth of intrusions are likely to reach/interfere with archaeological evidence and the relevant wording of a condition to be appended to any consent granted.
- 7.23 In relation to their recommended pre-commencement condition, County Archaeology have commented that “the current application was excluded from the Schedule. There is however potential for sub surface archaeological remains relating to the Abbey to survive in the area. We would therefore withdraw our previous holding objection to the proposal and would recommend that the site should be subject to a programme of archaeological investigation, secured through the inclusion of a negative condition”. County Archaeology have also stated that “the use of pre commencement conditions requiring written schemes of investigation to secure the necessary archaeological works, to be justified and proportionate to the scale of the proposed works and the potential archaeological impacts”.
- 7.24 Officers therefore consider that County Archaeology have given sufficient detail to suggest that their pre-commencement condition is reasonable and have provided clear guidance alongside their justifications. The Planning Agent has agreed in writing to the principle of the suggested condition. The Planning Agent has commented that “The Applicant has maintained throughout this process that they are happy to agree to an archaeological condition being placed on any consent for the provision of an archaeological watching brief and this position has not changed. Our concern remains that the standard archaeological condition is disproportionate in regard to the likelihood of archaeology being present in the location of the two applications; as has been clearly demonstrated in the submitted DBA and the subsequent assessment by Historic England”. As such, the Agent has raised concern with the wording of the condition suggested by County Archaeology.
- 7.25 The Planning Agent is seeking the following wording:
- “No development shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed”.*

- 7.26 It is recommended by Officers that the wording suggested by County Council is used, in order to ensure appropriate control over the protection of archaeology on the site.
- 7.27 Planning Balance
- 7.28 Paragraph 192 of the NPPF guides that local planning authorities, in determining applications, should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 of the NPPF guides that great weight must be given to the conservation of designated heritage assets in decision-making, the more important the asset the greater the weight should be. Paragraph 196 of the NPPF guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 200 guides that proposals that preserve those elements of the setting of heritage assets that make a positive contribution should be treated favourably.
- 7.29 The planning application is for planning permission for the construction of a tennis court and fencing to the northwest corner of the Abbey grounds. It is not considered that the proposed development would result in harm being caused to the special character of the Grade I listed Abbey. The proposals would also not result in harm to visual amenity or residential amenity given their location within the application site and limited visibility. For these reasons the propose development complies with ENV1, ENV2, ENV11 and ENV12 of the Local Plan 2015.
- 7.30 With the inclusion of the pre-commencement condition as suggested by County Archaeology, the proposed development would comply with Policy ENV14 of the Local Plan 2015. The application is therefore recommended for approval subject to the conditions as set out in the beginning of the Committee Report.

8.0 APPENDICES

8.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00932/FUL	Emma Barral Room No. 011 The Grange Ely	Emma Barral Planning Officer 01353 665555 emma.barral@eastc amb.s.gov.uk

National Planning Policy Framework -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 20/00932/FUL Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
Construction Specification		20th July 2020
Location Plan		20th July 2020
Block Plan		20th July 2020

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
 - a. the statement of significance and research objectives;
 - b. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c. The timetable for the field investigation as part of the development programme;
 - d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material
- 3 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 Notwithstanding the Construction Specification for the proposed tennis court, details of the proposed fencing (including elevations) shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the fencing to be used in the development. Development shall be carried out in accordance with the approved details.
- 4 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.