
MAIN CASE

Reference No: 18/00634/FUL

Proposal: Construction of four detached houses with two new accesses

Site Address: Land Northwest Of 15 Pound Lane Isleham Cambridgeshire

Applicant: Mrs Wendy Davies

Case Officer: Toni Hylton, Planning Officer

Parish: Isleham

Ward: Isleham
Ward Councillor/s: Councillor Derrick Beckett

Date Received: 10 May 2018 **Expiry Date:** 8th December 2018

[T147]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the reason shown below:

1.The proposed development due to its bulk, scale, layout and design would be visually discordant with and constitute an overdevelopment of the site such that it would cause demonstrable harm to the character of the area and the setting of the St Margaret's Priory Scheduled Ancient Monument, contrary to the requirements of Policies ENV 1, 2,11 and 14 of the East Cambridgeshire Local Plan 2015, LP1, LP2, LP22, LP27 and LP28 of the Submitted Local Plan 2018 and the aims of paragraph 11 and chapter 16 of the National Planning Policy Framework.

2.0 **SUMMARY OF APPLICATION**

2.1 The application is made in full for the erection of 4 detached dwellings with the creation of 2 accesses from Pound Lane. Each plot has 2 parking spaces with adequate turning areas to enable vehicles to leave in a forward gear. The proposal also includes additional planting. The existing wall at the front would be taken down and rebuilt to enable the creation of a footpath.

2.2 The proposal comprises of 2 designs, although these are handed. Each dwelling is approximately 6.8 metres in height comprising of 2 floors with the first floor within

the roof space. Each dwelling comprises of 3 bedrooms, bathroom, ensuite at first floor with dining room, kitchen, living room, utility and WC at ground floor.

- 2.3 The materials have been suggested as a Breckland black plain tile, dark buff brick, oak stained soft wood boarding and white UPVc windows.
- 2.4 The application has been amended from the original submission, the amendments have been primarily to the external appearance of the dwellings in order to reduce the impact on the heritage assets.
- 2.5 The application is brought to the Planning Committee at the request of Councillor Beckett. In discussing the application with Councillor Beckett he was of the opinion that the application had generated interest within the village and would benefit from a debate with the 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

16/00216/FUL	Proposed six houses with cart lodges	Refused	17.03.2017
17/01043/FUL	Construction of 6 dwellings	Refused	04.08.2017

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located within Isleham Conservation Area and comprises a 0.2ha paddock on the western side of Pound Lane. The site is 100m north of the Isleham Priory (a scheduled ancient monument). The site is located inside of the development envelope for Isleham with a footway running along the opposite side of Pound Lane providing a link to the main services and facilities of Isleham. The site is bounded to the south by housing and to the north by an open piece of land. To the west lies the open grounds comprising the earthworks of the Scheduled Ancient Monument.

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.

Local Highways Authority – Their comments are copied below for information:

“The highways authority has no objections in principal to this application **subject** to the full width of the footway on private land as shown on drawing number 765/15/24B being conditioned to being dedicated to the highways.

The footway must be under the control of the highways authority to ensure that this remains open to the public at all times. If this is not possible to be conditioned I must object as the footway width and visibility splays would be below current standards and would likely be detrimental to highways safety.”

Conditions are proposed relating to turning, parking, pedestrian visibility splays and access arrangements.

Asset Information Definitive Map Team – The comments are copied below for information:

“Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public footpath, its legal alignment and width as well as the County Council guidance on boundary fences and planting. This guidance ensures that boundary fences do not result in the path becoming narrow and uninviting whilst guidance on planting ensures that the future growth of planting does not obstruct the footpath.”

Conditions are recommended to prevent boundary fencing and planting encroaching onto the public footpath

CCC Growth & Development - No Comments Received

Trees Officer (Consultant) – No objection to the proposal, following the submission of additional information relating to trees.

Environmental Health - No objection to the proposal but would recommend conditions relating to contamination, restrict working hours, lighting and no burning of waste materials.

Waste Strategy (ECDC) – No objection on the basis of payment towards the provision of bins.

Historic England – The final comments of Historic England are shown below:

“On the basis of this information, we confirm that the amendments do not address our objections. As such, the advice contained in our letter of the 8 June 2018 stands, although we note that although the site was allocated for development in the adopted local plan in 2015, it is not allocation in the emerging draft local plan.”

The comments made by Historic England on 8th June 2018 are copied below:

“Historic England advise that the proposed development will harm the significance of the designated heritage assets. The NPPF stresses that any harm to designated assets should require clear and convincing justification, Since the rationale for the number of units allocated in the local plan was to minimize the impacts of the development on the setting of the scheduled monument, we advise that the

application does not meet the aims and aspirations of the Framework or the Local Plan, and should be refused.”

Cambridge Ramblers Association – No comments on the proposal other than any development should not interrupt the use of the public right of way.

Cambridgeshire Archaeology - The comments are copied below for information: “Furthermore, it disregards ‘Policy ISL 4 : Housing allocation, land west of Pound Lane’, which indicates that this 0.33 hectares of land is allocated for residential development of approximately 3 dwellings: 4 are now proposed. Reviewing the current application’s layout proposal against that of the 2017 application (itself a version of the 2016 proposal) it is clear that the same number of residential units have been maintained by the applicant: 4 blocks, 2 as semi-detached and 2 as detached units with only wider distances between the house blocks. This constitutes neither a material change in terms of development scale thereby continuing to obscure the ancient scheduled site to the rear of the land plot from Pound Lane, nor attempts made to keep the tangible historic environment of the village within sight by the reduction of the number of appropriately scaled houses to that required in the Local Plan policy for this rural site.”

In discussion with the County Archaeologist should planning permission be granted a condition requiring a Written Scheme of Investigation would be required.

Conservation Officer – The Conservation Officer has fundamental concerns with regard to the proposal and the inter visibility between the Priory and the Baptist Church opposite the site and the proposed heights would impact on this. It is considered that the scheme would be detrimental on the Listed Buildings and Conservation Area.

Ward Councillors - The application is brought to the Planning Committee at the request of Councillor Beckett. In discussing the application with Councillor Beckett he was of the opinion that the application had generated interest within the village and would benefit from a debate from the Planning Committee.

Parish - The Parish Council have raised objections throughout the life of the application and these are summarised below:

- The size and nature of the dwellings is out of keeping with the character of the area;
- Would detract from the view of the Priory;
- Concerned with highway visibility and provision of accesses;
- Much of the existing infrastructure is at capacity and lack of public transport.

5.2 Neighbours – 9 neighbouring properties were notified and 7 responses were received are summarised below. A full copy of the responses are available on the Council’s website. The application was also advertised in the Cambridge Evening News and a site notice was erected on the lamp post opposite the site.

- The proposal will increase traffic in this location;

- Loss of the wall to the front;
- The access may obstruct the highway;
- The height of the dwellings is out of keeping;
- There is evidence of ecology;
- Loss of light and overshadowing;
- Needs to be sympathetic to the historic setting;
- There is not enough parking;
- Impact on the Conservation Area;
- Impact on trees;
- Impact on the landscape;

1 letter of support was received for the proposal as it will improve the aesthetics of the area.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ISL 4	Housing allocation, land west of Pound Lane
COM 7	Transport impact
COM 8	Parking provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
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

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
 Design Guide
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
 Flood and Water

6.3 National Planning Policy Framework 2018

2 Achieving Sustainable Development
 12 Achieving well-designed places

- 5 Delivering a sufficient supply of homes
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Submitted Local Plan 2018

- LP1A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP22 Achieving Design Excellence
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 Principle of Development

- 7.1.1 In terms of the principle of development, the site is located within the settlement boundary of Isleham and within the Conservation Area and is allocated for housing within Policy ISL 4 of the East Cambridgeshire Local Plan 2015. The principle of housing on this site is therefore acceptable. However Policy ISL 4 allows for the development of approx 3 dwellings on the whole allocation, of which this site forms only part of. The Policy recognises the sensitive nature of the site and restricts the number of dwellings on the whole allocation to approximately 3. The Policy recognises the need for development to have regard to site layout, building height, massing and soft landscaping to minimise the visual impact from Pound Lane, the Scheduled Monument and its wider setting and the need to protect views of the Scheduled Monument.
- 7.1.2 In the Emerging Local Plan this area of land is no longer allocated for residential development, however it is seen to be within the development envelope for Isleham. On this basis the overall principle for residential development in this location is considered acceptable. However, it does not have the same restrictions although the planning constraints remain the same and would need to be considered in the determination of the application.
- 7.1.3 The Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore any policies controlling the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals

should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

- 7.1.4 This application is for 4 additional dwellings that would be added to the District's Housing Stock and make a contribution towards the shortfall in housing land supply. The provision of any additional dwellings attracts significant weight in the planning balance. The benefits of this development are therefore the contribution it would make in terms of housing supply within the District as a whole as well as the economic benefits of construction and additional population to support local businesses.
- 7.1.5 The fact that the Council cannot currently demonstrate that it has an adequate five year supply of housing does not remove development envelopes. It does however restrict the application of policy GROWTH 2 within the Local Plan, which states that outside defined development envelopes, development will be strictly controlled and restricted to the main categories set out within the policy.
- 7.1.6 The site is also in close proximity to a Grade II Listed Building (Baptist Chapel), Grade I Listed Building (St Margaret's Priory) and a Scheduled Ancient Monument (earthworks to the rear of the site connected with the Priory) all of which are significant heritage assets, whereby Paragraph 11, Note 6 states that if the Local Planning Authority does not have an up to date plan, but the proposal would cause harm to a heritage asset then the lack of 5 year housing land supply does not apply. On this basis it is considered that the proposal would cause harm to the heritage assets then the lack of a 5 year housing land supply of paragraph 11 is not engaged. Therefore whilst the Local Planning Authority cannot consider the application as being of a public benefit as the harm caused to the heritage assets take precedence over this and it outweighs the need for 4 additional dwellings.
- 7.1.7 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.
- 7.1.8 On this basis the proposal in principle is not considered acceptable, however other issues need to be considered and will have a bearing on the final determination of the application.
- 7.2 Historic Environment
 - 7.2.1 The site is set in a context of heritage importance. Immediately opposite the site is a Grade II Listed Building which is a Baptist Chapel. As a Grade II Listed Building this is considered to have local importance. Immediately to the rear of the site is a Schedule Ancient Monument, which are the earthworks relating to the Priory and how it operated in the past. To the west of the site is the Grade I Listed Building which is St Margaret's Priory, and as such is considered to be of national importance. These buildings are rare and as such is considered to be as important as Ely Cathedral or Westminster Abbey. The preservation of both the fabric and setting of this building is therefore fundamental.

- 7.2.2 The proposal has been modestly amended in terms of the external appearance of the dwellings and consists of the same number of dwellings. The concerns raised by Historic England, the level of development is considered to be harmful to the setting of St Margaret's Priory Scheduled Ancient Monument, and is therefore contrary to Policies ISL 4, ENV2 and ENV 11 of the Local Plan and LP27 and LP28 of the Emerging Local Plan. The views of Historic England informed the original allocation of the site for residential development but the numbers were limited due to the important contribution the site makes to the setting of the Scheduled Ancient Monument and the sensitivity of any development on this site.
- 7.2.3 The Conservation Officer is also of the view that the supporting documentation does not clearly show how the applicant has understood the significance of the designated heritage assets, nor does it illustrate how the applicant believes the proposal will not cause harm to the significance of the wider setting of the Scheduled Monument. The Conservation Officer has also discussed the visible links between the Priory and the Baptist Church and how this development would impede these views. In Conservation terms these inter visibility connections are an important part of the character of the area and for these not to have been considered are to the detriment of the setting of these buildings.
- 7.2.4 The comments of Historic England do have to be given significant weight in determining this application especially given the stance in the NPPF to the conservation of Ancient Monuments and their setting. The views of Historic England are also supported by the County Archaeologist, who reiterates the comments as well as concerns that the proposal does not allow for views of the earthworks associated with the Priory.
- 7.2.5 The conservation of heritage assets is one of the core planning principles of the National Planning Policy Framework, which emphasizes the importance of conserving heritage assets, in a manner appropriate to their significance. The Framework goes on to state in paragraph 195, 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm should require clear and convincing justification. The harm to the heritage asset needs to be weighed against the public benefits of the proposal.
- 7.2.6 Taking all of the consultation responses into consideration a judgement on each of the heritage assets and how these are impacted by the proposal needs to be undertaken and concluded using the provisions within the NPPF.
- 7.2.7 The Baptist Church opposite the site is a Grade II Listed Building and whilst in isolation the proposal may be considered to cause less than substantial harm, on the basis the proposal is set back from the street scene and would not directly affect the setting of the building. However, when you introduce the inter visibility between the Baptist Church and the Priory the views between the 2 heritage assets are impeded by the siting of 4 dwellings in a linear form. On this basis the proposal is considered to cause harm to the setting of the Listed Building and as such does not meet the criteria set out within chapter 15 of the NPPF which states that "Where

proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm” On this basis it is considered that the proposal would cause substantial harm to the setting and the public benefit of 4 additional dwellings that could not be located elsewhere in the village or district is not considered to outweigh that harm, then planning permission should be refused.

- 7.2.8 The Scheduled Ancient Monument to the rear of the site is a collection of earthworks which relate to the historic operation of the Priory. Currently there are limited views of the earthworks due to the site being overgrown, however if the site had been maintained, views of the earthworks may well have been seen. However in visiting the site the earthworks are essentially mounds and a view of these are really only gained from actually entering the Priory site. As such it has been considered that the proposals impact on the setting of earthworks would cause less than substantial harm and therefore the public benefits of the proposal need to be considered. The proposal would provide 4 additional dwellings to add to the Council’s housing stock at a time when the Council cannot demonstrate a 5 year housing land supply. With regard to archaeology any development of this site would require the submission of a Written Scheme of Investigation, to determine whether there were any archaeological finds within the boundaries of the site.
- 7.2.9 St Margaret’s Priory is a Grade I Listed Building and as such is of national importance. The proposal is considered to cause substantial harm to the setting of the Priory and as such paragraph 195, chapter 15 of the NPPF is applied. On this basis the proposal would cause substantial harm to its setting and the public benefit of 4 additional dwellings is not considered to outweigh the harm to this building of national importance, then planning permission should be refused.
- 7.2.10 It is considered that the proposal would cause substantial harm to the setting of the heritage assets and as such it outweighs any public benefit which may be provided by this development, even the benefit of the provision of additional housing to meet the Councils housing shortfall. It is considered that the proposal will cause significant harm to the setting of the Listed Buildings and as such cannot be considered acceptable, contrary to the criteria within the NPPF, policies ENV12, ENV14 of the Local Plan and LP27 and LP28 of the Emerging Local Plan.
- 7.3 Residential Amenity
- 7.3.1 The site is in close proximity to other residential properties. To the north is a site subject to a planning permission for a single dwelling and the nearest plot would be plot 4. However the dwelling is approximately 4 metres from the boundary and then there is the public footpath which is clear boundary between the plots. It is considered that the distances involved are likely to cause harm to this adjoining neighbour.
- 7.3.2 To the south is Number 15 Pound Lane which is a two storey traditional dwelling set close to the road. Plot 1 would be the nearest dwelling with 6 metres to the boundary, and further 8 metres to the existing dwelling. It is considered that the distances involved would not be detrimental to the neighbour’s amenity.

- 7.3.3 Opposite the site are a mix of single storey dwellings and two storey dwellings. The plots have been set back approximately 13 metres into the site and would over look Pound Lane and the front gardens of the dwellings opposite. It is considered that this would likely cause harm to the neighbours amenities.
- 7.3.4 The size of the plots and the relationship between the proposed dwellings is considered to be acceptable and meet the criteria set within the Design Guide and policies ENV2 and LP22.
- 7.3.5 On this basis the proposal is considered to maintain the amenities of the adjoining neighbours and as such meets the criteria within policies ENV2 of the Local Plan and LP22 of the Emerging Local Plan.
- 7.4 Visual Amenity
- 7.4.1 The site is within the Conservation Area where development should seek to enhance and or preserve the character of the area. The overall design of the dwellings has been amended to try and improve the inter visibility between the heritage assets, however this has not been achieved successfully. The design of the dwellings has been improved and would not be out of keeping with the character of the area. On this basis the design of the dwellings is not considered to be visually at odds with its surroundings and as such complies with policies ENV2 of the Local Plan and LP22 of the Emerging Local Plan.
- 7.4.2 However when the proposal is assessed against the impact of the inter visibility between heritage assets the visual impact is of significant concern. The height and location of the proposed dwellings would impede on the inter visibility between the heritage assets and as such is important to consideration in the character of the Conservation Area. Taking this into consideration the proposal would impede on these visual links between heritage assets and as such is contrary to policies ENV12 of the Local Plan and LP27 and LP28 of the Emerging Local Plan.
- 7.5 Highways
- 7.4.1 In consultation with the Highways Officer the proposal is considered to be acceptable on the basis of conditions are attached to ensure the provision of a footpath along Pound Lane to be adopted by the Highways Authority. Each plot can provide a minimum of 2 parking spaces which is in line with the criteria within the Local Plan and Emerging Local Plan. Conditions are required for turning and parking, access points and visibility. On this basis the proposal is considered to comply with policies COM7 and COM8 of the Local Plan and LP17 of the Emerging Local Plan.
- 7.6 Ecology
- 7.6.1 The Ecology Appraisal concludes that provided certain mitigation and precautionary measure are implemented to address the presence of nesting birds, the development proposals could proceed without the need for further surveys while ensuring no harm to protected species especially nesting birds. On this basis the

proposal is considered to meet the objectives of policies ENV7 of the Local Plan and LP30 of the Emerging Local Plan.

7.7 Flood Risk and Drainage

7.7.1 The site is within Flood Zone 1 where you would expect vulnerable development such as dwellings to be located. It is considered that any drainage issues can be dealt with by way of condition. On this basis the proposal is considered to comply with policies ENV8 of the Local Plan and LP25 of the Emerging Local Plan.

7.8 Planning Balance

7.8.1 Whilst the amenities of the neighbours can be maintained and the proposal can meet the requirements of the Highways Authority, the overall proposal is not considered to maintain or enhance the setting of the Conservation Area nor the nearby Heritage Assets. The proposal fails to consider the visual relationship between the Heritage Assets which in terms of Conservation are an important factor. The proposal will also restrict views of the Priory but also of the earthworks to the rear. On this basis due to the significant harm caused to the setting of these Heritage Assets the proposal is considered to be contrary to provisions of the Local Plan, emerging Local Plan and the NPPF.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00634/FUL 17/01043/FUL	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Planning Officer 01353 665555 toni.hylton@eastcambs.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>