

Application F/YR24/1000/F

Planning Committee 20th August 2025.

Agenda Item No. 10.

Dear Chairman and Members.

Bluntly you made your decision on the 28th May 2025 to APPROVE this application. Unfortunately, someone didn't agree with you and raised an objection to your decision.

As we are not allowed to speak at this agenda item please find below our submission for your consideration.

1. We are content that you re-consider its application because the case in favour of the grant of planning permission remains overwhelming, there is no suggestion in the Update Report or, so far as we can judge in the Legal Advice received, that it was not open to you as a matter of law to grant planning permission for the development on the evidence available to you. That evidence has not changed.

Mindful of your duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Members were satisfied that the development would cause no harm to the significance of 31 Norfolk Street through an impact on its setting, the development therefore accords with policy LP18 of the Fenland Local Plan. It also accords with all other relevant policies of the Local Plan and there is a presumption in favour of the grant of planning permission. That presumption is reinforced by the benefits of the proposed development in terms of the provision of housing and a Biodiversity Net Gain and there are no other material considerations which would indicate a decision otherwise than in accordance with the development plan.

2. There is ample expert evidence available to you to support that reason.
3. The principal controversial issue which has led to the application being referred back to Committee is the effect of the proposed development on the significance of 31 Norfolk Street a Grade II Listed Building.
4. The Update report, as with the original report to Committee (Appendix 1) proceeds on the basis that *only* judgment open to you is that the development would harm the significance of No.31 through an impact on its setting. In fact, the expert evidence provided in support of the application clearly demonstrates

that the significance of the Listed Building would be preserved i.e. not harmed and, therefore, there is no harm to give considerable importance and weight to as required by statute and policy. Members are the decision makers, and they are entitled to conclude on the evidence available that there would be no harm to the significance of the Listed Building and the grant of planning permission with accord with all their statutory duties.

5. The Applicant's Heritage Reports are comprehensive and thorough, and you are entitled to (and the Applicant says that you should) give greater weight to those than to the views of the Conservation Officer. The reports demonstrate that:
 - (i) Change in the context of a heritage asset is not of itself harmful. Change may have no effect, it may be positive, or it may be harmful. What has to be assessed is the effect of the change on the *significance* of the designated heritage asset. It is therefore essential that the nature, significance and level of significance of the relevant heritage asset and its setting and contribution of this to this significance is properly understood;
 - (ii) There is no evidence of any functional, associative or planned connection between the application site and No.31. No.31 "turns its back" on the application site, with no direct visual relationship now or in the past. The primary amenity spaces of No.31 have always been to the east, and it is the immediate curtilage to the east which provides the aspect which is important to the significance of No.31;
 - (iii) In contrast, the site to the west is a small, enclosed parcel of grassed land surrounded by residential development which, contrary to the views of the Conservation Officer, has never been at the edge of the village. It makes no contribution to the appreciation of the significance of No.31 which is now seen surrounded by residential development.
 - (iv) Through the siting and design of the proposed dwellings and their generous gardens, the development will be responsive to and subservient to No.31 and respond to the prevailing character of its setting. Existing views towards the site will be retained and no change in any view will impact in the significance of the Listed Building; and
 - (v) The development would *preserve* the significance of the listed building in accordance with Section 66 of the Town and Country Planning Act.
6. The Conservation Officer's alternative judgment has been comprehensively rebutted by the Applicant. In terms of the key grounds of opposition on heritage matters, the Conservation Officer has singularly failed to recognise the current setting of the Listed Building; has failed properly to assess how that setting

contributes to the significance of the asset given the building's focus to the east and, in consequence, has reached a flawed judgment in terms of effect and perceived level of harm.

7. To assist Members, these are the Applicant's answer to the Conservation Officers principal arguments:

(a) Claimed Edge of Village Location –

As set out within the Heritage Statement, there is no evidence within the historic record to suggest that 31 Norfolk Street had a direct functional connection with the Site such as grazing land or farmland. The Site is described as a "Close" and "Millfield" in the Tithe apportionment. The aerial views combined with the map evidence help to showcase the changing setting of 31 Norfolk Street as the village developed through the 20th century, particularly evident along Norfolk Street and March Road to the rear of 31 Norfolk Street and the Site where a line of development formed. By the early 2000s, the aerial views depict both the Site and 31 Norfolk Street largely surrounded by residential development. The Site itself is also shown as a cleared yard with no vegetation in the aerial images. Historically and today, the Site is not known to have ever been grazing land. The asset is not located within open countryside or on the edge of the village but surrounded by residential development in the heart of the village. The Tithe and OS maps clearly show development (albeit limited) along the road to the west, demonstrating that historically this asset has never been at the edge of the village.

(b) Claimed Spacious Plot –

The conservation officer's comments on the asset being located within a "spacious plot". The map regression within the Heritage Statement highlighted that the plot of 31 Norfolk Street has historically only extended very minimally to the rear (west) on the boundary of the site, with a slightly larger extent to the north, but its grounds primarily extend to the east, towards Norfolk Street. The property is clearly orientated towards the east, and this has historically formed its primary amenity space; any functional connection with the land to the west which encompasses the site has been separate to the domestic usage of the cottage, as evidenced by the form and orientation of the property which 'turns its back' to the land to the west.

(c) Claimed Importance of Grazing Land –

As set out above, the description of the Site as "grazing land" (which evidence suggests it has never been) and part of the "verdant and spacious field setting" of 31 Norfolk Street aggrandises the importance of the Site to the setting of the listed building which today is more readily appreciated within the context of residential development which surrounds the asset and is symbolic of the evolving village throughout the 20th century. It is considered that the conservation officer's comments have failed to recognise the current setting of the listed building and the most important aspects of its setting which have historically and today focussed towards the east.

8. When the significance of No.31 is properly understood and the absence of any relevant contribution to that significance from the application site is properly appreciated, as they plainly were by Members in their previous consideration of the application, the only reasonable conclusion to reach is that the development is harmless to the significance of this Listed Building and there is no conceivable conflict with policy LP18 of the Local Plan. If Members reach this same conclusion, having considered the adequate justification and relevant statute and policy, they will have fulfilled their duties in accordance with the legal, policy, and procedural framework as advised by the Update Report.

I can confirm that myself, the Applicant and the Heritage Consultant Emma Healey will be available at the meeting should the Chairman and or Members have any questions for clarification.

Thank you

Lee Bevens

Lee Bevens Associates Ltd.