

Late Paper DC/20/01110 – Union Road, Onehouse

The following additional information is provided to ensure Members have clarity as to the discharge of statutory duty and due consideration of heritage impact arising from the proposed development:

s.66(1) of the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage asset. A finding of harm, even less than substantial harm, to the setting of a listed building is a consideration to which the decision-maker must give considerable importance and weight. Such a finding gives rise to a presumption that planning permission will not be granted. It is a rebuttable presumption but would only yield in light of compelling justification.

This duty is reflected in the requirements of the NPPF (particularly noting paras 193 and 194) and Development Plan policies which seek to protect heritage assets, including their settings within the historic landscape. Any harm arising from a development should be clearly justified and where the level of harm is less than substantial this should be weighed against the public benefits of the proposal.

In this case your Heritage and Design officer further advises:

“The proposed development would have an impact on the setting, and possibly the significance, of the listed buildings detailed within the report.

The rural context in which the assets stand contributes positively to the significance of the designated heritage assets as outlined earlier. The principle of development on this scale would fundamentally alter the rural character of the proposal site and the encroaching development to the east would move closer to the assets, as previously noted. An indicative site layout plan has been provided and whilst this is currently a reserved matter, the suggested plan is similar in layout to previous approvals for recent housing development to the east. The indicative scheme would also be read in the context of these earlier developments, and would further reduce the area of landscape between the modern development and the assets.

As such, the principle of development in this location is likely to cause a level of harm to the designated heritage assets on the spectrum of ‘less than substantial’ harm, due to the ‘suburban’ intrusion that the development will bring into this rural environment. A detailed scheme could fall between the low and medium level of less than substantial harm but would be defined by the scale, layout, detailed design and materials palette included in subsequent reserved matters applications. The level of harm could be limited with careful consideration of scale and density which respects the landscape in which the proposal stands, as well as the employment of appropriate architectural details and materials which reinforce the local distinctiveness of the area.

In isolation, the access would cause no harm to the significance of the designated heritage assets, and the potential level of less than substantial harm attributed to the principle of development on the site should be weighed against public benefits in line with para. 196 of the NPPF. Any future reserved matters application which addresses the necessary details should be considered against the harm ascribed once definitive details have been provided, as noted in my previous response.”

For sake of prudence, and noting the seriousness of the desire to keep designated heritage assets from harm, officers have assessed the application on the basis of a worst case i.e.

that the resultant development would be harmful and that if considered on a spectrum between “no harm” and “substantial harm”, the development has the potential to pose a medium level of less than substantial harm (within the parlance of the NPPF). This is a serious finding and it should not be forgotten that a finding of less than substantial harm is not a less than substantial objection because of the statutory duties of the listed buildings Act.

Where such harm has been identified, and taking into account paras. 193 and 194, officers have weighed that harm against the public benefits of the proposed development in accordance with NPPF 196. Considerable importance and weight has been given to the harm identified.

The public benefits, as set out in your report, are considered to be significant and include the contribution towards the Council’s housing targets of dwellings in a sustainable location, provision, delivery of highway and footway improvements as well as financial contributions to health, education, waste and libraries. It is considered that these material considerations outweigh the less than substantial harm to the heritage assets.

Officers have therefore applied the balance required by paragraph 196 of the NPPF and had special regard to the desirability of preserving the setting of the listed building as required by section 66 of the listed buildings Act and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits identified outweigh the less than substantial harm, having given considerable importance and weight to the harm identified.

For the avoidance of doubt, even though the development is acceptable on account of the heritage balance, the harm nevertheless must be weighed again in the overall planning balance. Having done so officers are satisfied that while the development does not accord with the plan as a whole, and notwithstanding the harm identified, other material considerations (including the “tilted balance”) direct that planning permission should be granted.