

23/01148/FUL

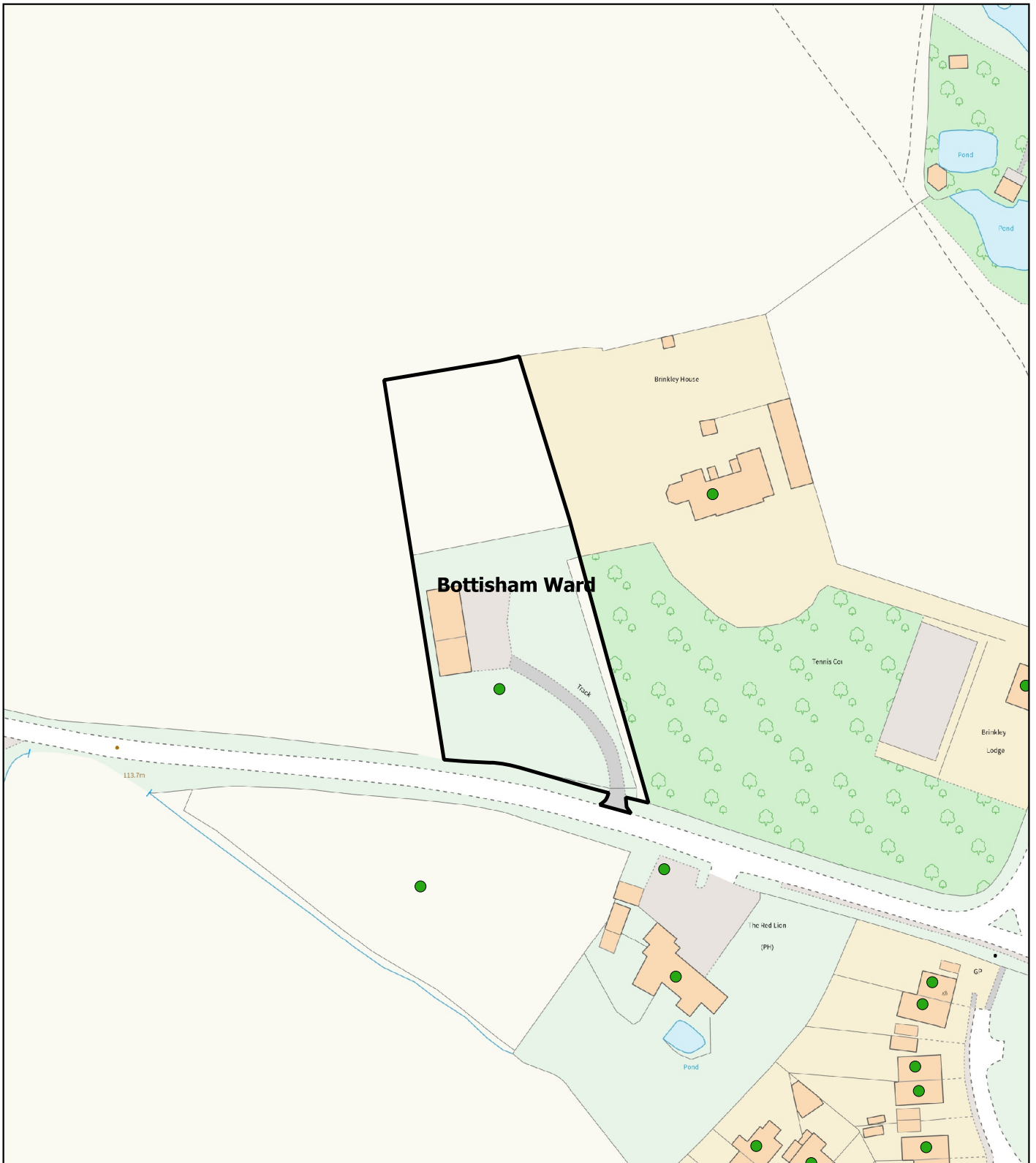
Abbey Yard
Brinkley Road
Brinkley
Suffolk

Demolition of an existing barn and construction of a new dwelling and a garage
/ annexe with associated landscaping

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<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2PPHHGGDE00>





23/01148/FUL

Abbey Yard
Brinkley Road
Brinkley



East Cambridgeshire
District Council

Date: 18/12/2023
Scale: 1:1,500



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TITLE: 23/01148/FUL

Committee: Planning Committee

Date: 10 January 2024

Author: Planning Officer

Report No: Y112

Contact Officer: Charlotte Sage, Planning Officer
Charlotte.Sage@eastcamb.gov.uk
01353 616353
Room No 011 The Grange Ely

Site Address: Abbey Yard Brinkley Road Brinkley Suffolk

Proposal: Demolition of an existing barn and construction of a new dwelling and a garage / annexe with associated landscaping

Applicant: Mr Long

Parish: Brinkley

Ward: Bottisham

Ward Councillor/s: Charlotte Cane
John Trapp

Date Received: 18 October 2023

Expiry Date: 15 January 2024

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Specified Materials
- 4 Biodiversity Improvements
- 5 Tree Protection Measures
- 6 Schedule of site supervision and monitoring of the Arboricultural protection measures
- 7 Site Characterisation
- 8 Reporting of unexpected contamination

- 9 Construction times - Standard hours
- 10 Piling foundations
- 11 Surface Water Drainage

2.0 SUMMARY OF APPLICATION

- 2.1 This application seeks consent for the demolition of an existing barn and construction of a new dwelling and a garage / annexe with associated landscaping.
- 2.2 The site would be access via an existing access, to be formalised as part of this application, off Brinkley Road to the southeast of the site.
- 2.3 The proposed dwelling builds upon the building line of the dwelling and garaging consented under application 21/01238/FUL for the Demolition of the existing barn and construction of a new dwelling and garage. The dimensions of the proposed dwellings are slightly different to that consented under the above application reference but relate to the requirements of the applicant and their family.
- 2.4 The proposals include the construction of a 2-bedroom annexe and garage under a single roof form, to accommodate the family's elderly relative and a full-time carer for their needs. The garage would be able to accommodate a single vehicle and located next to the annexe.
- 2.5 The roofline of the proposed dwelling steps down into three separate height ridges, similar to the roofline that was consented under the previous application. The comparison of the dwellings is illustrated below.
- 2.6 The proposed dwelling measures 29.4m (96.4 ft) wide, by 9.4m (30.8 ft) in depth, 6m (19.6 ft), 8m (26.2 ft) and 9m (29.5 ft) respectively to the ridge, and 2.4m (7.87ft) 4.2m (13.77ft) and 5m (16.4ft) respectively to the eaves.
- 2.7 The measurement of the consented dwelling under application 21/01238/FUL are the same depth at 26.4m (86.6ft) wide, 9.4m (30.8ft) in depth, 4.8m (15.7ft), 6.6m (21.6ft), 7.2m (23.6ft) respectively to the ridge, and 2.2m (7.2ft), 4.2m (13.77ft) and 5m (16.4ft) respectively to the eaves.
- 2.8 The proposed annexe and garage building measures 14.6m (47.9ft) wide, by 7m (22.9ft) in depth (8m including the porch (26.2ft), 5.6m (18.3ft) to the ridge, and 2.4m (7.87ft) to the eaves.
- 2.9 The extent of the consented garage outbuilding under application 210/01238/FUL measured 14.6m (47.9ft) wide, by 7m (22.9ft) in depth, 4.6m (15ft) to the ridge, and 2.4m (7.87ft) to the eaves. The size of the outbuilding has not changed but has moved 1m (3.2ft) south.
- 2.10 The shape of the roof has been changed since the consented application to include a pitched roof with gable ends rather than a double hipped roof. A sliding glazed door has been added to the northern elevation of the proposed annexe leading from the living room to the outdoor amenity area. Beyond the glazed door is a small lawn area with landscaping.

- 2.11 No amendments have been received to this application, but an Arboricultural Impact Assessment has been received and consulted upon after request by the Council's Trees Officer.
- 2.12 This application has been submitted after pre-application discussions with the Case officer under PREAPP/00092/23.
- 2.13 This application has been brought to the attention of the Planning Committee as it represents a departure from the Development Plan.
- 2.14 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/>.

3.0 PLANNING HISTORY

- 3.1 **21/01238/FUL**
Demolition of existing barn and construction of new dwelling and garage
Approved
8 November 2021
- 20/01080/ARN**
Change of use of agricultural building to residential dwelling house
Grant Prior Approval
5 November 2020
- 19/01530/FUL**
Demolition of existing barn and construction of new dwelling and garages with new access
Refused
3 September 2020
- 17/01389/ARN**
Proposed change of use of Agricultural Building to Dwellinghouse
Grant Prior Approval
27 September 2017
- 15/01226/ARN**
Change of use from agricultural store to residential dwelling
Grant Prior Approval
7 December 2015

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 This area of land proposed for the new dwelling and the annexe / garage was previously under agricultural use. The above planning history identifies the extant permission on the site that has formalised the change of use from agricultural to use Class C3 Residential.

- 4.2 This site is located outside of the defined development envelope for Brinkley and is therefore considered to be development in the Countryside. The site is also not located within a Conservation Area but has a listed building within 50m of the southern site boundary.
- 4.3 The site is bound by open countryside to the west and north, by Brinkley Road and open fields to the south, and by Brinkley House to the East.
- 4.4 The site has a mixture of low timber fencing and hedging to all boundary edges, and a mature row of hedgerows and trees to the eastern boundary separating the site from Brinkley House.
- 4.5 The access gate currently is currently set back approximately 10m from the Highway and is suitable for the turning of one vehicle off the highway prior to opening the gate. The gate will be removed as part of the application to allow for successful movement of vehicles to and from the highway.
- 4.6 The existing barn is still standing on the site and has been left empty but in its historical agricultural condition. The existing barn measures 23m wide, 9.6m in depth, 5.4m and 7m to the ridge respectively (double stepped roofline) and 3.6m and 5m respectively to the eaves.
- 4.7 The ground has been left to become overgrown with weeds, and grasses with an informal dirt and grass track leading to the existing barn.

5.0 RESPONSES FROM CONSULTEES

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

Parish - 13 November 2023

The Parish Council have carefully considered the current application and compared this with the extant approval 21/01238/FUL. We consider that the current application is a major departure from the approved plans. We do not object to the form, siting, or design of the main barn on the site.

The annexe is the cause of our concerns, and we OBJECT as a consequence of the inclusion of this. Our objection is for a number of reasons:

- It is greater in mass compared to the approved four car garage and this will adversely affect the rural setting of the site outside the development envelope where development would not normally be permitted (Policy GROWTH 2).
- The roof was previously hipped and is now shown at a greater height with gables; there is no apparent justification and what is proposed is no longer sympathetic to the surrounding area (Policy ENV 2).
- There are windows on the east elevation where there were previously none, so whereas the garage previously helped ensure the privacy for the neighbouring Brinkley House, the current design would introduce a different dimension in terms of noise and light pollution.

- Furthermore, the plans show other domestic fenestrations on the eastern side between the structure on the boundary in terms of "refuse area", "patio" and "cycle store". The cumulative effect would be to cause harm to the residential amenities of Brinkley House.
- The previous consent had sufficient garaging for most single-family units, the reduction to one space and the occupation of the annexe would result in cars being parked between the two buildings previously consented and thus adversely affecting the open rural nature and important existing views into the settlement contrary to Policy ENV 1
- The size of the annexe at 107m² is a similar size to many new dwellings and thus could lend itself to becoming a second dwelling unit on the site which would be contrary to Policy GROWTH 2.
- Whilst the current approval resulted in an increase in total area over the original barn approved 20/01080/ARN this could be justified on the basis of removing cars; there is nothing in the current application to justify this.

Ward Councillors - No Comments Received

ECDC Trees Team - 20 November 2023

Due to the presence of trees in proximity to the development in accordance with policy SPD.NE8: Trees and Woodland Natural Environment Supplementary Planning Document 2020 an Arboricultural Impact Assessment (AIA) is required prior to determination of the application. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels in accordance with BS 5837:2012 Trees in relation to demolition, design and construction - Recommendations.

ECDC Trees Team - 18 December 2023

The submitted tree information is of a very high standard and indicates that should its recommendations be followed there will be minimal impacts on the retained trees and hedging as such please ensure compliance with the report's recommendations as follows:

The tree protection measures as shown in TPSQU0185 including Appendix 1-6 shall be implemented prior to operations commencing on site in connection with the development hereby approved (including demolition works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorized vehicles or construction machinery), and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used

for winching purposes. If any retained tree is removed, uprooted or destroyed or dies within 5 years of completion of the development, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be reasonably specified in writing by the Local Planning Authority.

The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition (insert condition number) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written and photographic evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Environmental Health - 27 October 2023

Thank you for consulting me on the above application. As stated in the Existing Use section of the application form, where land contamination is known or suspected, or the proposed use would be particularly vulnerable to the presence of contamination, an appropriate contamination assessment will be required. Residential use is a proposed use that would be particularly vulnerable to the presence of contamination. Agricultural use has the potential to cause land contamination due to activities such as storage of fuel and agricultural chemicals, plant and vehicle storage and servicing, and the possible presence of asbestos in buildings. As with the previous applications, I recommend that standard contaminated land conditions 1 and 4 are attached to any planning approval due to the proposed sensitive end use (residential).

Local Highways Authority - 9 November 2023

Upon review of the information submitted, I have no objection in principle to the proposals within this application.

I note that visibility to the west of the access is limited to approximately 180m. However, as vehicles will be approaching a 30mph limit, therefore decelerating I am content that 180m visibility is adequate.

The plan reference: 196-003/1.0 infers improvements to the existing access. Please append the following informative should this application gain benefit of planning permission.

Informative

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Conservation Officer - 25 October 2023

Principle established by 21/01238/FUL - no conservation implications.

Waste Strategy (ECDC) - 10 November 2023

East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

Under section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision (delivery and administration) of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

Each new property requires a set of receptacles; the contribution is currently £57 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council.

Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

Cambs Wildlife Trust - No Comments Received

CCC Growth & Development - No Comments Received

- 5.2 A site notice was displayed near the site on 25 October 2023 and a press advert was published in the Cambridge Evening News on 2 November 2023.
- 5.3 Neighbours – Four neighbouring properties were notified, 1 neighbour responded and the response received is summarised below. A full copy of the responses is available on the Council's website.
- 5.4 No objection to a barn conversion provided it was within the original footprint.
- 5.5 The length in this new application is a bit longer, to which I have no objection. I presume the height remains the same if it is taller then, I would object.
- 5.6 In the latest application there is annex plus garage in near proximity to the boundary with Brinkley House. As one of your colleagues suggested at the last meeting, this was an obvious 'Trojan Horse' for even further development, so I do most strongly object to this. An extra dwelling is entirely contrary to Barn conversion.

- 5.7 The application states that it is mindful of the privacy of Brinkley House. This is a serious contradiction.
- 5.8 The environmental study makes no mention of the resident barn owl/s. I noticed that a hole at the top of the barn on the western side was boarded up

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 1	Levels of housing, employment, and retail growth
GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water 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
HOU 8	Extension and replacement of dwellings in the countryside

6.2 Supplementary Planning Documents

- Design Guide
- Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
- Natural Environment SPD
- Climate Change SPD
- Flood and Water

6.3 National Planning Policy Framework (December 2023)

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding, and coastal change
- 15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

(including reference to relevant and specific planning policies)

The main issues to consider in the determination of this application are the principle of development, any impacts on the residential amenity of neighbouring occupiers, on visual amenity and on the character of the area.

7.1 Principle of Development

- 7.1.1 Policy GROWTH 2 of the ECDC Local Plan 2015 (as amended 2023) permits development within the policy defined development envelope provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations and relevant Local Plan policies are satisfied.
- 7.1.2 Policy GROWTH 5 of the ECDC Local Plan 2015 (as amended 2023) also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the area.
- 7.1.3 This development is located outside of the defined development envelope, and therefore by definition of Policy Growth 2 of the Local Plan 2015 (as amended 2023) would be considered an unacceptable form of development in the open countryside, in accordance with policy Growth of the East Cambridgeshire Local Plan 2015(as amended) However, in September 2017 and November 2020 a Prior Notification application was approved for the conversion of the barn to form a residential unit. In determining the application, the barn was considered suitable for conversion; there were no highway safety issues; there were no contamination issues or flood risk issues that would restrict the conversion of the barn.
- 7.1.4 The principle of development has also been established for a dwelling and a garage on this site under application 21/01238/FUL. As this is an extant permission it is considered that a residential use on the site has been considered acceptable, regardless of it being located outside of the development envelope and is a material consideration in the determination of this proposal. Therefore, policy HOU8 of the East Cambridgeshire Local Plan 2015 (as amended 2023) should apply.
- 7.1.5 This application proposes a two-bedroom annexe which would not normally be supported by Officers. However, the applicant has provided justification in their Heritage, Design and Access Statement over the use of the Annexe for the elderly relative. The two-bedroom annexe would be used by this relative and a full-time live-in carer who would live in the second bedroom, to provide immediate support to the parent with their illness.
- 7.1.6 A S106 legal agreement is under way for the restriction of occupancy on this annexe. Although unlikely to be signed by the time of presentation to Committee, the Councils Legal Department are progressing well with this legal obligation.
- 7.1.7 The application is also considered in relation to Policy HOU 8: Extension and replacement of dwellings in the countryside. Proposals which seek to extend or replace an existing dwelling in the countryside will only be supported where:
- The extension to an existing dwelling is in keeping with the height, scale and character of the original dwelling and does not adversely affect the character and appearance of the locality or its countryside setting.
 - The replacement dwelling is of a scale and design which is sensitive to its countryside setting, with its height being similar to that of the original

dwelling. If an alternative height is proposed, the applicant will be expected to demonstrate that the scheme exhibits exceptionally high quality of design and enhances the character and appearance of the locality.

- The proposal is within the existing curtilage.
- The residential use of the dwelling has not been abandoned.
- Proposals accord with Policy ENV 2 on design and other relevant Local Plan policies (as amended 2023) and,
- Proposals have regard to maximising carbon neutrality (see Policy ENV 4 in Chapter 6).

- 7.1.8 The proposed scale and design (as discussed in the application summary, residential and visual amenity section of this report) is of relative size and appearance to the existing barn. At 9m (29.5ft) high to the highest ridge the height is 1.8m (5.9ft) taller than the original consent and 2m (6.5ft) taller than the original barn. As discussed in the applicants Heritage, design, and Access Statement the steeper pitch and height to the ridges are most in keeping with a traditional agricultural building, and therefore is considered to remain in keeping with the rural character of the area.
- 7.1.9 The proposed width of the property is 29.4m (96.4ft) which is 6m (19.6ft) longer than the existing barn and 3m (9.8ft) longer than the existing consent under 21/01238/FUL. The justification for the extra 3m/6m (9.8ft/19.6ft) is to accommodate the needs of the family who wish to build this home for themselves. The proposed depth of the dwelling is 0.2m (0.6ft) narrower than that of the existing barn and is identical to the approved depth of the building under 21/01238.FUL.
- 7.1.10 A stepped roof is maintained on this dwelling, utilising a triple step as consented in the previous application. The height of the ridges are higher than those consented under 21/01238/FUL at 6m (19.6ft), 8m (26.2ft), 9m (29.5ft) starting from the lowest to the highest. The ridge heights under the previous application are 4.8m (15.7ft), 6.6m (21.6ft) and 7.2m (23.6ft) respectively. Although higher, Officers consider the steepness of the roof lines to be in keeping with the existing character of the agricultural barn, extant consent, and that of the local area.
- 7.1.11 The design of this proposed dwelling is more in keeping with the existing barn than that consented under 21/01238/FUL. The materials and windows used in this proposal denote a more agricultural style with emphasis on the use of steep pitched gable roofs, large-glazed apertures (concurrent to the large barn openings and doors) and simplistic footprints.
- 7.1.12 The materials to be used in this proposal for both the dwellinghouse and annexe / garage are vertical Charred Larch, Grey Aluminium Windows, Grey Aluminium Doors, and Zinc Fascias, Soffits and Roofs. The materials are considered to be in keeping with the character of the existing barn and cause no detrimental harm to the character of the area in accordance with Policy ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).
- 7.1.13 The proposed dwelling and annexe/ garage is considered to be located within the existing curtilage, and therefore considered acceptable in accordance with Policy HOU 8.

7.1.14 The residential use of the dwelling has not been abandoned. The barn has gained permission under 21/01238/FUL for demolition and reconstruction of a dwelling and detached garage. As this consent remains live, and no building works have begun on site, Officers consider the change of use to residential to be in place.

7.1.15 The design and appearance of the proposed dwelling and annexe are discussed on the following sections.

7.2 Residential Amenity

7.2.1 Policy ENV2 of the East Cambridgeshire Local Plan (as amended 2023) requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. The proposed dwelling is sufficiently distanced from neighbouring dwellings to prevent any significant impacts being caused in respect of overbearing, overshadowing or loss of outlook.

7.2.2 The nearest dwelling is Brinkley House and Brinkley Lodge. Given the orientation of the proposed dwellinghouse this is not considered to result in any harm by way of loss of light or overshadowing to Brinkley House and Brinkley Lodge. The proposed dwelling is set 35 metres away from the shared boundary with these dwellings

7.2.3 The proposed annexe and garage would be approximately 5 metres (16.4ft) away from the boundary. Brinkley House is approximately 35 metres (114ft), with Brinkley Lodge approximately 103 metres (337ft) from the boundary with the site. Taking these distances into account, it is unlikely the proposal would cause demonstrable harm to the adjoining neighbours' amenities by way of overlooking, being overbearing or restrict light. On this basis the proposal is considered to meet the requirements of policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) by maintaining the neighbours' amenities.

7.2.4 The proposed annexe is located 5m from the shared boundary with Brinkley house as mentioned in the 7.2.3 however, it is a single storey building with a limited possibility of overlooking on the neighbouring given the above-mentioned distances and the quantity of mature trees and hedgerows along the eastern boundary. Whilst landscaping cannot be relied upon to be there as a feature for perpetuity, given its distance, and single height nature of the building there would be scope for other forms of boundary treatment in the event of the landscaping being removed.

7.2.5 A sliding glazed door has been added to the northern elevation of the proposed annexe leading from the living room to the outdoor amenity area. Beyond the glazed door a small lawned area with landscaping is proposed which would limit the overlook of the living room onto the northern part of the site, and of the boundary with Brinkley House. Officers do not consider the windows and doors on the annexe to provide any issues or negative impacts to the residential amenity of the neighbouring Brinkley House.

7.2.6 It is also considered that there would be an acceptable relationship between the proposed scheme and the neighbouring residential dwelling, in accordance with Policy ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).

7.3 Visual Amenity

- 7.3.1 Policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) requires that all development proposals are designed to a high quality, enhancing, and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs.
- 7.3.2 Additionally, Policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials, and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.
- 7.3.3 The site adjoins the development envelope and Conservation Area for Brinkley. The site occupies a prominent position as you enter the village from Six Mile Bottom, on the left-hand side is the site, followed by established planting, whilst on the right is The Red Lion Public House and modern residential development beyond. The barn is of corrugated sheet metal and blockwork construction and sits on the boundary with an arable field.
- 7.3.4 The design of this proposed dwelling is more in keeping with the existing barn than that consented under 21/01238/FUL. The materials and windows used in this proposal denote a more agricultural style with emphasis on the use of steep pitched gable roofs, large-glazed apertures (concurrent to the large barn openings and doors) and simplistic footprints.
- 7.3.5 The windows proposed in this application are more rectangular in shape and more in keeping with an agricultural barn window / opening. In comparison to the extant permission, these windows are less domesticated and less obtrusive to the character of the dwelling and of the existing barn. Officers considered the proposed windows to be more in keeping with the character of the area.
- 7.3.6 The materials to be used in this proposal for both the dwellinghouse and annexe / garage are vertical Charred Larch, Grey Aluminium Windows, Grey Aluminium Doors, and Zinc Fascias, Soffits and Roofs. The materials are considered to be in keeping with the character of the existing barn and cause no detrimental harm to the character of the area in accordance with Policy ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).
- 7.3.7 The proposed dwellinghouse would not substantially change from the shape and scale of that consented under 21/01238/FUL. Whilst larger in length by 3m (9.8ft) and higher by 1.8m (5.9ft) any impact of the visual amenity would not differ from that already consented.
- 7.3.8 The shape of the annexe / garage roof has been changed since the consented application to include a pitched roof with gable ends rather than a double hipped roof. Whilst it is a change to the roof line, the gable ends would be more in keeping with the shape of the proposed roof to the main dwelling and therefore be more in keeping with the character of the area in accordance with Policy ENV2.

7.4 Historic Environment

- 7.4.1 Policy ENV12 of the East Cambridgeshire Local Plan, 2015 as amended 2023 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 or better reveal the significance of the heritage asset
 - Not materially harm the immediate or wider setting of the Listed Building
 - Facilitate the long-term preservation of the building
- 7.4.2 When assessing the impact of a proposed development on a heritage asset, the more important the asset, the greater weight should be. For example, a Grade I, Grade II*, or a Grade II listed building should be afforded greater weight than a conservation area. The NPPF states 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 securing its optimum viable use.”
- 7.4.3 A Heritage Statement has been submitted with this application and has been considered by both the Case Officer and Councils’ Conservation Officer.
- 7.4.4 The site shares a boundary with the Conservation Area and is opposite a Grade II Listed Building, The Red Lion Public House. Policies ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015 (as amended 2023) requires the Local Planning Authority to consider the setting of the Listed Building in relation to new proposals.
- 7.4.5 In consultation with the Conservation Officer no objections have been raised to the setting of the Listed Building or the character of the Conservation Area. The Conservation Officer also stated that there were no conservation implications as the principle has been established by the extant permission under reference 21/01238/FUL.
- 7.4.6 The proposed dwelling and annexe garage would be in excess of 80 metres (262ft) from the Listed Building with Brinkley Road in between. Visually it is considered that the setting of the Proposed development would not cause any harm to the setting of the listed building. The same applies to views into and out of the Conservation Area. On this basis the proposal is considered to maintain the character of the area in compliance with policies ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 7.4.7 The proposals are therefore considered to have a neutral impact on the Conservation Area and Listed Building and be in accordance with Policies ENV11 and ENV 12 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the NPPF.

7.5 Highways

- 7.5.1 Local Plan policy COM 7 requires development proposals to provide safe and convenient access to the highway network. Local Plan Policy COM 8 states that a

dwelling should have parking provision for two motor vehicles on the site for the proposed dwellinghouse. In addition, enough space should be provided for vehicles to park and manoeuvre.

- 7.5.2 The proposed scheme provides 4 car parking spaces in front of the dwelling and a single garage attached to the proposed annexe. The proposed number of car parking spaces is in accordance with the Council's adopted parking standards and Local Plan Policy COM8. County Highways have been consulted and have commented that they have no concerns with the application.
- 7.5.3 The Highways Officer has also noted the available visibility to the west of the access with is limited to approximately 180m (590ft). Highways are however content that as vehicles will be approaching a 30mph limit, therefore decelerating the 180m (590ft) visibility is adequate.
- 7.5.4 The proposed landscape plan has been amended to reflect the access arrangements on extant application 21/01238/FUL, those been the removal of the existing access gate, and a note to confirm that the existing access is to be retained and that the first 6 meters (19.6ft) is to be finished with concrete blocks or tarmac paving.
- 7.5.5 On balance the proposal is considered to comply with the policies contained within the East Cambridgeshire District Council Local Plan 2015 (as amended 2023). It is noted the Parish Council have raised concerns at the lack of garaging being made available. It is considered that the site provides adequate parking, and it would not be reasonable to refuse the application based on parking vehicles within the site.

7.6 Biodiversity, Trees, and Ecology

- 7.6.1 Policy ENV1 of the Local Plan 2015 (as amended 2023) requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV 7 of the ECDC Local Plan 2015 (as amended 2023) seeks to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland, and ponds.
- 7.6.2 The Natural Environment SPD Policy SPD.NE6 also requires that all; new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 7.6.3 Notwithstanding, the development proposal triggers the above requirement for biodiversity net gain. It is considered the application site presents ample opportunities for securing a significant biodiversity net gain. Some information has been put forward to suggest compliance with the above policy requirements for the specific proposals put forwards.
- 7.6.4 The applicant instructed Sound Ecology to conduct an updated Ecological Appraisal of the site in October 2023. The report has been submitted as a supporting document for this planning application. In conclusion, potential impacts on wildlife utilising the Site will be negligible, and no significant ecological constraints will result.

- 7.6.5 The proposals include measures to mitigate residual impacts and include proportionate ecological enhancements. A single wall integrated bat box will be installed near the apex of the southern gable wall of the garage and no bright light source will be placed on the wall or illuminate the immediate surroundings.
- 7.6.6 As part of any approval, a condition will be applied to require a scheme of Biodiversity Enhancements prior to the occupation of the dwelling and annexe.
- 7.6.7 The Trees Officer has been consulted on this application regarding the submitted Arboricultural Impact Assessment. The Trees Officer is content with the report and has requested conditions to allow for the protection of trees. Officers therefore have no concerns regarding trees on the site.
- 7.6.8 it is considered that in appending a biodiversity and conditions requested by the Tree Officer, the proposal can secure an increase in biodiversity in accordance with the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).

7.7 Flood Risk and Drainage

- 7.7.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The sequential test and exception test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1.
- 7.7.2 The property is located within flood zone 1 and therefore has a low probability of flooding. It is anticipated that the development will have a minimal impact on the existing (low) flood risk of the site. The applicant has considered suitable mitigation works proportionate to the perceived risk in accordance with Policy ENV 8 and the information provided by the Environment Agency.
- 7.7.3 Therefore, Officers consider the current proposed drainage to be in accordance with policy and ENV8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

7.8 Other Material Matters

- 7.8.1 Local Plan Policy ENV4 states: 'All proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable' and 'Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.'
- 7.8.2 The adopted Climate Change SPD and Chapter 14 of the NPPF encourages all development to include sustainability measures within their proposal. The applicant has considered the use of an air source heat pump that will be located low to the ground on the west elevation closest to the western boundary. This is away from residential properties and as such would not lead to any impact on the neighbour's residential amenity.

7.8.3 The heat pump would not be visible from the highway and therefore is not considered to be out of keeping with the character and appearance of the area. On this basis the proposal is considered to comply with the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).

7.9 Planning Balance

7.9.1 The proposal is considered to be acceptable in all other aspects including impacts of the proposal upon the character and appearance of neighbouring occupiers, residential amenity, and highways safety. The proposal complies with all other relevant Local Plan Policies. It is therefore considered that no demonstrable harm would arise from the proposed development. The application is therefore recommended for approval.

7.10 Costs

7.10.1 An appeal can be lodged against a refusal of planning permission, or a condition imposed upon planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant throughout the appeal process) then a costs award can be made against the Council.

7.10.2 Unreasonable behaviour can be either procedural i.e., relating to the way matter has been dealt with or substantive i.e., relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason of a condition.

7.10.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.0 **APPENDICES**

8.1 **Conditions**

- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 3 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a. As detailed on Drawing Number 196-003/1.0; or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 4 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 4 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 5 The tree protection measures as shown in TPSQU0185 including Appendix 1-6 shall be implemented prior to operations commencing on site in connection with the development hereby approved (including demolition works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorized vehicles or construction machinery), and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted, or destroyed or dies within 5 years of completion of the development, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be reasonably specified in writing by the Local Planning Authority.
- 5 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 6 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written and photographic evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

- 6 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 7 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale, and nature of contamination.
 - (ii) An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments.
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with 'Land Contamination Risk Management' (LCRM), Environment Agency, 2020. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared and approved in writing by the Local Planning Authority.
- 8 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 9 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 10 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation

measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.

- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 11 No development shall take place until a scheme to dispose of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation of the dwelling and annexe.
- 11 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

Background Documents

23/01148/FUL
21/01238/FUL
20/01080/ARN
19/01530/FUL
17/01389/ARN
15/01226/ARN

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>

