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**MAIN CASE**

**Reference No:** 19/01530/FUL

**Proposal:** Demolition of existing barn and construction of new dwelling and garages with new access

**Site Address:** Abbey Yard Brinkley Road Brinkley Suffolk

**Applicant:** Mr & Mrs Cameron

**Case Officer:** Toni Hylton, Senior Planning Officer

**Parish:** Brinkley

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

**Date Received:** 13 December 2019      **Expiry Date:** 10<sup>th</sup> June 2020

[V54]

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1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Site Characterisation
- 4 Reporting of unexpected contamination
- 5 Working hours
- 6 Piling foundations
- 7 Foul and Surface water drainage
- 8 Sample panel
- 9 Soft landscaping scheme
- 10 Hard landscaping scheme
- 11 Boundary Treatments
- 12 Full details of windows and doors
- 13 Permitted development - ext and outbldg
- 14 Permitted Dev - fences, gates and walls
- 15 No windows
- 16 Demolition of existing structure
- 17 No lights
- 18 Use of garage
- 19 Ecology Report to be adhered to
- 20 Net biodiversity gain

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application proposes the erection of a dwelling following the demolition of an existing barn. The application is made in full.
- 2.2 The application proposes the erection of a new dwelling approximately 15 metres in width and 12 metres in depth with a height of 8.2 metres. A garage block is also proposed. Access is from the existing access which serves the barn. The application has been subject to amendments relating to reducing the overall height and floor area of the garage block and to remove the proposed access, utilising the existing access.
- 2.3 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.**
- 2.4 The application is being determined by Planning Committee in accordance with the Councils Constitution and has been called in to the Committee by Councillor Cane for the following reasons;
1. Visual impact
  2. The faux Georgian approach does not reflect the heritage of the village
  3. Fails to enhance the setting of the village.

## 3.0 PLANNING HISTORY

|               |  |          |            |
|---------------|--|----------|------------|
| 15/01226/ARN  | Change of use from agricultural store to residential dwelling  | Approved | 07.12.2015 |
| 15/01226/DISA | To discharge condition 1 (Contamination Assessment) of Decision dated 10/12/2015 for the change of use from agricultural store to residential dwelling | Approved | 04.07.2016 |
| 17/01389/ARN  | Proposed change of use of Agricultural Building to Dwellinghouse   | Approved | 27.09.2017 |
| 18/01333/TPO  | Fell 4 ash trees   | Approved | 02.11.2018 |

#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located in the countryside, outside the development envelope of Brinkley and outside, but adjacent to the conservation area in Brinkley. There is an existing vehicular access to the field and agricultural building and an unsurfaced track leading to the building. There is a Tree Preservation Order E/04/472 (area A22) relevant to Elm, Ash and Poplar trees standing in 1972 when the order was made on the boundary of the site. Brinkley House is a large residential dwelling set within substantial grounds is located to the west of the site.
- 4.2 The site is on the edge of the village and has views as you enter the village from Six Mile Bottom. Opposite is Grade II Listed Building, The Red Lion Public House, which has a modern development beyond. The Red Lion is recognised to be 16th century with 17th and 19th century additions.
- 4.3.1 The site has an extant planning permission for the conversion of the existing barn on the site to become a residential dwelling. (application 17/01389/ARN)

#### 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.

**Brinkley Parish Council - 13 January 2020**

States "The Parish Council objects to the proposed development as the nature and scope of the dwelling described in the application is significantly at odds with the scheme granted consent under Prior Approval application 17/01389/ARN.

The Parish Council understands that the principle of residential development in this location has been confirmed by virtue of the consent granted under prior approval application 17/01389. However, the approach established via that consent is for the conversion of the existing barn and does not endorse the demolition of the existing structure and its replacement by a new dwelling and garage block in a different position on the site. The proposals described in the planning application are in stark contrast to the appearance of the existing structure and the character of the conversion granted consent under prior approval application 17/01389.

The permitted development right under Class Q of the General Permitted Development Order assumes that the agricultural building is capable of functioning as a dwelling. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Page 3 of the planning statement supporting prior approval 17/01389 clearly states that the existing barn is readily capable of retention and localised repair, with accompanying upgrade works for the proposed conversion to habitable accommodation. The structure of the building was described as being "sufficient to support the proposed conversion works and as such, is considered to comprise permitted development". By way of contrast the present application comprises building operations which go well beyond the scope of the works established under 17/01389. That consent does not offer support for the scheme now being proposed.

Page 4 of the statement supporting 17/01389 makes the point that whilst the design shown at that time "incorporates some modern elements, it retains the agricultural character of the existing building and would complement the site and the wider area". Page 6 of the related Officer report notes that the materials to be used "are considered to be acceptable in a rural environment considering the previous use of the building". The design approach was considered not to be significantly detrimental to the rural environment. The conversion established via 17/01389 aimed to retain the agricultural character of the building in the context of the site's location at an important entrance into the village. The proposed new house does not seek to adopt this design philosophy.

Policy ENV 2 of the East Cambridgeshire Local Plan requires all development to be designed to a high quality, enhancing and complementing local distinctiveness. Design which fails to have regard to local context including architectural traditions and does not take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable and planning applications will be refused. The Parish Council considers that the proposed development fails to respond to this policy guidance or the advice to be found at paragraph 6.3.2 of the Local Plan to the effect that development needs to be of an appropriate scale, design and materials for its location and conform to the design principles set out in Policy ENV2. The Parish Council maintains that this advice is of particular significance given that the site is located adjacent to the boundary of the Brinkley conservation area.

The Parish Council believes that it is important to protect the countryside and the setting of the village. The design of the proposed dwelling is not sensitive to its setting and the defining characteristics of the area. Paragraph 131 of the NPPF notes that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Equally paragraph 127 of the NPPF maintains that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The Parish Council does not consider that the proposed new dwelling addresses these considerations and constitutes an inappropriate form of development on this gateway site leading into the heart of the conservation area. It is proposing a design approach which is at odds with the form and nature of the housing to be found in Brinkley.

The nature and scale of the proposed development will lead to a significant increase in the footprint of the built form on the site when compared with the present situation. A conversion of the existing building is an appropriate response rather than a new dwelling and garage complex on a different part of the site.

The scheme which has the benefit of consent under 17/01389 is clearly a conversion of an existing agricultural building within the context provided by Class Q of the GPDO. The proposed development is a completely new dwelling with associated garage block. Its nature and form do not reflect the agricultural character of the existing site and cannot draw upon the consent issued under 17/01389 to support its approval. The Parish Council objects strongly to this attempt to undermine the issues and principles established under 17/01389. As such the

Parish Council recommends that planning permission be refused as the scheme, contrary to paragraph 127 of the NPPF, is not sympathetic to local character.

In view of the significance of this application to Brinkley, the Parish Council are arranging an Extra-ordinary meeting of the Council on the 29th January at 7.30pm in the Memorial Hall to which they will be inviting members of the public and the applicants to attend. We thus request that you extend the timescale for consultation so that you can receive further information following that. We will in addition be requesting that the application be called in so it can be determined by the Planning Committee.

Please keep us informed of any matters affecting this application”

**Ward Councillors – Councillor Cane 13 January 2020**

States “I share the Parish Council's concerns about this application and would ask for permission to be refused. If you are minded to recommend approval, I should like this application to be called in to the Planning Committee please.

I note that there is a permission in place for a barn conversion on this site, but this application is for demolition of the barn and building a new house on a different part of the plot. Furthermore, the house and garage will have a larger footprint than the current barn. It is difficult to be clear from the plans, but the proposed house appears to be considerably higher than the existing barn. The proposed house and garage will have a significant visual impact. This site is at one of the entrances to the village and opposite the village pub, which is a Grade II Listed Building. Brinkley itself has several other Listed Buildings, so the visual impact at one of the entrances to the village is important. I note this is a mock 19th Century villa, which will create a completely faux impression of the true heritage value of the vernacular in Brinkley. Furthermore, it would be replacing an agricultural style building. Our Local Plan describes Brinkley as "a pleasant village set in wooded, rolling countryside, approximately 5 miles south of Newmarket. The village has a number of attractive listed buildings including Brinkley Hall, which is also included within the County list of Historic Parklands. The older parts of the village are covered by a Conservation Area." This site abuts the Conservation Area and the application does not fit within this description, let alone enhance it.”

**Environmental Health (Scientific Officer) - 28 January 2020**

States “Thank you for consulting us on the above application. I recommend that standard contaminated land conditions 1 and 4 are attached to any approval for change of use due to the proposed sensitive end use (residential).”

**Environmental Health - 23 December 2019**

States “I can see that we have commented on this site previously. I include those comments below for reference.

Peter will respond separately if he has any comments to make concerning the Environmental Report.

I have nothing to add to my previous comments”

**Local Highways Authority - 13 February 2020**

States "It is my understanding from the amended drawings that the new access has been removed and the existing access as previously approved will be used.

As such I would have no objection in principal to this application."

**ECDC Trees Team - 27 February 2020**

States "The site is not within a conservation area and not subject to a Tree Preservations Order

The proposed plans have highlighted the poor condition of mature trees on the front boundary requiring their removal, while there are not arboricultural reasons to refuse this application the loss of these mature specimens is significant within the landscape.

The tree survey recommends to restock the front hedge, this needs to be conditioned along with a requirement to replace the trees being lost.

No Objections - Condition landscaping scheme for front boundary to ensure hedgerow treatment and replacement trees of an equal ultimate height e.g. 12-15m are replaced"

**CCC Growth & Development - No Comments Received**

**Waste Strategy (ECDC) - 14 January 2020**

No objection subject to the payment towards the provision of bins.

**Conservation Officer - 31 December 2019**

States" It was entirely predictable that having brought into scope a host of building types which were not remotely suitable for residential conversion, the Class Q dispensations would mainly serve in practice as a 'Trojan horse' for conventional housing applications, as here. The proposed dwelling is a reasonably faithful iteration of what was a ubiquitous early C19 classical villa type, so whilst the design is convincing on a superficial aesthetic level, and does no harm contextually, its relevance to the pressing environmental challenges of the C21 might still be questioned.

Recommendation: no objection"

- 5.2 Neighbours –2 neighbouring properties were notified and 3 responses were received are summarised below. Two letters objected to the proposal whilst the other was in support. A full copy of the responses are available on the Council's website.

Letters in objection:

- It is no longer a barn conversion
- The garage block is too big
- The dwelling will have a larger impact on the character of the area
- The design is not in the local vernacular

- The road is busy
- It fails to consider context of the Conservation Area and Listed Building.

5.3 The letter in support of the application considers the following:

- It would lead to an effective use of land
- The barn conversion was “hideous” more industrial
- Not sold on the design but it is an improvement

5.4 A site notice was displayed on a telegraph pole near the site on 9<sup>th</sup> January 2020. The application was also advertised in the Cambridge Evening News on 2<sup>nd</sup> January 2020.

## 6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

|          |   |
|----------|---|
| GROWTH 2 | Locational strategy                                       |
| GROWTH 3 | Infrastructure requirements                               |
| GROWTH 4 | Delivery of growth  |
| GROWTH 5 | Presumption in favour of sustainable development          |
| HOU 8    | Extension and replacement of dwellings in the countryside |
| ENV 1    | Landscape and settlement character                        |
| ENV 2    | Design  |
| ENV 7    | Biodiversity and geology                                  |
| ENV 8    | Flood risk  |
| ENV 9    | Pollution   |
| ENV 11   | Conservation Areas  |
| ENV 12   | Listed Buildings  |
| COM 7    | Transport impact  |
| COM 8    | Parking provision   |

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 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 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
- 16 Conserving & enhancing the historic environment

## 7.0 PLANNING COMMENTS

### **Principle of Development**

- 7.1.1 The site is outside of the development envelope for the village of Brinkley and as such would be considered to be an unacceptable form of development in the open countryside, in accordance with policy Growth 2 of the East Cambridgeshire Local Plan 2015. As of 21<sup>st</sup> April 2020 the Local Planning Authority are able to state there is 6.1 housing land supply, as the Local Plan reaches its 5<sup>th</sup> year and therefore all development framework boundaries are relevant and are recognised to have their full weight. However in September 2017 a Prior Notification application was approved for the conversion of the barn to form a residential unit. (application 17/01389/ARN) 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.
- 7.1.2 The permission for the conversion of the barn is valid until 27<sup>th</sup> September 2020, and could become a residential dwelling in that time. 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. In the event that planning permission was granted a condition requiring the demolition of the barn should be applied. Therefore policy HOU8 of the East Cambridgeshire Local Plan 2015 should apply.
- 7.1.3 Policy HOU8 of the East Cambridgeshire Local Plan 2015 requires that developments respect the height, scale and character of the area, if there is an increase in height the application should demonstrate that the proposal is of exceptionally high design. In principle the proposal is considered acceptable subject to meeting the requirements of other planning considerations.

### **7.2 Residential Amenity**

- 7.2.1 The nearest dwelling is Brinkley House and Brinkley Lodge. The proposed dwelling is set 16 metres away from the shared boundary with these dwellings. The proposed garage block would be approximately 2.5 metres away from the boundary. Brinkley House is approximately 33 metres, with Brinkley Lodge approximately 103 metres 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 over bearing or restrict light. On this basis the proposal is considered to meet the requirements of policy ENV2 of the East Cambridgeshire Local Plan 2015 by maintaining the neighbours amenities.
- 7.2.2 During the construction of the development the working hours can be restricted and if there is a need for piling foundations this can also be dealt with by way of condition.



7.2.3 The site is approximately 5500 square metres and is able to provide in excess of the 50 square metres of garden space, as well as good amenities for the future occupiers of the dwelling. On this basis the proposal complies with policy ENV2 of the East Cambridgeshire Local Plan 2015 and the Design Guide SPD 2012.

### 7.3 Visual Amenity

7.3.1 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.

7.3.2 The design of the proposed dwelling is taking its influence from the Georgian period, and in consultation with the Conservation Officer was considered to be a “faithful iteration” and the context in which it is sat would not cause harm to the visual character of the area. There are other examples of Georgian style properties in the village, with many of the Listed Buildings being from the 18<sup>th</sup> and 19<sup>th</sup> century. These buildings would have been built during the time of the Georgian era, which is considered to be between the years of 1714 -1830. Therefore this approach is not uncharacteristic of the village. The adjoining property Brinkley House, appears to have some of the Georgian features but on a slightly grander scale. It is not listed and have no details of when this property was built, however some of the external features do appear Georgian in their style. Taking this into consideration, there are examples of Georgian architecture in the village and is therefore not considered to be out of keeping with the character of the village.

7.3.3 The design of the dwelling had drawn criticism from local residents, Parish Council and the Ward Member. The concerns being not only the design is out of keeping but as it is no longer a barn conversion it is no longer in scale with what exists on the site. The table below makes a direct comparison between what already exists on the site and what is being proposed.

|                                   | Barn  | House | Garages |
|-----------------------------------|-------|-------|---------|
| Height in metres                  | 7     | 8.2   | 5       |
| Width in metres                   | 22.4  | 15    | 6.5     |
| Depth in metres                   | 9     | 12    | 12      |
| Ground Floor area (square metres) | 201.6 | 180   | 78      |
| Total                             | 201.6 | 258   |         |
| Area of the site(square metres)   | 5500  |       |         |

7.3.4 The overall increase is 56.4 square metres with 1.2 metres in height from the main dwelling. It is appreciated that there is some increase of overall development of the site, however the proposal does provide an architecturally interesting dwelling that

would improve the entrance to the village. The proposed dwelling will not detract from the adjoining buildings and nor will it compete with them.

- 7.3.5 The proposal also re orientates the building, to face onto the road as opposed to end onto the road, which in assessing the character of the village, most dwellings face the street. This re orientation will be in keeping with the character of the village and will have a visual presence, but without causing harm to the character of the street scene. The site can accommodate the small increase in footprint, with 5242 square metres of open space around the dwelling.

It is considered that the proposal would comply with policy HOU8 in terms of the increase in the development. The dwelling would be smaller than the existing barn in terms of footprint, but when the garages are included it does increase the footprint by 56.4 square metres. This increase is not considered significant to be contrary to the policy and as such complies. In design terms it is interesting, and has been designed to faithful to the Georgian period. The proposal would maintain the visual amenity of the village in the spirit of policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. To ensure that the building maintains its appearance of a high quality Georgian property conditions restricting, windows, extensions, outbuildings should be applied to ensure this maintained in perpetuity.

#### **7.4 Historic Environment**

- 7.4.1 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 requires the Local Planning Authority to consider the setting of the Listed Building and impact on conservation areas in relation to new proposals. In consultation with the Conservation Officer no objections had be raised to the setting of the Listed Building or the character of the Conservation Area. The proposed dwelling and garaging in excess of 80 metres from the Listed Building with a road in between. Visually it is considered that the setting of the Listed Building would not be harmed by the siting of a dwelling in this location. The same applies to views into and out of the Conservation Area. On this basis the proposal is considered to maintain the historic character of the area in compliance with policies ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

- 7.4.2 The NPPF requires that any development is assessed for whether it causes any harm to the setting of heritage assets. In making this assessment it is considered that the proposal will not cause any harm and meets the tests within paragraph 16.

#### **7.5 Highways**

- 7.5.1 The proposal has been amended to remove a proposed access and will now only use the existing access. In consultation with the Highways Officer no objection was raised to using the existing access for the dwelling as it was the same as for the barn conversion and no condtions were recommended. On this basis the proposal complies with policy COM7 of the East Cambridgeshire Local Plan 2015.

- 7.5.2 The proposal provides in excess of 2 parking spaces, with space for cycle storage for the proposed dwelling and all vehicles can leave the site in a forward gear. On this basis the proposal is considered to comply with policy COM8 of the East Cambridgeshire Local Plan 2015.

## **7.6 Ecology and Trees**

- 7.6.1 The application has been supported by a Phase I Habitat Survey. Within 500 metres of the site are 9 ponds, 3 of which were inaccessible, 3 were dry and 3 had the potential to support Great Crested Newts. In the conclusion of the report the evidence is that the Great Crested Newts are not in any great number and mitigation measures could be applied. Reference was made to a bat roost in a tree, this tree has been removed as it was dangerous, this was discussed with the Council's Tree Officer. And by application 18/01333/TPO. The report also makes reference to the potential for invertebrates, mitigation measures such as infilling of the boundary hedgerow, post construction. The report concludes that there may be a need for a Phase II habitat survey but all of the information states that mitigation measures can be applied.
- 7.6.2 In August 2020 the Local Planning Authority were provided with a further Ecology Report. Further surveys had been carried out and the conclusion of the report required mitigation measures to be undertaken. These measures included cutting of the vegetation prior to any ground works; storage of materials and checking for small animals; the barn box within the barn to be demolished to be assessed by a Licenced Barn Owl inspector prior to removal, this can be dealt with by way of condition.
- 7.6.3 It is considered that the site can provide an overall net gain of biodiversity features and in excess of those with the barn conversion. In the determination of a prior notification application, biodiversity and protected species are not a consideration. This proposal will not only ensure mitigation measures for any potential species but will also provide measure to enhance the biodiversity through the provision of bird, bat, boxes for example as well enhanced landscaping, again something not required as part of the prior notification process. As an application this will enhance the biodiversity features of the area and as such complies with policy ENV7 of the East Cambridgeshire Local Plan 2015.
- 7.6.4 The site itself is not restricted by a Tree Preservation Order (TPO), but there are trees to the boundary which are and form part of the TPO E/02/78. The application is supported by a Tree Survey and identifies 11 trees, 2 of which are recommended to be felled. These are both Ash trees, 1 of which is covered in ivy, the other is generally failing. Other works are proposed to the remaining trees, more to ensure their longevity as well as thickening of the front hedge. In consultation with the Tree Officer, no objections to the proposal were raised and subject to the submission of a landscaping scheme considered the proposal acceptable. On this basis the proposal is considered to comply with policy ENV1 of the East Cambridgeshire Local Plan 2015.

## **7.7 Flood Risk and Drainage**

- 7.7.1 The site is located with Flood Zone 1 where you would expect residential properties to be located. The details relating to the surface and foul water can be dealt with by way of condition. It is considered the proposal will not cause harm to the existing area by way of flooding or surface water and as such complies with policy ENV8 of the East Cambridgeshire Local Plan 2015.

## **7.8 Other Material Matters**

- 7.8.1 In consultation with the Council's Scientific Officer, a condition requiring the submission of a contamination report, to determine the risks would be required, and a condition can be attached to any planning application to reflect this.

7.8.2 The application for the barn conversion did include a Phase I and II Contamination Report, however this has not been submitted as part of the application, as well as being a different application the Local Planning Authority cannot apply this to any following applications. It is considered as a vulnerable use, the site can be considered acceptable for a residential use subject to the receipt of a Contamination Report and can be conditioned accordingly. On this basis the proposal is considered to comply with policy ENV9 of the East Cambridgeshire Local Plan 2015.

**7.9 Planning Balance**

7.9.1 The principle of development as the site for a residential use has been accepted through the approval of the conversion of the barn, in 2015 and 2017. Policy HOU8 allows for replacement dwellings and extensions and what proposed is not considered over and above what is acceptable in this location. The neighbours amenities can be maintained as well as the visual character of the area. There is no harm to the setting of the Listed Building or the Conservation Area. In the event of planning permission being granted conditions can be attached to ensure the Georgian look is not diluted during construction or in the future, to ensure a high quality build. On this basis the proposal is recommended for approval.

**8.0 APPENDICES**

Appendix 1 – Recommended Conditions

| <u>Background Documents</u> | <u>Location</u>                                  | <u>Contact Officer(s)</u>   |
|-----------------------------|--|---|
| 19/01530/FUL                | Toni Hylton<br>Room No. 011<br>The Grange<br>Ely | Toni Hylton<br>Senior Planning<br>Officer<br>01353 665555<br>toni.hylton@eastca<br>mbs.gov.uk |
| 15/01226/ARN                |  |   |
| 15/01226/DISA               |  |   |
| 17/01389/ARN                |  |   |

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

## APPENDIX 1 - 19/01530/FUL Conditions

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

| Plan Reference                 | Version No        | Date Received               |
|--------------------------------|-------------------|-----------------------------|
| Tree Survey                    |                   | 28th October 2019           |
| 893/02                         |                   | 28th October 2019           |
| 893/03                         |                   | 28th October 2019           |
| 893/11                         |                   | 28th October 2019           |
| Tree Survey & Constraints Plan | TPSarb8860818TSCP | 28th October 2019           |
| Ecological Site Assessment     |                   | 16th December 2019          |
| Protected Species Assessment   |                   | 4 <sup>th</sup> August 2020 |
| 893/10                         | B                 | 24th January 2020           |
| 893/12                         | A                 | 24th January 2020           |
| Heritage Statement             |                   | 14th November 2019          |

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall 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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 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.
- 3 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 4 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.
- 4 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.
- 5 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours:  
07:30 - 18:00; each day Monday-Friday,  
08:00 - 13:00; Saturdays  
and none on Sundays or Bank Holidays or Public Holidays.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 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.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the occupation of the dwelling hereby approved.
- 7 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 No above ground construction shall take place until a sample panel measuring no less than 1 meter square has been constructed on site showing details of the proposed roofing material and brickwork; including colour, texture, bond, pointing and mortar mix to enable a site inspection and agreement in writing by the relevant officer. The panel

shall remain on site for the duration of the development and once the development is completed the sample panel shall be removed. All works shall be carried out in accordance with the approved details.

- 8 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the dwelling hereby approved.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall take place on site until details of the following to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority;
  - doors
  - windows
  - surrounds and fenestration
  - garage doors
  - rainwater goods
  - chimney stacksAll works shall be carried out in accordance with the approved details.

- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling, without the prior written consent of the Local Planning Authority.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse in front of any wall of the dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed in the dwelling without the prior written consent of the Local Planning Authority.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 The existing barn on the site shall be demolished in its entirety within 28 days of the bringing into use of the dwelling hereby approved
- 16 Reason: The application has been assessed as acceptable and complying with policy HOU8 on this basis.
- 17 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 17 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 The garage block hereby approved shall be used in a manner that is ancillary to the enjoyment of the residential use of the proposed new dwelling.
- 18 Reason: The application has been assessed as acceptable and complying with policy HOU8 on this basis.



- 19 The recommendations within the Protected Species Survey by Essex Ecology Services Ltd received 3rd August 2020 shall be adhered to during the demolition of barn and construction of the dwelling and garage block hereby approved.
- 19 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 20 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.
- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.