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**MAIN CASE**

**Reference No:** 20/01373/FUL

**Proposal:** Change of use from detached Annexe to class 3 Dwelling, with minor alterations, new boundary wall, landscaping and associated access and hardstanding works

**Site Address:** Perrymans 22 Ley Road Stetchworth Newmarket Suffolk CB8 9TS

**Applicant:** Ms Linda Braybrooke

**Case Officer:** Gemma Driver Planning Officer

**Parish:** Stetchworth

**Ward:** Woodditton  
 Ward Councillor/s: Alan Sharp  
 Amy Starkey

**Date Received:** 2 December 2020      **Expiry Date:** 12 March 2021

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1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE this application for the following reason:
- 1.2 The application site is located outside of the development envelope of Stetchworth and is in the countryside. Policy Growth 2 of the East Cambridgeshire Local Plan, 2015, states that outside defined development envelopes, development will be strictly controlled, having regard to protect the countryside and the setting of towns and villages, and development will be restricted to the main categories listed within the policy. Market housing is not one of the exceptions listed, and therefore the proposed development would be contrary to this policy and is unacceptable in principle.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The applicant seeks consent to change the use of an existing annexe to Class C3 Dwelling house. The works proposed would consist of minimal external alterations to the existing building. The proposal would include the provision of a new boundary wall, landscaping and associated access and hardstanding works.

- 2.2 The external works proposed to the existing building would consist of removal of the external staircase to the northern gable. The existing clear glass would be replaced by opaque glass to the existing 2no. windows to the North elevation.
- 2.3 The application would include the introduction of a new vehicular access to the Eastern boundary. The access would measure 3.25 metres / 10.6 ft in width. The paved access would leave to a gravel driveway that would provide off street parking for the building.
- 2.4 The new boundary wall to serve the Northern boundary would measure 2 metres / 6.5 ft. in height and would run along part of the northern boundary for 23.7metres / 77.7ft.
- 2.5 The original annexe was given permission under application reference no. 01/00012/FUL (please see appendix 1). Condition 4 of this permission states that the occupation of the proposed accommodation shall be limited to the occupants of the principle dwelling house and/or persons who are relatives and dependants of the occupants of the principal dwelling house and the unit shall at no time be occupied as a completely separate dwelling without the written consent of the Local Planning Authority. Therefore, this application seeks permission to occupy the building as a separate dwelling.
- 2.6 The application has been called in to Planning Committee by Cllr Sharp for the following reason:
- 2.7 *“There are minimal proposed works within the property, so there is no proposed change to its occupancy or usage. The annexe falls outside the Stetchworth development envelope, but has existed since planning permission was granted in March 2001. This application proposes no additional building being constructed and minimal works on the existing annexe and the use of an existing vehicle access. Officers are recommending refusal based on the fact that the property is outside the village development envelope and they are correctly looking at protecting our development envelopes. However, I feel that this application is a unique one and merits the benefit of members' consideration.”*
- 2.8 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
- |              |   |          |            |
|--------------|---|----------|------------|
| 01/00012/FUL | Alterations to barn to create relatives annexe to main dwelling | Approved | 02.03.2001 |
|--------------|---|----------|------------|

#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located to the West of Ley Road. The site is situated outside of the development envelope for Stetchworth and is therefore considered to be in a countryside location. The site is not situated within a Conservation Area and there are no Listed Buildings nearby.
- 4.2 The site consists of an existing outbuilding forming an annexe to the host dwelling, Perrymans. The site has a grassed area with mature hedging to the front (Eastern) boundary. There is a paved area to the West of the annexe and an open courtyard with former stable buildings to the rear. To the south of the site is an existing swimming pool which falls within the applicant's ownership. The wider locality to the South consists of open fields forming countryside.

#### 5.0 RESPONSES FROM CONSULTEES

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

**Local Highways Authority – 1<sup>st</sup> consultation: 4 January 2021**

Subject to the following comments and recommendations:

Access, turning and parking arrangements within the proposed dwelling plot appear to be broadly acceptable.

I note however that the proposed plot includes land utilised by 22, Ley Road for parking and turning. The applicant should be invited to provide an amended plan demonstrating how adequate parking and turning provision is being retained within the host property as part of these proposals.

Please advise me if the applicant is unable or unwilling to make this amendment, so that I can consider making alternative recommendations.

**Local Highways Authority – 2<sup>nd</sup> consultation: 22 January 2021**

I have no objections,

With regard to the amended plan, parking for the southern space of the host property would appear awkward, although the additional space width and turning distance to the rear is likely to make this workable for most standard length domestic vehicles. I also note that the garage would facilitate separating parking if necessary to accommodate larger single vehicle parking and turning on the external area. I therefore have no objections in this regard, but would recommend that the applicant be invited to amend the plan to include both the parking area and garage, including the adjacent turning areas, within the red line boundary to enable these to be suitably conditioned.

No details have been provided regarding construction of the crossing of the highway verge. The applicant should be aware that this must be implemented in accordance with Cambridgeshire County Councils Housing Estate Road construction specification (HERCS).

Subject to the above and conditions

**Local Highways Authority – 3<sup>rd</sup> consultation: 5 February 2021**

I have no objections,

Revision 3 of drawing 597/P-03 makes significant improvement to the facility for parking and turning for the host property.

Providing the Local Planning Authority is satisfied that parking for the host property may be conditioned within the blue line boundary, the conditions recommended previously in correspondence dated 22nd January 2021 remain applicable subject to the amendment of revised drawing numbers.

**Waste Strategy (ECDC) - 23 December 2020**

- 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 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 two bins; this contribution is currently set at £43 per property.

**ECDC Trees Team – 1<sup>st</sup> consultation: 24 December 2020**

The submitted AIA and AMS are acceptable please condition compliance with them with a separate condition relating to the Arboricultural supervision section of the AMS as follows: 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 evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

I recommend the removal of tree T4 and its replacement with a species suitable for the space available and for long term retention as part of the soft landscaping scheme this addition will make the submitted soft landscaping scheme acceptable.

**ECDC Trees Team – 2<sup>nd</sup> Consultation: 25 January 2021**

The revised landscaping scheme is acceptable, no objections to the application.

**Parish Council - No Comments Received**

**Ward Councillors - No Comments Received**

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

5.2 A site notice was displayed near the site on 18 December 2020 and 3 neighbouring properties were notified

5.3 **Neighbours** – three neighbouring properties were notified, no responses were received.

## 6.0 The Planning Policy Context

### 6.1 **East Cambridgeshire Local Plan 2015**

GROWTH 2	Locational strategy
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and Geology
ENV 8	Flood Risk
COM 7	Transport impact
COM 8	Parking provision

### 6.2 **Supplementary Planning Documents**

Design Guide  
Flood and Water  
Natural Environment

### 6.3 **National Planning Policy Framework 2019**

- 2 Achieving sustainable development
- 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

## 7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are; principle of development, residential amenity, visual amenity, biodiversity, flood risk, highway safety and parking provision.

### 7.2 **Principle of Development**

7.2.1 The application site is not within the established development envelope of Stetchworth and Local Plan policy GROWTH 2 restricts market housing in such locations. Since April 2020 the Council has been able to demonstrate an adequate 5 Year Housing Land Supply, as demonstrated first in its Five Year Land Supply Report - 1 April 2019 to 31 March 2024 (published April 2020) and later in its updated Five Year Land Supply Report - 1 April 2020 to 31 March 2025 (published

December 2020). The latter report confirmed that from 1 January 2021 the Council had a 6.14 year supply of deliverable housing land. That calculation included a 20% buffer as required by paragraph 73 of the NPPF based on a 2019 Housing Delivery Test (HDT) result of 66%.

- 7.2.2 The 2020 Housing Delivery Test result (published in January 2021) indicates that housing delivery in the district has improved to 87%. As a result of the HDT exceeding 85%, the appropriate paragraph 73 buffer falls to 5% which has the effect of increasing the Council's housing land supply to 7.01 years.
- 7.2.3 This adequate housing land supply means that the Council considers its policies relating to housing delivery up-to-date and gives them full weight in the determination of this application.
- 7.2.4 It is therefore considered that the proposed development would be contrary to Policy GROWTH 2 of the East Cambridgeshire Local Plan and is unacceptable in principle.

### **7.3 Residential Amenity**

- 7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.3.2 The plans submitted demonstrate no alterations to the existing floor plans and therefore the function of the existing rooms would not be significantly different. The proposal would include the removal of the external staircase and replacement of the clear glazing of the existing windows to the North, to opaque, in order to protect the amenity of neighbouring dwelling to the North, no.22 Ley Road (Perrymans). Additionally, there is a separation distance of approximately 4.7 metres / 15.4 ft between this Northern elevation and the boundary of the application site. Between the Northern elevation of the existing building and no. 22 Ley Road is approximately 10 metres / 32 ft. Due to this separation distance and the existing presence of windows, it is considered that the proposal would not increase levels of over-looking towards this neighbouring dwelling.
- 7.3.3 The introduction of the 2 metre / 6.5 ft boundary wall has been noted. It is considered that this would be a typical boundary treatment for a dwelling and would not significantly impact neighbouring dwellings to any detrimental effect due to the height and separation distance. The proposal would not be enlarging the footprint of the existing building and therefore the proposal would not be detrimental in terms of over-bearing or over-shadowing.
- 7.3.4 Policy ENV2 also states that proposed for new development would be expected to ensure that occupiers of new buildings, especially dwellings, enjoy high standards of amenity. The Design Guide SPD states that building plots should be 300sqm (3229.17sqft). The application site would more than comply with this element, measuring approximately 1855sqm / 19967.05sqft. Furthermore, the Design Guide

SPD also states that a garden area of at least 50sqm (538.2sqft). The proposal would supply more than sufficient amenity space, measuring approximately 204 sqm / 2195.84 sqft. The proposal would therefore ensure a reasonable supply of amenity space and ensure that the proposal does not appear cramped within context of the residential plot.

- 7.3.5 It is therefore considered that the proposed development would not significantly impact neighbouring occupiers and would provide a good standard of amenity for future occupiers. The proposal is therefore considered to be compliant with Policy ENV2 of the Local Plan 2015 and the Design Guide SPD

#### **7.4 Visual Amenity**

- 7.4.1 Policy ENV1 states that development proposals should ensure that location, scale, form, design, materials and colour create positive, complementary relationships with existing development.

- 7.4.2 Policy ENV2 states that development proposals should ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

- 7.4.3 In terms of visual amenity, the proposal would not be introducing visually prominent forms. The creation of a new access to serve the building would be the biggest change to the existing streetscene. The access would require the removal of some existing hedging; however, this is not considered to alter the character of the area to any significant extent due to the existing access' in the locality.

- 7.4.4 The removal of the existing external staircase located to the North is considered to result in a positive impact and would assist towards assimilating the proposal into the surrounding residential character of neighbouring dwellings. This would create a slight change to the existing streetscene, however this is not considered to be at the detriment as it would be reducing the visual impact of this external feature within the street scene.

- 7.4.5 The introduction of the boundary wall to the North would be partially visible, however this is considered a typical and traditional structure in this locality. The boundary wall would be set further into the plot and would not introduce a prominent form of development from the public highway. The boundary wall would be considered to form a complementary relationship with the existing built form on the site and would therefore relate sympathetically to the surrounding area.

- 7.4.6 It is therefore considered that the proposal complies with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 in relation to visual amenity.

#### **7.5 Highway Safety and Parking Provision**

- 7.5.1 Policy COM7 of the Local Plan requires development proposals to provide a safe and convenient access to the public highway. Policy COM8 of the Local Plan 2015, requires proposals to provide adequate car and cycle parking.

- 7.5.2 The parking arrangements for the proposal would ensure that adequate provision of off-street parking for two vehicles could be achieved to the proposed front driveway of the building. the proposal would include a hard-standing area together with a gravel driveway to provide off street provision for at least two parking spaces. The proposal would also ensure two parking spaces are retained to the North West of the site for the host dwelling.
- 7.5.3 The Local Highways Officer was consulted as part of the application process and initially requested amendments to demonstrate how adequate parking and turning provision could be retained within the host dwelling. The Highways Officer did not raise objections to the proposed access, turning and parking arrangements for the proposed dwelling and commented that they appear to be broadly acceptable.
- 7.5.4 Following receipt of the revised plan, the Highways Officer advised that parking and turning for both the host dwelling and the proposed new dwelling would be acceptable, subject to recommended conditions and informatives which could be appended if the application was approved.
- 7.5.5 It is considered that the proposal would provide a safe and convenient access to the highway and would provide adequate off-street car parking spaces for both the host dwelling and the proposed dwelling and there is sufficient space within the curtilage of the new dwelling to provide cycle parking. The proposal is therefore considered to comply with Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## **7.6 Trees and Landscaping**

- 7.6.1 Policy ENV1 of the Local Plan states that development proposals should seek to protect the landscape and settlement character. Policy ENV1 seeks to ensure that important existing views into and out of settlements are maintained and wildlife features to be undisturbed. Policy ENV2 of the Local Plan states that development proposals should retain existing important landscaping and natural features, and include landscape enhancement schemes. The site benefits from hedging to the front boundary and five individual trees set just behind the hedging and the proposed access.
- 7.6.2 The Trees Officer was consulted as part of the application process. The existing site benefits from hedging to the front boundary of the site and several trees within the site boundary. The application was accompanied by a Landscaping Plan, Arboricultural Impact Assessment and Method Statement to detail the impact upon the existing trees as a result of the proposed changes.
- 7.6.3 The Trees Officer advised that the submitted Arboricultural Impact Assessment and Method Statement are acceptable and would wish to condition their compliance. The Trees Officer recommended removal of tree T4 (located to the South of the proposed access) and its replacement with a suitable species for the space suitable and for long term retention as part of a soft landscaping scheme. The agent submitted a revised landscaping scheme. The Trees Officer advised that the submitted scheme was acceptable and raised no objections the proposal.



7.6.4 It is therefore considered that the proposed development complies with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, 2015 in relation to trees and landscaping

## **7.7 Biodiversity**

7.7.1 Policy ENV7 of the Local Plan states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required 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.

7.7.2 It is considered that given the existing building will be remaining and will not be changed to any significant extent, that the proposal is unlikely to adversely affect protected or priority species or designated states. However, it is considered that biodiversity enhancements could be sought and these would be secured by condition, if planning permission was granted.

7.7.3 It is therefore considered that the proposal would comply with Policy ENV7 of the Local Plan 2015 and the Natural Environment SPD.

## **7.8 Flood Risk and Drainage**

7.8.1 Policy ENV8 states that all development and re-developments should contribute to an overall flood risk reduction. The policy states that development would not be permitted where:

- It would intensify the risk of flooding during the lifetime of the development taking into account climate change allowances, unless suitable flood management and mitigation measures can be agreed and implemented.
- It would increase the risk of flooding of properties elsewhere during the lifetime of the development, taking into account climate change allowances, by additional surface water run-off or by impeding the flow or storage of flood water.
- It would have a detrimental effect on existing flood defences or inhibit flood control and maintenance work.
- The risk of flooding would cause an unacceptable risk to safety; or
- Safe access is not achievable from/to the development during times of flooding, taking into account climate change allowance.

7.8.2 The site is entirely located within flood zone 1 and is therefore considered at the lowest risk of flooding and a location where residential development is acceptable in terms of flood risk. The application form states that surface water would be disposed of via a sustainable drainage system and foul water by mains sewer. It is considered that this is likely to be the existing situation and therefore no condition in relation to foul and surface water would be required.

7.8.3 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with Policy ENV8 of the Local Plan 2015.

## 7.9 **Planning Balance**

7.10 The proposal creates minimal changes to the visual appearance of the existing dwelling and would therefore be in keeping with the character and appearance of its area.

7.11 For the reasons outlined above, the proposal would not cause significantly detrimental impacts upon the residential amenity of neighbours and would provide more than sufficient amenity space for future occupiers of the dwelling.

7.12 The proposal would be acceptable in terms of its highways and parking provision as it provides a safe and convenient access to the highway and sufficient off street parking provision for both the host dwelling and the proposed dwelling.

7.13 Notwithstanding this, the proposal is situated outside of the development envelope of Stetchworth where development is restricted. As the proposal does not fall within any of the exceptions set out under Policy GROWTH 2 of the Local Plan it is considered to be contrary to Policy GROWTH 2. The proposal is therefore not supported in principle and is recommended for refusal on this basis.

## 8.0 **APPENDICES**

8.1 Appendix 1 – 01/00012/FUL Decision Notice

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
20/01373/FUL	Gemma Driver Room No. 011 The Grange	Gemma Driver Planning Officer 01353 665555
01/00012/FUL	Ely	gemma.driver@east camb.gov.uk

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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>