

Target Decision Date: 10/05/2022

Expiry Date: 24/05/2022

OFFICER'S REPORT AND RECOMMENDATION

CASE OFFICER: Alex Breadman

CASE REFERENCE: DC/22/01111

The Openness of Local Government Bodies Regulations 2014

The new national regulations on openness and transparency in local government require the recording of certain decisions taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. This report and recommendation constitutes the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

PROPOSAL: Full Planning Application - Construction of replacement dwelling (following demolition of existing dwelling) and temporary siting of a static caravan.

LOCATION: Oak Cottage, The Green, Monk Soham, Suffolk, IP13 7EX

PARISH: Monk Soham.

WARD: Hoxne & Worlingworth.

APPLICANT: Mr David Booth And Mrs Paula Booth

SITE NOTICE DATE: 07/04/2022

PRESS DATE: 06/04/2022

BACKGROUND DOCUMENTS

This decision refers to drawing number OS Map 1:1250 received 01/03/2022 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Land Contamination Assessment - Received 10/03/2022

Land Contamination Questionnaire - Received 10/03/2022

Photograph Existing - Received 01/03/2022

Defined Red Line Plan OS Map 1:1250 - Received 01/03/2022

Existing Site Plan - Received 01/03/2022

Landscape Plan - Received 10/03/2022

Sectional Drawing AB4 - Received 01/03/2022

Elevations - Proposed AB3 - Received 01/03/2022

Elevations - Proposed AB2 - Received 01/03/2022

Floor Plan - Proposed AB1 - Received 01/03/2022

Preliminary Ecological Appraisal - Received 29/03/2022

Application Form - Received 01/03/2022

Design and Access Statement - Received 01/03/2022

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk or www.midsuffolk.gov.uk.

SUMMARY OF CONSULTATIONS

Monk Soham Parish Clerk Comments Received - 14/04/2022

Monk Soham Parish Council considered this application at an extraordinary meeting held on Wednesday 13th April 2022 and voted unanimously to fully support the proposals.

Environmental Health - Land Contamination Comments Received - 14/04/2022

No objection.

Environmental Health - Noise/Odour/Light/Smoke Comments Received - 04/04/2022

No objection, subject to conditions.

SCC - Fire & Rescue Comments Received - 07/04/2022

Informative comment.

SUMMARY OF REPRESENTATIONS

1no. representation received in support of the proposal.

PLANNING POLICIES

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
H08 - Replacement dwellings in the countryside
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
H18 - Extensions to existing dwellings
H13 - Design and layout of housing development
T09 - Parking Standards
T10 - Highway Considerations in Development

PLANNING HISTORY

REF: DC/20/00250	Full Planning Application - Erection of 2no. detached dwellings and garaging (following demolition of existing dwelling and 6no. Sheds/Garages)	DECISION: REF
REF: DC/20/05797	Householder Planning Application - Erection of single-storey front and side and two-storey rear extensions. Erection detached music room/store/carport (following demolition of existing outbuildings)	DECISION: GTD

REF: DC/21/04440

Application for Non Material Amendment relating to DC/20/05797 - The rear extension is to become single-storey rather than two-storey. A cat slide dormer is proposed to allow head room for the new staircase.

DECISION: REF

ASSESSMENT

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

Principle of Development

As a Full Application for the erection of 1no. replacement dwelling (following demolition of existing) and temporary siting of a static caravan, the proposal is assessed with regard to policies GP01, H08, H13, H15, H16, H17, H18, T09 and T10 of the Mid-Suffolk Local Plan adopted 1998; policies CS1, CS2 and CS5 of the Core Strategy Development Plan 2008, and the NPPF.

Policy CS1 of the Core Strategy Development Plan 2008 states: 'The majority of new development (including retail, employment and housing allocations) will be directed to towns and key service centres, but also with some provision for meeting local housing needs in primary and secondary villages, in particular affordable housing'.

All settlements not included within the Settlement Hierarchy list are designated as countryside and countryside villages and as such, development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy.

The application site is not within any defined settlement boundary, with the closest being Bedfield, an approx. 0.8 mile walk away from the site. Additionally, Monk Soham is considered a countryside village. As noted, whilst new dwellings in the countryside are resisted, given that this proposal seeks the replacement of an existing dwelling, the proposal is considered against Local Plan Policy H08.

Policy H08 of the Mid-Suffolk Local Plan relates to replacement dwellings in the countryside and states that favourable consideration will be given provided that the proposal, by virtue of its size and scale, does not detract from the character and appearance of its surroundings, its landscape, or continue a traffic hazard. Therefore, given the nature of the proposal, it is considered acceptable in principle.

The proposed development has been considered on the basis of its planning merits and the officer's recommendation is given accordingly, having had regard for all material planning considerations; those key issues being discussed under their respective headings below.

Site and Surroundings

The application site hosts Oak Cottage, a two-storey detached dwelling sited north of The Green in Monk Soham. The site lies approx. 0.8 miles west of Bedfield and is within the countryside.

The dwelling has one immediate neighbour in Royal Oak, a Grade II Listed Building which lies to the north. There is considerable separation between the dwellings; existing outbuildings within the curtilage of Royal Oak also provide further separation.

The site benefits from ample outdoor amenity space, most of which is located forward of the principal elevation. Furthermore, the site has sufficient access and parking areas.

The proposal was subject to pre-application advice including an on-site meeting, in which it was noted that the existing dwelling was unlikely to be deemed structurally safe or viable for repair.

There are no major constraints on the site.

Design and Layout

The proposal seeks the erection 1no. replacement dwelling, following the demolition of the existing dwelling.

The proposed dwelling would stand largely in the same location as the existing, albeit its principal elevation will stand approximately 2m further to the west. The dwelling would be rectangular in form; the core of the dwelling would be two-storey with single storey lean-to extensions at either gable end. The dwelling would measure at 6m x 18.5m (footprint) with a ridge height of 6.637m and eaves height of 4.675m to the main roof.

Proposed external facing materials include off-white painted render (in keeping with the render finish on the existing dwelling), a brick plinth and painted timber cladding (colour TBC) to both lean-to extensions, as well as red clay pantiles to the main roof and slate tiles to both lean-to extensions.

Based on the details provided, the existing dwelling has a footprint of approx. 78 sq m, whilst the proposed replacement dwelling would equate 111 sq m. A great portion of this increased area comes due to the increased depth of the dwelling. The dwelling would also be taller than the existing, with it being noted in the provided design and access statement that this increase is marginal and has taken place to allow sufficient head room. These increases are not considered excessive, however, and the dwelling is appropriate in size and scale, resembling the existing structure in this regard.

It should be noted that the existing outbuilding forward of the dwelling (approved under DC/20/05797) is to be retained.

The application also denotes the temporary siting of a static caravan required during the construction phase. It was observed during the site visit that the mobile home is already in place towards the western boundary. The design and access statement denotes that the caravan would only be required until the point of completion of the replacement dwelling. This is considered acceptable and is required to house the occupants until completion; the below condition has been included however requiring the removal of the mobile home following completion.

In summary, the overall form, size and scale of the dwelling is in-keeping with the existing. Proposed materials are considered attractive and as such are appropriate. The proposal would not constitute over development of the site, nor would it harm local distinctiveness. With regard to Local Plan Policy H08, the proposal is not considered inappropriate in size and scale, nor does it detract from the character and appearance of its surroundings. The proposal is acceptable in this regard.

Heritage Considerations

The duty imposed by s.66(1) of the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage asset. A finding of harm, even less than substantial harm, to the setting of a listed building is a consideration to which the decision-maker must give "considerable importance and weight".

The Council's Heritage Team were consulted; however, no comments were provided.

The replacement dwelling would be of a similar size and scale as existing; additionally, it would also be in-keeping with character and appearance of the existing dwelling. There would be sufficient separation distance between the dwelling and neighbouring designated heritage asset.

It is considered that the impact of the development on the setting and significance of the listed building would be neutral and as such, would not lead to harm. The proposal is therefore acceptable in this regard.

Landscape

There are no protected trees (TPO's) on or adjacent to the site. The site is also not situated within a conservation area. The provided plans indicate that the existing planting and boundary treatment would be retained, with the only new planting proposed to the rear of the dwelling. This would consist of native hedging to the boundary, and planting is to be carried out upon completion of the dwelling.

The existing hardstanding car parking area forward of the existing outbuilding is to be retained and new paved areas are proposed around the dwelling. The site would retain its existing grassed garden areas to the front.

The site would largely retain the sites existing features in this regard and as such is acceptable.

Highway Safety (Parking, Access, Layout)

The proposal would utilise the site's existing access point with the existing hardstanding parking areas to be retained. The dwelling would consist of four bedrooms. The Council's adopted parking standards (SCC Suffolk Guidance for Parking 2019) recommends that any dwelling with four or more bedrooms, provide at least three on-site parking spaces.

Given that the existing parking areas are to be retained, combined with the size of the hardstanding, it is highly likely that the above recommendation can be met along with sufficient manoeuvring areas. As such, it is considered that the proposal would have no impacts on highway safety significant to warrant refusal.

Suffolk County Council as the Highways Authority were consulted; however, no comments were provided.

Residential Amenity

Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. The proposed replacement dwelling would be of a similar size and scale to the existing dwelling. It would also be largely in the same location as existing, with its principal elevation set approx. 2m forward of the existing.

The dwelling would be set towards the eastern boundary. To the rear of the dwelling lies existing outbuildings related to the neighbouring property and open space. There is considerable separation distance between the dwelling and its closest neighbour, Royal Oak (approx. 25m). The proposed replacement dwelling would only include front and rear facing windows at first floor level.

Given the above, it is considered that the impact of the works would not result in significant adverse harm to residential amenity with regards to neighbouring privacy, overlooking or overshadowing. The proposal is acceptable in this regard.

Flood Risk and Drainage

The application site is located within Flood Zone 1 and therefore is at lowest risk from pluvial or fluvial flooding. Given this and the scale of the application, there is no requirement for a flood risk assessment and refusal in this regard would not be justified.

Other Matters

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." It has been considered that no criminal offence under the 2017 Regulations against any European Protected Species is likely to be committed. There are no recordings of protected species or their habitats within the site or likely to be affected in the immediate area. It is unlikely that any protected species would be found within this site and as such this proposal is not considered to be harmful in terms of biodiversity issues.

CONCLUSION

The proposal would not result in any demonstrable harm to any matter of planning substance. The scale, siting and design of the proposed dwelling would be similar to that of the existing dwelling and would not result in such unacceptable harm to the character of the area. Sufficient parking and private amenity space has been provided. The layout ensures the amenities of the neighbouring properties would not be detrimentally impacted by the development. The proposal would not cause significant harm to residential amenity so as to warrant refusal. The proposal accords with relevant development plan policies and national planning guidance. The proposal is acceptable.

RECOMMENDATION

I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security, Public Safety, Economic and wellbeing of the Country, preventing Crime and Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.

RECOMMENDED DECISION:

<i>Granted</i>

SUGGESTED CONDITIONS OR REASONS

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this

permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

3. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF CLADDING COLOUR

Prior to the installation of the painted weatherboard cladding, precise details of the colour of the weatherboarding to be used in construction shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

4. COMPLIANCE REQUIRED: CONSTRUCTION WORKING HOURS

No construction work related to the hereby permitted development shall operate outside the hours of 08:00 and 18:00; Mondays to Fridays, and 09:00 and 13:00 on Saturday. There shall be no working on Sundays and Bank Holidays. There shall be no deliveries to or from the site outside of these hours.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

5. ON GOING REQUIREMENT OF DEVELOPMENT/USE: PROHIBITION ON BURNING

No burning shall take place on site at any stage during site clearance, demolition or construction phases of the development.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DUST MANAGEMENT SCHEME

Prior to commencement of development, a scheme specifying the provisions to be made to control dust emanating from the site, including during demolition and site clearance, shall have been submitted to and approved, in writing, by the Local Planning Authority. The scheme, as may be agreed, shall be implemented in full prior to commencement.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

7. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (LCS Ecology, March 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason - To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

8. COMPLIANCE REQUIRED: REMOVAL OF MOBILE HOME

Within 1 month of first occupation of the hereby approved dwelling, the temporary mobile home and any associated goods shall be permanently removed from the application site.

Reason - For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

9. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A to E and H and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- - no enlargement, improvement, insertion of new openings or other alteration of the dwelling house(s) shall be carried out, - no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

NOTES

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant took advantage of the Council's pre-application service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

Case Officer Signature: Alex Breadman	Date: 24.05.2022
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