

Application for Planning Permission

OFFICER'S REPORT AND RECOMMENDATION

CASE OFFICER: Finlay McKenzie

CASE REFERENCE: DC/24/05160

The Openness of Local Government Bodies Regulations 2014

The national regulations on openness and transparency in local government require certain decisions to be recorded where they are 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. When read as a whole, this report and recommendation, alongside the accompanying decision notice, constitute the written record for the purposes of the regulations.

PROPOSAL: Planning Application - Erection of replacement dwelling and 1no additional dwelling

LOCATION: Willow Croft, Long Green, Bedfield, IP13 7JD,

PARISH: Bedfield.

WARD: Hoxne & Worlingworth.

APPLICANT: WSB Developments Ltd

SITE NOTICE DATE: 29/11/2024

PRESS DATE: 04/12/2024

PLANS, DOCUMENTS AND SUPPORTING INFORMATION

The application, plans and documents submitted by the applicant can be viewed online at:
<https://www.midsuffolk.gov.uk/w/application-search-and-comment>

SUMMARY OF CONSULTATIONS

Bedfield Parish Clerk Comments Received - 11/12/2024

Neutral response. Previous approvals must be taken into account, in particular the need for same or more conditions to safeguard residential amenity. Building is underway and contractors have breached conditions. Points to be taken into consideration:

- Construction hours
- Drainage
- Splay and highways
- No parking on highway.

Environmental Health - Land Contamination Comments Received - 18/12/2024

No objection, subject to conditions.

SCC - Highways Comments Received - 17/12/2024

No objection subject to conditions.

SCC - Fire & Rescue Comments Received - 16/12/2024

No objection.

Environmental Health - Noise/Odour/Light/Smoke Comments Received - 03/12/2024

No objection, subject to conditions.

Ecology - Place Services Comments Received - 20/12/2024, 02/04/2025, & 23/07/2025

No objection, subject to conditions.

SUMMARY OF REPRESENTATIONS

Three representations of objection were received, summarised as follows:

- Density
- Highway safety issues
- Drainage and flooding
- Breaches of planning conditions - work outside of agreed hours, parking on the highway, damage to verges and mud on the highway.

All individual representations are counted and considered. Repeated and/or additional communication from a single individual would be counted as one representation.

PLANNING POLICIES

Babergh and Mid Suffolk Joint Local Plan (JLP) (2023)

SP03 - The sustainable location of new development
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP04 - Replacement Dwellings and Conversions
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP19 - Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP27 - Flood risk and vulnerability
LP29 - Safe, Sustainable and Active Transport

NPPF - National Planning Policy Framework 2024

PPG- Planning Practice Guidance

PLANNING HISTORY

REF: DC/23/03499	Full Planning Application - Erection of 7no. single-storey dwellings with vehicular access.	DECISION: GTD 23.02.2024
REF: DC/24/01542	Application under S73 for the Removal or Variation of a Condition following grant of DC/23/03499 dated 23/02/2024 Town and Country Planning Act 1990 (as amended)- Erection of 7no. single-storey dwellings with	DECISION: GTD 23.05.2024

vehicular access. To vary Condition 3 (Pre-Commencement Condition /Highways) as per covering letter.

REF: DC/24/01664	Discharge of Conditions Application for DC/24/01542 - Condition 3 (Highways Improvement), Condition 8 (Access Surface), Condition 9 (Surface Water Condition), Condition 10 (Refuse and Recycling Bins), Condition 11 (Construction Management Plan), Condition 13 (Wildlife Sensitive Lighting Design Scheme) and Condition 15 (Landscape and Ecological Management Plan)	DECISION: GTD 17.06.2024
REF: 0090/97/OL	SEVERANCE OF GARDEN LAND FOR ERECTION OF A SINGLE DWELLING AND GARAGE WITH ALTERATION OF EXISTING VEHICULAR ACCESS. (PREVIOUSLY PERMITTED UNDER OUTLINE PLANNING PERMISSION REF. OL/70/94).	DECISION: GTD 26.11.1997
REF: 0070/94/OL	SEVERANCE OF GARDEN LAND FOR ERECTION OF A SINGLE DWELLING AND GARAGE WITH ALTERATION OF EXISTING VEHICULAR ACCESS.	DECISION: GTD 29.11.1994
REF: 0166/03/OL	RENEWAL OF PREVIOUS PLANNING PERMISSION OL/83/00: SEVERANCE OF GARDEN LAND FOR THE ERECTION OF A SINGLE DWELLING AND GARAGE, WITH ALTERATION TO EXISTING VEHICULAR ACCESS.	DECISION: GTD 29.12.2003
REF: 0162/93/OL	ERECTION OF FOUR DWELLINGS AND GARAGES WITH LAYOUT AND CONSTRUCTION OF NEW VEHICULAR ACCESS.	DECISION: REF 23.02.1994
REF: 0072/96/OL	SEVERANCE OF GARDEN LAND FOR THE ERECTION OF ONE DWELLING AND GARAGE, WITH ALTERATION TO EXISTING VEHICULAR ACCESS.	DECISION: REF 10.09.1996
REF: 0083/00/OL	SEVERANCE OF GARDEN LAND FOR ERECTION OF A SINGLE DWELLING AND GARAGE WITH ALTERATION OF EXISTING VEHICULAR ACCESS (PREVIOUSLY PERMITTED UNDER OUTLINE PLANNING PERMISSION OL/70/94).	DECISION: GTD 22.11.2000

The site was subject to an application under reference DC/23/03499 for seven bungalows – refer below for further details.

ASSESSMENT

Site and Surroundings

Willow Croft is a bungalow located on the western side of Southolt Road within the settlement boundary of Bedfield. Residential development (seven bungalows) has recently been approved for the land either side of the site, in accordance with Planning Permission DC/23/03499. Construction of the approved development is underway. Six of the bungalows are grouped together to the north side of the Willow Croft and the seventh bungalow is situated to the south of the site. The consented scheme includes provision of a new footpath across the frontage of the site.

The nearest designated heritage asset is a Grade II listed building situated opposite side known as Bull's Hall.

The site lies within Flood Zone 1 with a surface water risk currently very low and projected to be very low between 2040-2060. The risk from rivers and the sea is presently very low and expected to be very low between 2036-2069. Flooding from groundwater is unlikely and flooding from reservoirs is unlikely.

Proposal

The application proposes removal of the existing dwelling and construction of a replacement three bedroom dwelling and an additional four bedroom dwelling. Both dwellings are detached and single storey.

Plot 1 is located to the front (east) of the site and fronting Southolt Road. This dwelling replaces Willow Croft. Plot 2 is situated behind in a larger curtilage – this backland layout replicates the adjacent consented scheme. Both dwellings are served by a short private drive connecting to Southolt Road. Solar panels are proposed on the rear roof slopes of the dwellings.

Each dwelling has an attached garage and further on-plot parking. The shared drive incorporates a turning head.

The rear (western) boundary contains a number of small and medium-sized trees and bushes and these are to be retained. The hedge to Southolt Road would be retained where possible but would require removing at sections to provide the required visibility splays. New native-species hedging would be planted on the line of visibility splays to maintain the boundary landscaping.

The surface water runoff from the proposed development would discharge at a restricted rate into the drainage ditch on the western boundary via an attenuation system comprising subsurface geocellular crates located behind each dwelling.

Details of Amended Plans

During the course of determination, the application was in receipt of an amended plan detailing fire appliance access, submitted in response to SCC Fire referral comments.

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The assessment and balance made throughout this application is centred on the proposed development's level of accordance with the Development Plan, weighed against and relative to any material planning considerations.

The proposed development has been primarily assessed having had regard to the:

Babergh and Mid Suffolk Joint Local Plan 2023
National Planning Policy Framework 2024
Suffolk Parking Guidance updated 2023

An integral material consideration in the determination of all planning applications is the National Planning Policy Framework (NPPF) which contains the Government's planning policies for England and sets out how these are expected to be applied.

The NPPF is supported and complemented by the national Planning Practice Guidance (PPG). The PPG provides advice on procedure and elaboration of existing NPPF policies and can also provide statements of new national policy. It is an online reference as a living document and is a material consideration alongside the NPPF.

The site is within the settlement boundary where the principle of residential development is acceptable having regard to JLP Policy SP03. Additionally, a dwelling replacing a lawfully established dwelling is acceptable in principle having regard to Policy LP04.

Heritage

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses.

The practical effect of those legal duties is that the decision-taker is presented with a strong presumption against a grant of permission where harm is identified, as the asset's conservation is a matter of considerable importance and weight.

Irrespective of the level of harm identified to the significance of a designated heritage asset (including from its setting), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Policies SP09 and LP19 of the JLP and paragraphs 213 and 214 of the NPPF are consistent with the above duties.

The proposed development would cause no harm to the setting and significance of the Grade II listed Bull's Hall located opposite the site. The asset is well separated from the site and there is substantial intervening landscape screening between it and the subject site. The development is set further from Bull's Hall than the consented southern dwelling. The proposal is therefore acceptable from a heritage perspective.

Design and Layout

In respect of policies SP09, LP23 and LP24 of the JLP and paragraphs 131, 135 and 139 of the NPPF, the importance of attaining a good standard of design, which harmonises with the locality, and securing sustainable construction methods in development is imperative.

The backland layout replicates the adjacent consented scheme and is therefore appropriate given the context. The shared access is appropriate as it maintains a continuous frontage, maintaining streetscape character. The siting of the plot 1 dwelling is little different to the approved dwelling immediately north of the site, set relatively close to the street. This would deliver a consistent streetscape character. The dwellings are positioned on the site in a respectful manner relative to boundary positions, with the spatial qualities of the development in keeping with those at the adjacent consented scheme. The density of development is acceptable.

The detailed design of each dwelling is consistent with the design of the adjacent approved development. The design combines traditional proportions and detailing with contemporary elements and finishing materials. Each bungalow features a front and rear primary gable, maintaining local distinctiveness. Front doors are placed traditionally in front elevations and combine with a feature opening and garage to produce attractive elevations. The plot 1 dwelling addresses the street and offers good street engagement.

Roofs are well-pitched in traditional form and include deep eaves and verge soffits. Windows are traditional sashes with varying glazing bar details to add interest. Materials are drawn from a limited vernacular palette of face brickwork, render and cladding; roofs would be covered by pantiles and would repeat those being used in the emerging scheme surrounding.

The proposal is deemed acceptable in terms of design, layout, siting, form and scale and does not give rise to any demonstrable adverse impact to the character of the locality.

Residential Amenity

Policy LP24 of the JLP and paragraph 135 of the NPPF seek to ensure development does not detrimentally affect the residential amenity of neighbouring residents and provides adequate amenity for future occupiers to achieve and maintain well-designed places and the health and wellbeing of communities.

The site has no direct neighbours as both sides of the site are being developed in accordance with development approved in accordance with DC/23/03499. Resultantly, the development would not adversely affect neighbouring residential amenity in terms of visual bulk, shading, daylight, sunlight impacts or overlooking.

Neighbouring residents and the Parish Council have raised concerns regarding ongoing issues associated with the construction of the approved development, particularly non-compliance with the condition controlling construction hours. Additional concerns include parking on the highway, damage to verges, and the presence of mud on the roadway. Condition 11 of DC/23/03499 requires the submission and approval of a Construction Management Plan; however, this condition has not been fulfilled, and no discharge application has been submitted to date. A Construction Management Plan would address these issues, including parking, verge damage, and mud on the highway. While this remains an enforcement matter, it does not affect the merits of the current application. Given the site context, a Construction Management

Plan is deemed necessary and reasonable to safeguard the amenity of neighbouring residents. It also controls highway-related matters. As such, it is recommended that this condition be imposed. Additionally, a condition restricting construction hours to those specified in DC/23/03499 is recommended to further protect neighbouring amenity. These conditions are supported by Environmental Health.

Subject to the implementation of the recommended conditions, the proposal does not give rise to any material residential amenity harm to warrant refusal.

Highways

Policies LP24 and LP29 of the JLP and paragraphs 110, 115, 116 and 117 of the NPPF seek to ensure development promotes opportunities for improved connectivity and does not severely affect the highway network, including the safety of users, by securing safe and unobstructed access and egress, connectivity, parking and visibility.

The existing eastern vehicle access is to be relocated to the western side of the site. The driveway includes a turning head enabling vehicles to exit the site in a forward direction. Adequate visibility splays are provided at the proposed site access. The on-site parking provision is compliant with Suffolk Parking Guidance. SCC Highways does not object to the proposed access and parking arrangements.

The proposal includes 7.4kV EV charging points in each garage, compliant with Suffolk Parking Guidance.

As noted above, a Construction Management Plan is necessary to control highway-related matters including construction vehicles parking on the road. Measures to prevent mud depositing on the highway from vehicles leaving the site during construction is specifically referenced in the Construction Management Plan condition.

The proposal would therefore not severely affect the highway network and the safety of its users and is acceptable.

Flood Risk and Drainage

Policies SP10 and LP27 of the JLP and paragraph 170 of the NPPF seek to secure sustainable drainage systems and steer development away from areas vulnerable to flooding and ensure development does not increase flood risk elsewhere now or in the future, taking account of all sources of flood risk.

Drainage and waste matters on minor developments are covered by Part H of Building Regulations 2010 and are not considered by the Local Lead Flood Authority or Environment Agency.

The site is not identified as being vulnerable to any form of flooding (fluvial, pluvial, reservoir, foul and groundwater) now or in the future as per the Environment Agency and Council's mapping systems.

The development would therefore be safe for its lifetime and not increase flood risk elsewhere.

The application is accompanied by a Surface & Foul Water Drainage Strategy, which outlines, among other things, the surface water drainage system. Surface water runoff from the development (including roofs and accessways) would be directed into proposed subsurface geocellular crates located within the gardens of the plots. The runoff would then discharge into the rear ditch along the site's western boundary, with the outfall being controlled by an orifice flow control. The drainage features would be lined to prevent

groundwater ingress. This attenuation system is designed to prevent any above-ground surface water flooding during a 1 in 100-year rainfall event. It represents a significant improvement over the existing site conditions, which some objectors have highlighted as having an inadequate surface water drainage.

The foul drainage would discharge to the sewer located in the road, consistent with the adjacent consented scheme. This is acceptable.

Landscape

Policies SP09 and LP17 of the JLP and paragraphs 136 and 187 of the NPPF seek to protect and enhance the landscape and its key characteristics, both at a site-specific level and within the wider locality.

Owing to the adjacent consented scheme, the site presents as an infill plot. The densification of the site with two dwellings, in the context of the surrounding residential development, would have a very low impact on the wider landscape. There would be localised change however it would not be out of character with the development pattern of the settlement.

The 75m of mixed native-species hedging to the northern and western boundaries of Plot 2 would enhance local landscape character. Retention of the trees along the rear boundary as well as the frontage hedgerow, except for removal to facilitate the access, is supported. The dwelling on plot 2 and the geocellular crates are sited clear of these trees and therefore they would not be impacted by the construction works, as confirmed by the supporting Arboricultural Impact Assessment.

The geocellular crates used for surface water attenuation would have no landscape impact as they are at subsurface level.

The proposal would not result in any significant localised or widespread adverse landscape impacts and is therefore acceptable.

Ecology

Under Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and section 40 of the Natural Environment and Rural Communities Act 2006, the Council has a statutory duty to have regard to designated sites, protected and priority species and habitats in all decisions taken.

Policies SP09 and LP16 of the JLP and paragraphs 187 and 193 of the NPPF seek to protect, enhance and manage the natural environment, placing a specific emphasis on biodiversity.

An ecology report was submitted due to the site's location within a designated Site of Special Scientific Interest (SSSI), which supports a unique wetland habitat and protected species including the great crested newt and marsh fritillary butterfly. The Council's Ecologist has reviewed the report and identified potential impacts during the construction phase. Mitigation measures have been recommended and these measures will be secured via condition.

The Council's Ecologist has reviewed the biodiversity metric submitted with the application and is satisfied with the baseline information provided. The standard national biodiversity gain plan condition is imposed. Separately from BNG, biodiversity enhancement measures are required to deliver the objectives of policy LP16. The proposed mitigation and enhancement measures outlined above are considered appropriate and will be secured by condition.

The proposal would therefore comply with policies SP09 and LP16 of the JLP and paragraphs 187 and 193 of the NPPF and enables the Council's statutory duties to be discharged.

Other Matters

The Phase I (Desk Study) Environmental Report identified the remains of an outbuilding, along with a small mound of soil and bonfire debris nearby. Given the age of the outbuilding, it is possible that it contained cement asbestos sheeting. The report recommends conducting a Phase II investigation. The Land Contamination Officer has advised conditions to ensure this follow-up investigation is carried out, and these recommendations are supported.

Parish Council

The matters raised by the Bedfield Parish Council have been addressed in the above report.

PLANNING BALANCE AND CONCLUSION

The proposal accords with the Development Plan and the recommendation is therefore to grant planning permission.

RECOMMENDED DECISION: <i>Granted</i>

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.