

Our Ref: A4262(d)

31 December 2020

Planning Department  
Mid Suffolk District Council  
Endeavour House  
8 Russell Road  
Ipswich  
IP1 2BX

Dear Sir/Madam,

**Variation of condition 2 of Reserve Matter Approval 20/04876 to allow construction of the shared access into the site before full details of dwellings are submitted and approved, all at Land South of Grassy Lane, Woolpit, IP30 9RT**

The first of the Reserve Matters (Access Details), specified in Outline Planning Permission 18/00397 for the erection of two detached dwellings on this site was approved on 30 December 2020 by permission 20/04876.

My client seeks to obtain maximum flexibility in the development of the two plots approved by 18/00397 and the two adjacent plots approved by 18/00449 which will all share the same access off Warren Lane. It is quite likely that all four plots may be bought separately by different buyers and for those buyers to move forward with self-build projects under their own specific timescales.

As the proposed and approved access (and probably utility connection points within it) will be shared by differing buyers, the existing owner of this site is proposing to implement its construction to facilitate the sale of the plots and to allow for different timescales of individual purchasers. There is no sound planning reason why this should not happen and nothing is prejudiced by allowing the early construction of the common, shared site access given that its detail and position has already been specified and approved (see copy Planning Permission 20/04876 as Appendix 1 to this submission).

This variation will in not vitiate the reason for Condition 2 as specified on the Decision Notice **20/04876** and will not prejudice the position of the Local Planning Authority and its ability to "secure an orderly and well-designed development" nor the ability of others to comment on subsequent submissions.

Moreover, this strategy was adopted in the development of two plots approved in outline by planning permission 17/03582, relevant access condition of which was varied by a subsequent S73 approval under ref. 19/01672 and this has worked well and satisfactorily to all parties.



**RTPI**  
mediation of space · making of place



**RICS**  
the mark of  
property  
professionalism  
worldwide

This application, as described in the header above, seeks to vary condition 2 of permission 20/04876 in the following way: -

## 2. APPROVAL OF OUTSTANDING RESERVED MATTERS

No other parts of development shall commence, until the approval of appearance, scale and layout of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") has been obtained in writing by the Local Planning

revised to read

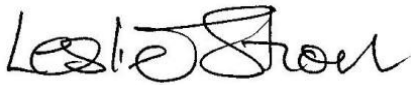
With the exception of the construction of the approved access into the site off Warren Lane no other parts of development shall commence, until the approval of appearance, scale and layout of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") has been obtained in writing by the Local Planning Authority.

Otherwise this Variation of Condition Application comprises

- Planning application form
- Planning application fee of £234

Should you require any further information with regard to the same I will no doubt hear from you.

Yours Sincerely



Leslie Short  
BA MRTPI MRICS



**Philip Isbell – Chief Planning Officer**  
**Sustainable Communities**

**Mid Suffolk District Council**

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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## **APPROVAL OF RESERVED MATTERS**

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015**

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**Correspondence Address:**

Mr Leslie Short  
Artisan PPS Ltd  
Berwick House  
Homechurch  
Baylham  
Ipswich  
IP6 8RF

**Applicant:**

Mr Mik Peart  
C/O Agent

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**Date Application Received:** 30-Oct-20

**Application Reference:** DC/20/04876

**Date Registered:** 06-Nov-20

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**Proposal & Location of Development:**

Submission of Details Application (Reserved Matters) for Outline Planning Permission DC/18/00397- Access for the erection of 2No detached dwellings.

Land South Of Grassy Lane, Woolpit, IP30 9R,

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled PW788\_PL100REVB1 received 06/11/2020 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:

Defined Red Line Plan PW788\_PL100REVB 1 - Received 06/11/2020

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**Section B:**

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **RESERVED MATTERS HAVE BEEN APPROVED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. 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.

## 2. APPROVAL OF OUTSTANDING RESERVED MATTERS

No other parts of development shall commence, until the approval of appearance, scale and layout of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") has been obtained in writing by the Local Planning Authority

Reason - To enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

## 3. PROVISION OF VISIBILITY SPLAYS

Before the access is first used visibility splays shall be provided as shown on Drawing No. PW788 PL 100 Rev. B with an X dimension of 2.4m and a Y dimension of 90m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason - To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

## 4. PROVISION OF ACCESS

The vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM01 and with an entrance width of 4.5m and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

## 5. MANOEUVRING AND PARKING

Before the development is occupied details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2015) where on-street parking and manoeuvring would be detrimental to highway safety.

#### 6. PRIOR TO OCCUPATION CONDITION : REFUSE/RECYCLING BINS

Before the development is occupied details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

### **SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

NPPF - National Planning Policy Framework  
CL08 - Protecting wildlife habitats  
CS05 - Mid Suffolk's Environment  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
H16 - Protecting existing residential amenity  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
GP01 - Design and layout of development  
HB01 - Protection of historic buildings  
Woolpit Neighbourhood Plan

### **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. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any 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.

2. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Councillor its agents at the applicant's expense.

The County Council's Central Area Manager must be contacted on Telephone: 03456066171. Further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>.

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: [infrastructure@baberghmidsuffolk.gov.uk](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/20/04876

**Signed: Philip Isbell**

**Dated: 30th December 2020**

**Chief Planning Officer  
Sustainable Communities**

## **Important Notes to be read in conjunction with your Decision Notice**

### **Please read carefully**

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

**Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development.** Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

### **Discharging your obligations under a condition:**

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

### **Building Control:**

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

## Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990  
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements\*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

\*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.