



Babergh District Council
 Endeavour House, 8 Russell Road,
 Ipswich, IP1 2BX
 Tel: 0300 1234000 option 5

*Making the area a
 better place to live and
 work for everyone*

Email: planning@baberghmidsuffolk.gov.uk

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	<input type="text"/>
Suffix	<input type="text"/>
Property Name	<input type="text" value="The Forge"/>
Address Line 1	<input type="text" value="Freston Hill"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text" value="Suffolk"/>
Town/city	<input type="text" value="Freston"/>
Postcode	<input type="text" value="IP9 1AB"/>

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
<input type="text" value="617415"/>	<input type="text" value="239557"/>

Description

Applicant Details

Name/Company

Title

Mr

First name

Adam

Surname

Owens

Company Name

Address

Address line 1

5 Mannings Lane, Woolverstone

Address line 2

Address line 3

Town/City

IPSWICH

Country

United Kingdom

Postcode

IP9 1AW

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Application under S73 of the Town and County Planning Act 1990 for variation or removal of conditions following grant of DC/20/01080 dated 28/07/2020 Conversion of and extension to Freston Cottage and Forge to form 1No 3-bedroom dwelling - to Vary Condition 2 (Approved Plans and Documents) Change of plan and Condition 3 (Materials) and to remove Condition 14 (Refuse Bins), Condition 15 (Restriction on Construction) and Condition 16 (RAMS Mitigation to be agreed)

Reference number

DC/21/01015 (1st section 73 application upon change of ownership, original plans under DC/20/01080).

Date of decision (date must be pre-application submission)

03/05/2021

Please state the condition number(s) to which this application relates

Condition number(s)

Condition 2: Approved plans and documents
Condition 10: Prior to commencement of development: land contamination

Has the development already started?

- Yes
 No

If Yes, please state when the development was started (date must be pre-application submission)

Has the development been completed?

- Yes
 No

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

Condition 2: The previous owner's original plans proposed demolition of the small flat roofed 1970s extension. The previous owner's plans have not proven practical given that the interior surfaces of the extension are concrete screeded and cannot be removed from the heritage brickwork without damaging it further. An alternative remediation is proposed - reverting the flat roof to a leanto design by lowering the structure, which is believed to be the original roof design, utilising reclaimed pantiles from the development in DC/21/01015 to provide a uniform heritage appearance to the rear of the cottage. To soften the appearance of the remaining 1970s brickwork, the wall will be partially clad in oak featheredge cladding with lead apron detailing, a typically supported treatment for heritage outbuildings/subservient extensions (porches etc) in other listed building schemes in Suffolk.

Condition 2: Further to the change to approved drawings in DC/21/01015, it is also clarified in revisions to Condition 2 (Approved Plans and Documents) that the dwelling is to be used as a holiday let, under "furnished holiday let" rules. It has been agreed prior to application with LPA that this does not require a change of use from existing C3 (property last lived in 2003). For avoidance of doubt, the use is stated explicitly here, to record that this use is lawful, at the time of application.

Condition 10: Remediation works of the ground have been completed and landscaping is underway. However, a consultant has advised that final verification of the works serves no purpose, as there is no change of use to verify - the building can already be lawfully occupied. Section 3.5 of "The Environmental Protection Act, Part 2A: Current Use" states that the law should be applied when a change of use is undertaken, typically commercial to residential C3. The works to the cottage originally incorporated a new dwelling in the curtilage (DC/20/01083), converting "The Workshop" which was previously commercial. The plot has subsequently been divided and sold separately, but when the planning applications were divided, all the new dwelling conditions were applied to the existing cottage. Other conditions solely relating to new dwellings were already removed in DC/21/01015. For consistency with that decision, and other residential extension consents, it is sought to remove this condition also.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

Condition 2: Update approved drawings to PW971 revision PL106 and state in decision letter that the use as a holiday let is lawful.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
 No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First Name

Surname

***** REDACTED *****

Reference

Correspondence Rose Wolton and Jackie Pannifer

Date (must be pre-application submission)

21/04/2021

Details of the pre-application advice received

Initially proposed as a non-material amendment, decision was reached that a second Section 73 application could be submitted to concisely deal with all outstanding matters, within 12 months of the original, as it a development of the same character and description on the same site by the same applicant.

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

Yes

No

Is any of the land to which the application relates part of an Agricultural Holding?

Yes

No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

The Applicant

The Agent

Title

Mr

First Name

Adam

Surname

Owens

Declaration Date

01/02/2022

Declaration made

Declaration

I / We hereby apply for Removal/Variation of a condition as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Adam Owens

Date

01/02/2022