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Head of Planning Control Babergh District Council Corks Lane

Hadleigh

Suffolk

IP76SJ

Our ref: PH091- 6

26 February 2013

Dear Sir

**SECTION 73, TOWN AND COUNTRY PLANNING ACT 1990**

**CONDITION 18: DEMOLITION OF VEHICLE SHED AND CREATION OF FOOTPATH LINK, SOUTH WEST END OF THE FORMER PACKING SHEDS, EVES ORCHARD, BURES ST. MARY**

On behalf of Charles Church, I hereby submit an application to vary condition 18 of planning permission B/ll/00825/FUL, pursuant to Section 73 of the Town and Country PlanningAct 1990. Granted on 07 December 2012, the planning permission is for the creation of 35 no. two, three and four bedroom apartments, bungalows and houses on the land between Friends Field and Tawneys Ride, Bures St. Mary. Condition 18 reads as follows:

*18. Unlessotherwise agreed in writing with the Local PlanningAuthori~ none of the dwellings hereby authorised shall be occupied until a scheme setting a date for the implementation of, and details for ongoing management and maintenance of, the works shown on drawing number 41843jCj20A for the improvement of the existing footpath linking the site with Nayland Road has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in their entirety accordance with the approved date.*

*Reason: to provide a footpath link to the site in accordance with policy HS20 of the*

*8abergh Local Plan (2006).*

The provision of a footpath link between the site and Nayland Road is part of the allocation of residential development on the land between Friends Field and Tawneys Ride in policy HS20 of the Babergh Local Plan Alteration No.2 (2006). The approved scheme, shown on drawing

41843/C/20 rev. A and referred to in condition 18, seeksto link the existing drive that runs north eastwards from Nayland Road and the existing adopted footpath that runs south westwards from Friends Field. An informal link exists at present, comprising a short section of informal, unsurfaced path that squeezes between the former packing sheds and the landscaping at the end of the car park of the Three HorseshoesInn, via two blind corners and requiring users to step over a section of damaged brick wall. Charles Church has secured the rights to demolish the building to the east of the adopted path so that the two sections of the route can be joined, enabling the link to be created.

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However, discussions with your authority and the submission of an application for conservation area consent have revealed that the demolition of the former packing sheds is unlikely to be considered acceptable and that conservation area consent will not be forthcoming. As such, it will not be possible to implement the scheme shown on drawing 41843/C/20 rev. A, despite it being approved as part of the planning permission for the development of the site. However, an

alternative scheme has been proposed that allows a footpath link to be created, which is

understood to be considered acceptable at officer level.

The revised footpath link, shown on drawing 41843/C/20 rev. B, requires the demolition of the vehicle shed at the south western end of the group of buildings in order to create enough space for a through route to be created. The vehicle shed is a later (20th Century) addition to the buildings, replacing an earlier building, and is built from different bricks and is not considered to playa role in the character of the conservation area. The adjoining two storey apple store will be retained in full, with the new footpath link running up to and around the building but with sufficient space created in order to permit views through from the adopted path to the drive. The new section of path will be surfaced to adoptable standards, creating a step-free route and continuous route between Friends Field and Nayland Road, thereby achieving the provision required by policy HS20.

As such, the link can be created but not in the form envisaged by condition 18, therefore it is proposed that the condition be revised to read as follows:

*Unless otherwise agreed in writing with the Local Planning Aothoaty. none of the dwellings hereby authorised shall be occupied until a scheme setting a date for the implementation 015and details for ongoing management and maintenance 015the works shown on drawing number*

*41843/C/20 revision B for the improvement of the existing footpath linking the site with Nayland*

*Road has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in their entirety accordance with the approved date.*

*Reason: to provide a footpath link to the site in accordance with policy HS20 of the Babergh*

*Local Plan (2006).*

This application is submitted online via the Planning Portal and comprises the following information:

1. Covering letter

2. Application form, Certificate B and Agricultural Holdings Certificate

3. Location Plan, drawing number EO.2.a

4. Plan Showing Existing Buildings to be Demolished,drawing number EO.4.b

5. ProposedFootpath Link, drawing number 41843/C/20 rev. B

In line with the prescribed fees, a cheque for £195.00 made payable to Babergh District has been submitted by post.

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I trust that you find this application to be acceptable, and that you will be able to pr•ovide your formal approval of the alteration to condition 18. However, in the meantime, if you have any

comments or queries with regard to the proposal or the notes set out above, please do not hesitate to contact me at the above address.

Yours faithfully

**MICHAEL SMITH**

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