

Tabled Paper

Babergh Planning Committee

14 July 2021

Item 6a

**Former Slaughterhouse and land adjacent, Cuckoo Hill , Bures St.Mary
[address now named Apple Tree Mews following residential redevelopment]**

DC/21/00745

Variation of condition 2 attached to the planning permission reference B//14/01103/FUL for: 'The erection of 6 no. two-storey dwellings, demolition of existing commercial buildings and hard-standing and construction of private access driveway [scheme to utilise existing vehicular access to public highway.' ..to allow for amended designs for dwellings on plots 5 and 6

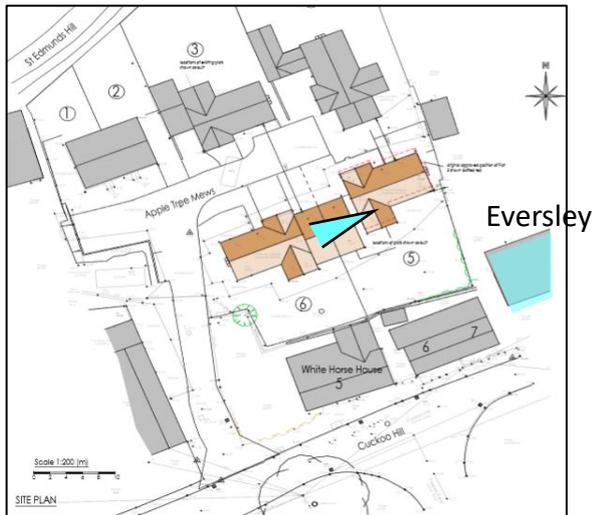
ADDENDUM

UPDATES

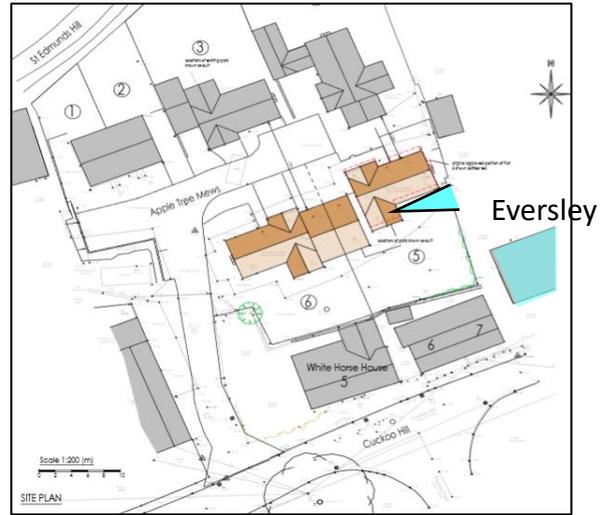
1. Rear Dormer Plot 5

Reference is made within the report to a new dormer in the roof slope of the rear wing of the building. Diagrams including those at **figures 4, 5, 14, 15, 16 & 20 in the Committee report. The dormer is described as being within the north-east facing roof slope. Following negotiation and amendment the dormer has been moved to the south-east facing roof slope. This means that it now looks away from the adjacent property Eversley. The presentation at the meeting will highlight the change but the extract below highlights the difference.**





latest amendment



as described in the report

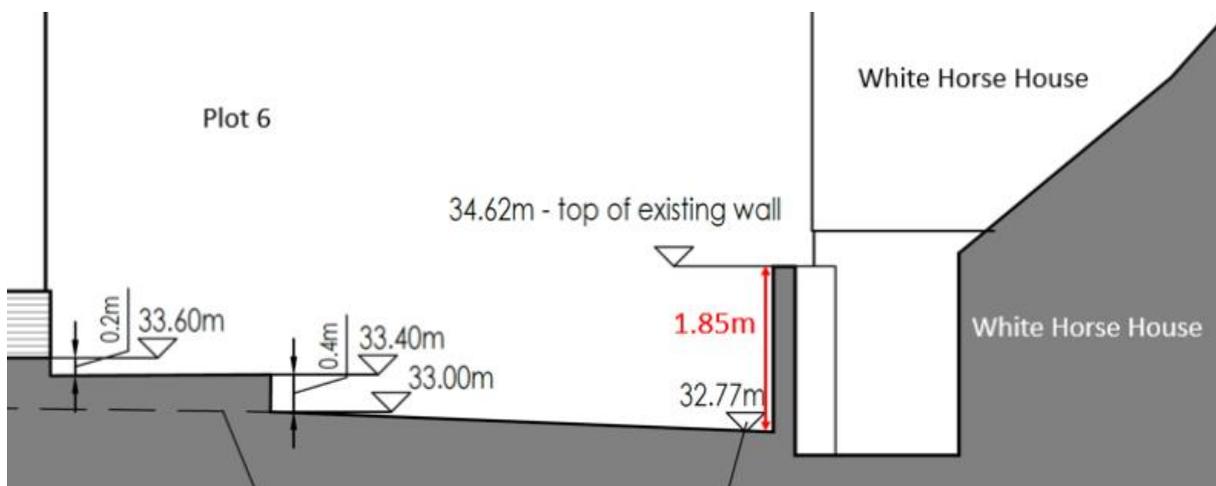
2. Garden levels to rear

Since the Committee report was prepared and published ongoing negotiation has secured agreement to lower the ground level of those parts of the rear garden to plot 6 immediately adjacent to the rear of White Horse House and the end of its side garden.

This lowering will bring the levels back to pre-development levels and will result in the removal of soil built up against the blockwork garden wall to White Horse House.

Furthermore, a commitment has now been given by the developer through the agent to repair damage to the blockwork garden wall to White Horse House and parts the rear wall of the rear wing of White Horse House.

The presentation on the day will provide greater detail. The cross section below highlights the proposed level changes.



3. Other matters

Drainage details have now been worked up in more detail and these will be shared in the presentation of the day and the developer will be required to surface the access drive from Cuckoo Hill.

4. Binding Agreement

Since the preparation and publication of the Committee report ongoing negotiations have secured a draft Agreement that it is hoped will meet the requirements set out in the report. It is expected that draft Agreement will be further amended to reflect the latest amendments described above. A verbal update on the progress made and status of such a draft Agreement will be given verbally at the meeting.

5. Conditions

It is recommended that in addition to the conditions suggested within the Committee report additional conditions be added *[if Members are minded to agree the recommendation contained in the Committee report]* to include: [in summary]

- Reference to the submitted timetable and schedule of works included in the Agreement**
- The requirement to implement and retain in perpetuity the amended ground levels on the amended drawings to the rear of White Horse House ground level to be a minimum of 1.8m below boundary enclosure.**
- To ensure that the removal of permitted development rights includes prohibits the construction of any ancillary building within the garden of plot 5 and/or plot 6**
- To ensure that the removal of permitted development rights includes the construction of fences walls or other means of enclosure along any part/s of the rear boundary between plots 5 and/or 6 and adjacent dwellings in Cuckoo Hill.**
- To ensure that that the removal of permitted development rights includes the ability to insert any additional window/s or other aperture/s in any part/parts of the dwelling/s including dormers skylights or any other such opening [even if fixed in sense the sense of the feature itself not being openable] into any part/s of any roof slope shown on the drawings hereby approved.**

[reference to be made to the extent of that area on a plan]

AMENDED RECOMMENDATION

[Members are advised that the amended recommendation detailed below may be adjusted further to reflect moving events. If that is the case the presenting officer will advise Members at the start of the relevant presentation]

That delegated authority be given to the Chief Planning Officer to GRANT conditional planning permission subject to the prior receipt of a suitable binding Legal Agreement that in his opinion satisfactorily secures:

- 1. An agreed partial demolition schedule; and,**
- 2. A commitment to lower rear garden levels as described on the amended drawings; and,**
- 3. A commitment to repair /replace the damaged garden walls between White Horse House and plot 6 subject to the owner's agreement; and,**
- 4. A commitment to properly repair the damaged brick end wall of the rear wing of White Horse House in a manner sympathetic to a listed building repair; and,**
- 5. An agreed partial demolition, rebuild, commencement and completion timetable for the above 1-4; and,**
- 6. Appropriate and absolute rights to enter, carry out and complete such work in the event that the applicant / developer fails to do so in accordance with the timetable; and,**
- 7. A secure financial bond to the satisfaction of the Chief Planning Officer that the Council can draw down to undertake such work as may be required itself to monitor and implement the planning permission in the event of the applicant/developer defaulting or failing to follow the agreed timetable. *[any additional reasonable costs to be recoverable]. That bond to be £250,000; and,***
- 8. An appropriate charge upon the Land Register title to require the consent of the LPA to any transfer of either plot subject to the recovery of its costs in monitoring and carrying out / complete works to implement the planning permission.**

Conditions shall include (and having regard to those existing conditions which would need to be reimposed where relevant):

- 1. Implementation in line with Unilateral Undertaking timetable where agreed with BDC**
- 2. The submission [prior to commencement of rebuilding work] of an inspection protocol that requires the developer to give the Council 10 days advanced written notice of roof construction commencement and that requires the Council's Enforcement Service to visit the site, measure ridge height and other key measurements and that development only continue once the Council has notified the developer in writing that the construction heights accord with the planning permission**
- 3. Materials to be further agreed**

4. Contamination reporting
5. Surface water drainage details
6. Removal of all residential Permitted Development

For the avoidance of doubt this will include:

- sheds and out-buildings
 - the construction of fences walls or other means of enclosure along any part/s of the rear boundary between plots 5 and/or 6 and adjacent dwellings in Cuckoo Hill that are not hereby permitted
 - the ability to insert any additional window/s or other aperture/s in any part/parts of the dwelling/s including dormers skylights or any other such opening [even if fixed in sense the sense of the feature itself not being openable] into any part/s of any roof slope shown on the drawings hereby approved.
 - Increase the ridge and/or eaves height
 - Add an additional storey
7. The requirement to implement and retain in perpetuity the amended ground levels on the amended drawings to the rear of White Horse House and for the garden area between the rear patio to the house on plot 6 and the rear boundary with any existing property/properties in Cuckoo Hill.
 8. the submission and approval of a boundary treatment schedule for the boundary between plot 6 and White Horse House that addresses the need to resolve cracking issues in the existing blockwork; [such detail as shall have been agreed being required to be implemented in accordance with a pre-agreed timetable]
 9. implementation and inspection [by the Council's Enforcement Service] of lowered garden levels prior to occupation
 10. notwithstanding such detail as may have been submitted, [previously approved [or constructed] further details of the boundary treatment between plot 6 and the access road being further agreed and implemented prior to occupation.
 11. Further planting details to be further submitted and agreed
 12. Prior to occupation Resurfacing of the access road from Cuckoo Hill into the Apple Tree Mews development to a standard that shall have first been agreed in writing with the Council.