

## Report on Planning 10 01 2023

DC/22/06087

Application under Section 73 of The Town and Country Planning Act for 2638/16 for the variation of Conditions 2 (approved plans and documents) and 5 (materials)  
Land to the East of The Grange, Tostock Road, IP30 9AG

The approved layout was for the following:



The new application is to amend it to this:



The new position of the garage for plot 2 retains at least 5m distance between the garage and the site boundary. The proposed garage is 5.3m to the ridge and considered subservient to the proposed two storey dwelling.

The dwellings have changed in design; Plot 2 is the same footprint area however there is now a proposed balcony which you may like to consider. Plot 1 has a smaller footprint. Both houses have slightly different window positions and you may wish to consider whether the proposed window locations would result in a worse degree of overlooking/privacy issue for future occupants or their neighbours. The heights of the newly proposed dwellings hasn't changed from that granted.

#### **DC/22/05929**

Full Planning Application – change of use of former public house to restaurant and hot food takeaway (A3/A5)

The Bear Public House, Tostock Road IP30 9AG

Class A3 is use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.

Class A5 is use as the sale of hot food for consumption off the premises. This use is now "Sui Generis" and full planning permission is required.

In order to assist MSDCs decision a picture to show how this pub operated when it was open would be helpful i.e. was it mainly a drinkers pub - did it have a large area for drinkers and less an area as a restaurant; was it open for food at all times or only certain times and days; did the pub provide all the food or was it from food trucks; did the pub provide for takeaways.

Should there be a future change of use from a restaurant to a private residential dwelling this may be classed as permitted development and often therefore no planning application is required.

To change a pub to a private residential dwelling is more complex and less easy.

In order to protect this asset for the community you may wish to ask MSDC if they are so minded to grant this application, that it is conditioned with the removal of any permitted development rights which would mean any change of use to a private residential dwelling would require a full planning application.

#### **DC/22/05291**

Brook Farm, Drinkstone Road, IP30 9AQ.

The deadline for determination has passed and a new expiry date has been agreed of 16th January; an extension of time has been agreed as the applicant has engaged the services of a different flood consultant, who believes they can provide the necessary flood risk assessment prior to 16th January.

**To receive an update on all outstanding CIL monies.**

#### **Plot 4**

A payment totalling £27,980.98 was received on 30 November 2022 – of this the Parish Council will receive £4,285.01 in April 2023 including a portion of the late payment interest.

#### Reconciliation

Original CIL £24,955.00 plus late payment interest charged of £3,025.98

A further £585.70 late payment interest was added.

#### **Plot 5**

MSDC issued the demand notice in accordance to the Land Registry office. It was then discovered that matching the plot location to the land registry shows a different owner. The demand notice has been re-issued and the liability order reminder notice has also been reissued. Payment of £4,000 has been received against a total liability of £29,944.64 including some late payment interest.

**To receive an update on the lawfulness of the removal of around 300 yards of hedging and mature trees from Cangles Lane.**

Certain hedgerows can be protected by the Hedegrow Regulations.

If the hedge is/was on agricultural land, a site of special scientific interests, forestry land or on land for the keeping of donkeys (!) there is a process that has to be followed before hedges are removed.

Garden hedges are not protected and can be removed without any restrictions.

If the hedgerow has been removed ie roots dug up rather than copiced then it is a matter for MSDC planning enforcement.