

DATED

4th September

2019

(1) Ipswich Borough Council

and

(2) Suffolk County Council

Deed of Variation to a Section 106 Agreement dated 12 April 2018

under section 106 of the Town and Country Planning Act 1990

relating to the development of land at Former Tooks Bakery Site, 731 Old Norwich Road,
Ipswich

Legal Services
Ipswich Borough Council
Grafton House
15-17 Russell Road
Ipswich
IP1 2DE
Ref: IP0007.400

THIS DEED OF VARIATION is made the 4th day of September 2019

BY

- (1) **IPSWICH BOROUGH COUNCIL** of Grafton House, 15-17 Russell Road, Ipswich, Suffolk, IP1 2DE ("the **Landowner**")
- (2) **SUFFOLK COUNTY COUNCIL** of Endeavour House, 4 Russell Road, Ipswich, Suffolk, IP1 2BX ("the **County Council**")

WHEREAS:-

- (A) The Landowner and the County Council are the local planning authorities for the purposes of the Town and Country Planning Act 1990 (the "Act") for the area in which the Application Site is situated and by whom the obligations contained in this Deed are enforceable
- (B) The County Council is also the local highway authority (except for trunk roads) for the area within which the Application Site is situated.
- (C) The Landowner is also the freehold owner of part the Site registered at the Land Registry with title number SK300312 ("the Site")
- (D) The parties hereto entered into an agreement dated 12 April 2018 ("the Principal Agreement") pursuant to Section 106 of the Act and other enabling powers.
- (E) The Landowner has by two applications to Ipswich Borough Council as local planning authority and registered by Ipswich Borough Council (the Council) on 18 June 2018 with reference numbers IP/18/00951/VC and IP/18/00952/VC ("the Second Planning Application") applied to Ipswich Borough Council for permission to develop the Application Site in the manner and for the use set out in the Second Planning Application
- (F) The Council in accordance with powers delegated to officers has resolved to grant the Second Planning Permission subject to completion of this Deed.

NOW THIS DEED WITNESSETH as follows:-

1. DEFINITIONS AND INTERPRETATION

- 1.1 All words and phrases defined in the Principal Agreement shall have the same meaning in this Deed save where the context otherwise requires and for the avoidance of any doubt the Principal Agreement shall remain in full force and effect save as varied by this Deed
- 1.2 All references in this Deed to clauses in the Principal Agreement are to clauses within the Principal Agreement as varied
- 1.3 Where in this Deed reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Deed
- 1.4 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not affect the construction of this Deed
- 1.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa
- 1.6 The provisions of the Principal Agreement apply to this Deed except to the extent that they are expressly supplemented and varied by this Deed

2. ENABLING PROVISIONS

- 2.1 This Deed is made pursuant to Section 106A of the Act and all of the statutory and enabling powers

3. CONDITIONALITY

- 3.1 With the exception of Clauses 6, 7 and 9.1 of this Deed (which shall come into effect on the completion of this Deed) none of the terms of this Deed shall come into effect until:-
 - (a) the Council has granted the Second Planning Permission; and
 - (b) the Landowner has Commenced Development pursuant to the Second Planning Permission

4. **VARIATIONS**

The Landowner hereby undertakes to supplement the Principal Agreement which shall be read and construed and shall take effect as follows:

4.1 Under Clause 1, Definitions, of the Principal Agreement the following definitions shall be inserted:

"Original Planning Permission"	means the planning permission subject to conditions as was granted pursuant to the Planning Application
"Second Planning Application"	means the application submitted by the Landowner to the Council pursuant to section 73 of the Act to vary conditions 13 and 15 contained in the Original Planning Permission
"Second Planning Permission"	means the planning permission subject to conditions that may be granted by the Council following the determination of the Second Planning Application and substantially in the form of the draft annexed at the Fourth Schedule to this Deed

4.3 Under Clause 1.1, Definitions, of the Principal Agreement the following definition of "Planning Permission" shall be deleted and the following definition shall be added:

"Planning Permission"	<p>Means (as the context requires)</p> <p>a) The Original Planning Permission;</p> <p>b) the Second Planning Permission.</p>
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4.4 The draft Second Planning Permission annexed hereto shall be inserted as the Fourth Schedule within the Principal Agreement

5. GENERAL

- 5.1 No expressed or implied term of this Deed is enforceable pursuant to the Contract (Rights of Third Parties) Act 1999 by any person who is not a party to it

6. REGISTRATION AS LOCAL LAND CHARGE

- 6.1 The covenants in the Principal Agreement as varied are planning obligations for the purposes of Section 106 and Section 106A of the Act and as such this Deed shall be registered in the Council's register of Local Land Charges

7. CONTINUATION OF THE AGREEMENT

- 7.1 The terms of the Principal Agreement shall continue in full force and effect as amended by this Deed and are binding subject to the provisions of this Deed and such terms as so supplemented and varied shall for all purposes (including but without limitation for the purposes of Section 2 of the Law of Property (Miscellaneous Provisions) Act 1989) be deemed to be incorporated into the Principal Agreement

8. INVALIDITY OF CERTAIN PROVISIONS

- 8.1 If any term of this Deed or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable the same shall be severable and the remainder of this Deed as to the application of such term to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and each term and provision of this Deed shall be valid and enforced to the fullest extent permitted by law

9. LEGAL FEES

- 9.1 The Landowner covenants to pay to the County Council prior to completion of this Deed its reasonable legal costs incurred in the negotiation, preparation and execution of this Deed

SCHEDULE
DRAFT SECOND PLANNING PERMISSION

DRAFT



**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

To: KLH Architects Ltd
The Old Steelyard
Poplar Lane
Sproughton
IPSWICH
IP8 3HL

Agent for:
Ipswich Borough Council

Application Reference: IP/18/00951/VC

VARIATION OF CONDITIONS ATTACHED TO PLANNING PERMISSION

Ipswich Borough Council, as local planning authority, hereby **GRANT** approval for:

Variation of Condition 15 of planning permission IP/16/00969/FPI3 to vary wording from "Before development is commenced" to "Before occupation of the first unit" in relation to access junction works to Old Norwich Road.

at: 731 Old Norwich Road Ipswich Suffolk

in accordance with your application reference: IP/18/00951/VC received 24.10.2018.

By virtue of Section 91 of the Town and Country Planning Act, 1990 this permission is granted subject to the condition that the development to which it relates must be begun not later than the expiration of three years beginning with the date of this notice.

This permission is also subject to the following condition(s): -

1. The development shall be carried out in accordance with the approved drawings:-

0010-P05 (Proposed site plan / Affordable housing layout),

0011-P03 (Proposed site block plan),

0021-P03 (Type A),

0022-P03 (Type B),

0025-P03 (Type E),

0026-P03 (Type F) and

0028-P03 (Type H),

0016 P01 (boundary wall detail),

Landscaping plans as detailed at condition 6.

Materials schedules as detailed on the approved plans.

The development shall provide for affordable housing, as identified on drawing number

2. The fire hydrants approved under application 19/00013/CON shall be fully implemented in accordance with the agreed details prior to the occupation of the first dwelling.
3. The development shall be undertaken in accordance with the Written Scheme of Investigation approved under application 18/00882/CON, and the site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
4. No building shall be occupied, or any other timeframe as agreed by the Local Planning Authority, until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition.
5. The development hereby approved shall be implemented in accordance with the recommendations of the Acoustic Assessment by Sharps Redmore Ref:- 1515615, and shall include:-
 - (1) The construction of the hereby approved wall fronting Old Norwich Road as specified on plan refs:- 0010 P05 & 0016 P01;
 - (2) The provision of acoustic ventilation to the dwellings facing Old Norwich Road and Bury Road in accordance with paras 7.7 and 8.5 of the Acoustic Assessment.
6. The development shall be undertaken in accordance with the tree planting and landscaping root management measures approved under application 19/00095/CON, and shall be carried out as approved.

The soft landscaping, and tree planting as indicated on the submitted plans shall be fully implemented, by the first planting season following completion of the development. The landscaping and tree planting shall be in accordance with the approved plans and specifications ref:-
20160926 - SHT - 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and specification 180796.

The tree protection measures identified within the aforementioned plans shall be implemented during the construction phase of the development in order to protect trees subject of Tree Preservation Order No.18 of 2011.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the substantial completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
8. The development shall be undertaken in accordance with the strategy for the disposal of surface water on the site approved under application 19/00169/CON. The approved strategy shall be fully implemented prior to the occupation of the first dwelling and thereafter managed and maintained in accordance with the approved details for the lifetime of development.
9. The development shall be undertaken in full accordance with the contamination details approved under application 18/00882/CON.

10. Prior to the occupation of the first dwelling the details shall be submitted to the Local Planning Authority regarding the proposed timescales for the implementation of measures identified within the Place Services - Habitats Regulations Assessment Screening Report received 17th January 2017. The identified mitigation measures shall be implemented in accordance with the agreed time frames, and maintained thereafter in accordance with the HRA Screening report.
11. Before the hereby-approved dwellings are first occupied, or such other timescale as may be agreed in writing with the Local Planning Authority, a scheme to provide a minimum of 15% (or in the case that the achievement of this percentage is demonstrated not to be feasible or viable such lesser percentage as may be agreed in writing with the Local Planning Authority) of the predicted required energy supply for the new development from decentralised and renewable or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied unless and until the approved scheme has been implemented in full and thereafter the provisions of the scheme shall be maintained for the lifetime of the development in accordance with the details of the approved scheme.

12. The hereby approved dwellings shall be constructed so that the buildings meet an energy/CO2 standard of at least 19% improvement in dwelling emission rate over Target Emission Rate (TER), as determined by the 2013 Building Regulation Standards, and a water usage standard of no more than 110 litres per person per day (or in the case that the achievement of these standards are demonstrated not to be feasible or viable a lesser standard level as may be agreed in writing with the Local Planning Authority). Prior to any occupation of the development, certification of compliance with these standards shall be submitted to and approved by the Local Planning Authority.
13. Prior to 25th October 2020, the existing access within the frontage of the application site onto Bury Road shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.
14. The development shall be undertaken in full accordance with the surface water discharge details approved under application 19/00095/CON. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
15. Before occupation of the first unit, details of the proposed access junction from Old Norwich Road shall be submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of the laying out of any internal road or path, details of the proposed estate roads and footpaths, (including layout, levels, gradients, lighting, traffic calming, signage, surfacing, private vehicular accesses and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
16. The development shall be completed in accordance with details approved under application 19/00013/CON. Any subsequent damage occurring as a result of construction shall be repaired at applicants cost.
17. Prior to occupation of the first dwelling, a pedestrian crossing facility and cycle lanes shall be provided on Old Norwich Road in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority.
18. Before the development is occupied details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage and electric vehicle charging infrastructure 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.

19. Upon development of the adjacent blue land a pedestrian/cycleway link between the site and Old Norwich Road / Bury Road junction shall be provided.
20. No dwelling shall be occupied until the carriageways including turning areas and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.
21. The development shall be undertaken in full accordance with the external lighting details approved under application 18/00882/CON. The approved details shall be implemented prior to the occupation of the first dwelling.
22. Prior to the first occupation of the flats identified as plots 49-60 on plan ref:- 0010-P05 the details of bin/cycle storage shall be submitted for approval by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the flats
23. The Construction Management Plan approved under application 19/00063/CON shall be carried out in its entirety during the course of the construction work.

The reasons for the above condition(s) are as follows: -

1. For the avoidance of doubt and in the interests of proper planning to ensure the development is built in accordance with the submitted plans, and in order that development provides appropriate levels of affordable housing to meet the need within Ipswich.
2. In the interest of providing adequate access for fire fighting equipment within the development.
3. and 4. To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.
5. In the interest of protecting the residential amenity of the future occupants of the site from road noise.
6. and 7. To ensure that biodiversity within the site is improved, and that the development is of high quality sustainable design.
8. To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained, and to ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.
9. In the interest of protecting the future residents of the site from unidentified below ground contamination.
10. In order that the development does not have a long-term harmful impact on the Special Protected Areas identified within the Habitats regulations Assessment Screening Report.
11. and 12. In the interest of ensuring the development is built to the necessary sustainability standards, in order to aid the reduction of carbon emissions.
13. To prevent unauthorised access to the site along the existing bus and cycle lane, in the interests of highway safety.
14. To prevent hazards caused by flowing water or ice on the footways and estate roads, in the interests of highway safety.

15. To ensure that junction is laid out and constructed to an acceptable standard and that access to the site is provided before other works commence, in the interests of highway safety.
16. In the interest of highway safety and to ensure that damage to the highway as a result of the construction operations is repaired at the developer's cost.
17. and 19. To promote sustainable transport and in the interests of highway safety and the sustainable design of the development
18. To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles.
20. To ensure that satisfactory access is provided for the safety of residents and the public at the point at which the dwellings become occupied.
21. In the interest of protecting public safety within the site, which would be compromised without appropriate levels of lighting of public areas.
22. In order to control the design and appearance of the facilities to ensure that they are of adequate size and appropriately designed to protect the appearance of the site.
23. In the interest of highway safety to ensure minimum adverse impact on the public highway during the construction phase.

INFORMATIVES

1. Ipswich Borough Council supports the use of automatic sprinkler systems.

Summary of Development Plan policies and proposals relevant to this decision: -

1. Core Strategy and Policies DPD 2017 - Policies CS1 (Sustainable Development-Climate Change), CS2 (The Location and Nature of Development), CS4 (Protecting Our Assets), CS5 (Improving Accessibility), CS7 (The Amount of New Housing Required), CS8 (Housing Type and Tenure), CS12 (Affordable Housing), CS16 (Green Infrastructure, Sport and Recreation), CS17 (Delivering Infrastructure), DM1 (Sustainable Development), DM2 (Decentralised Renewable or Low Carbon Technology), DM3 (Provision of Outdoor Amenity Space in New and Existing Design and Construction), DM4 (Development and Flood Risk), DM5 (Design and Character), DM8 (Heritage Assets and Conservation), DM10 (Protection of Trees and Hedgerows), DM17 (Transport and Access in New Developments), DM18 (Car and Cycle Parking), DM26 (Protection of Amenity), DM29 (Provision of New Open Spaces, Sport and Recreation Facilities), DM30 (The Density of Residential Development), DM31 (The Natural Environment).

Site Allocations and Policies (Incorporating IP-One Area Action Plan) DPD 2017 - Policies SP2 (Land allocated for housing), and SP7 (Land allocated for leisure uses or community facilities).

Dated:

Signed:

Martyn Fulcher BSc (Hons) PGDip MRTPI
Head of Development
Grafton House
15 -17 Russell Road
Ipswich IP1 2DE

SEE NOTES BELOW/OVERLEAF

N.B. This is not an approval under the Building Regulations; Approval under those regulations may also be required.

NOTES

1. If you are aggrieved by the decision of your Local Planning Authority to refuse permission or approval for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
2. 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.
3. 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 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
4. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.
5. If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
6. Appeals must be made using a form which you can get from Secretary of State, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs
7. The Secretary of State can allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
8. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
9. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.
10. If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
11. In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park Authority for that Park, or in any other case the District Council (or County Council which is exercising the function of a District Council in relation to an area for which there is no District Council), London Borough Council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

In making this decision the Council has positively addressed the National Planning Policy Framework 2018

DRAFT

TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015



To: KLH Architects Ltd
The Old Steelyard
Poplar Lane
Sproughton
IPSWICH
IP8 3HL

Agent for:
Ipswich Borough Council

Application Reference: IP/18/00952/VC

VARIATION OF CONDITIONS ATTACHED TO PLANNING PERMISSION

Ipswich Borough Council, as local planning authority, hereby **GRANT** approval for:

Variation of Condition 13 of planning permission IP/16/00969/FPI3 to vary wording from "Prior to commencement" to "Prior to 25th October 2020" in relation to stopping up existing access onto Bury Road.

at: 731 Old Norwich Road Ipswich Suffolk

in accordance with your application reference: IP/18/00952/VC received 24.10.2018.

By virtue of Section 91 of the Town and Country Planning Act, 1990 this permission is granted subject to the condition that the development to which it relates must be begun not later than the expiration of three years beginning with the date of this notice.

This permission is also subject to the following condition(s): -

1. The development shall be carried out in accordance with the approved drawings:-

0010-P05 (Proposed site plan / Affordable housing layout),

0011-P03 (Proposed site block plan),

0021-P03 (Type A),

0022-P03 (Type B),

0025-P03 (Type E),

0026-P03 (Type F) and

0028-P03 (Type H),

0016 P01 (boundary wall detail),

Landscaping plans as detailed at condition 6.

Materials schedules as detailed on the approved plans.

The development shall provide for affordable housing, as identified on drawing number 3309-0010-P05.

2. The fire hydrants approved under application 19/00013/CON shall be fully implemented in accordance with the agreed details prior to the occupation of the first dwelling.
3. The development shall be undertaken in accordance with the Written Scheme of Investigation approved under application 18/00882/CON, and the site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
4. No building shall be occupied, or any other timeframe as agreed by the Local Planning Authority, until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition.
5. The development hereby approved shall be implemented in accordance with the recommendations of the Acoustic Assessment by Sharps Redmore Ref:- 1515615, and shall include:-
 - (1) The construction of the hereby approved wall fronting Old Norwich Road as specified on plan refs:- 0010 P05 & 0016 P01;
 - (2) The provision of acoustic ventilation to the dwellings facing Old Norwich Road and Bury Road in accordance with paras 7.7 and 8.5 of the Acoustic Assessment.

6. The development shall be undertaken in accordance with the tree planting and landscaping root management measures approved under application 19/00095/CON, and shall be carried out as approved.

The soft landscaping, and tree planting as indicated on the submitted plans shall be fully implemented, by the first planting season following completion of the development. The landscaping and tree planting shall be in accordance with the approved plans and specifications ref:-

20160926 - SHT - 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and specification 180796.

The tree protection measures identified within the aforementioned plans shall be implemented during the construction phase of the development in order to protect trees subject of Tree Preservation Order No.18 of 2011.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the substantial completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
8. The development shall be undertaken in accordance with the strategy for the disposal of surface water on the site approved under application 19/00169/CON. The approved strategy shall be fully implemented prior to the occupation of the first dwelling and thereafter managed and maintained in accordance with the approved details for the lifetime of development.
9. The development shall be undertaken in full accordance with the contamination details approved under application 18/00882/CON.
10. Prior to the occupation of the first dwelling the details shall be submitted to the Local Planning Authority regarding the proposed timescales for the implementation of measures identified within the Place Services - Habitats Regulations Assessment Screening Report received 17th January 2017. The identified mitigation measures shall be implemented in accordance with the agreed time frames, and maintained thereafter in accordance with the HRA Screening report.

11. Before the hereby-approved dwellings are first occupied, or such other timescale as may be agreed in writing with the Local Planning Authority, a scheme to provide a minimum of 15% (or in the case that the achievement of this percentage is demonstrated not to be feasible or viable such lesser percentage as may be agreed in writing with the Local Planning Authority) of the predicted required energy supply for the new development from decentralised and renewable or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied unless and until the approved scheme has been implemented in full and thereafter the provisions of the scheme shall be maintained for the lifetime of the development in accordance with the details of the approved scheme.

12. The hereby approved dwellings shall be constructed so that the buildings meet an energy/CO2 standard of at least 19% improvement in dwelling emission rate over Target Emission Rate (TER), as determined by the 2013 Building Regulation Standards, and a water usage standard of no more than 110 litres per person per day (or in the case that the achievement of these standards are demonstrated not to be feasible or viable a lesser standard level as may be agreed in writing with the Local Planning Authority). Prior to any occupation of the development, certification of compliance with these standards shall be submitted to and approved by the Local Planning Authority.
13. Prior to 25th October 2020, the existing access within the frontage of the application site onto Bury Road shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority. The use of this access during the construction phase shall be undertaken in full accordance with drawing no. 173858-000-001.
14. The development shall be undertaken in full accordance with the surface water discharge details approved under application 19/00095/CON. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
15. Before occupation of the first unit, details of the proposed access junction from Old Norwich Road shall be submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of the laying out of any internal road or path, details of the proposed estate roads and footpaths, (including layout, levels, gradients, lighting, traffic calming, signage, surfacing, private vehicular accesses and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
16. The development shall be completed in accordance with details approved under application 19/00013/CON. Any subsequent damage occurring as a result of construction shall be repaired at applicants cost.
17. Prior to occupation of the first dwelling, a pedestrian crossing facility and cycle lanes shall be provided on Old Norwich Road in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority.
18. Before the development is occupied details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage and electric vehicle charging infrastructure 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.
19. Upon development of the adjacent blue land a pedestrian/cycleway link between the site and Old Norwich Road / Bury Road junction shall be provided.
20. No dwelling shall be occupied until the carriageways including turning areas and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local

Planning Authority.

21. The development shall be undertaken in full accordance with the external lighting details approved under application 18/00882/CON. The approved details shall be implemented prior to the occupation of the first dwelling.
22. Prior to the first occupation of the flats identified as plots 49-60 on plan ref:- 0010-P05 the details of bin/cycle storage shall be submitted for approval by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the flats
23. The Construction Management Plan approved under application 19/00063/CON shall be carried out in its entirety during the course of the construction work.

The reasons for the above condition(s) are as follows: -

1. For the avoidance of doubt and in the interests of proper planning to ensure the development is built in accordance with the submitted plans, and in order that development provides appropriate levels of affordable housing to meet the need within Ipswich.
2. In the interest of providing adequate access for fire fighting equipment within the development.
3. and 4. To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.
5. In the interest of protecting the residential amenity of the future occupants of the site from road noise.
6. and 7. To ensure that biodiversity within the site is improved, and that the development is of high quality sustainable design.
8. To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained, and to ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.
9. In the interest of protecting the future residents of the site from unidentified below ground contamination.
10. In order that the development does not have a long-term harmful impact on the Special Protected Areas identified within the Habitats regulations Assessment Screening Report.
11. and 12. In the interest of ensuring the development is built to the necessary sustainability standards, in order to aid the reduction of carbon emissions.
13. To prevent unauthorised access to the site along the existing bus and cycle lane, in the interests of highway safety.
14. To prevent hazards caused by flowing water or ice on the footways and estate roads, in the interests of highway safety.
15. To ensure that junction is laid out and constructed to an acceptable standard and that access to the site is provided before other works commence, in the interests of highway safety.

16. In the interest of highway safety and to ensure that damage to the highway as a result of the construction operations is repaired at the developer's cost.
17. and 19. To promote sustainable transport and in the interests of highway safety and the sustainable design of the development
18. To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles.
20. To ensure that satisfactory access is provided for the safety of residents and the public at the point at which the dwellings become occupied.
21. In the interest of protecting public safety within the site, which would be compromised without appropriate levels of lighting of public areas.
22. In order to control the design and appearance of the facilities to ensure that they are of adequate size and appropriately designed to protect the appearance of the site.
23. In the interest of highway safety to ensure minimum adverse impact on the public highway during the construction phase.

INFORMATIVES

1. Ipswich Borough Council supports the use of automatic sprinkler systems.

Summary of Development Plan policies and proposals relevant to this decision: -

1. Core Strategy and Policies DPD 2017 - Policies CS1 (Sustainable Development-Climate Change), CS2 (The Location and Nature of Development), CS4 (Protecting Our Assets), CS5 (Improving Accessibility), CS7 (The Amount of New Housing Required), CS8 (Housing Type and Tenure), CS12 (Affordable Housing), CS16 (Green Infrastructure, Sport and Recreation), CS17 (Delivering Infrastructure), DM1 (Sustainable Development), DM2 (Decentralised Renewable or Low Carbon Technology), DM3 (Provision of Outdoor Amenity Space in New and Existing Design and Construction), DM4 (Development and Flood Risk), DM5 (Design and Character), DM8 (Heritage Assets and Conservation), DM10 (Protection of Trees and Hedgerows), DM17 (Transport and Access in New Developments), DM18 (Car and Cycle Parking), DM26 (Protection of Amenity), DM29 (Provision of New Open Spaces, Sport and Recreation Facilities), DM30 (The Density of Residential Development), DM31 (The Natural Environment).

Site Allocations and Policies (Incorporating IP-One Area Action Plan) DPD 2017 - Policies SP2 (Land allocated for housing), and SP7 (Land allocated for leisure uses or community facilities).

Dated:

Signed:

Martyn Fulcher BSc (Hons) PGDip MRTPI
Head of Development
Grafton House
15 –17 Russell Road
Ipswich IP1 2DE

SEE NOTES BELOW/OVERLEAF

N.B. This is not an approval under the Building Regulations; Approval under those regulations may also be required.

NOTES

1. If you are aggrieved by the decision of your Local Planning Authority to refuse permission or approval for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
2. 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.
3. 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 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
4. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.
5. If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
6. Appeals must be made using a form which you can get from Secretary of State, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs
7. The Secretary of State can allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
8. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
9. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.
10. If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
11. In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park Authority for that Park, or in any other case the District Council (or County Council which is exercising the function of a District Council in relation to an area for which there is no District Council), London Borough Council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

In making this decision the Council has positively addressed the National Planning Policy Framework 2018

IN WITNESS whereof this Deed was duly executed and delivered the day and year first before written

THE COMMON SEAL of IPSWICH BOROUGH COUNCIL was affixed in the presence of:-

[Redacted Name]

Authorised Officer

[Redacted Name]

Authorised Officer



18569

THE COMMON SEAL of SUFFOLK COUNTY COUNCIL was affixed in the presence of:-

[Redacted Name]

Authorised Officer



21047

