

FIRST SCHEDULE

DRAFT PLANNING PERMISSION

Philip Isbell – Chief Planning Officer
Sustainable Communities

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2BX

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PLANNING PERMISSION

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

Correspondence Address:

Phil Cobbold Planning Ltd
42 Beatrice Avenue
Felixstowe
IP11 9HB

Applicant:

Jordan Developments
C/O Agent

Date Application Received: 23-Oct-19**Application Reference:** DC/19/04998**Date Registered:** 01-Nov-19

Proposal & Location of Development:

Planning Application - Erection of 11no dwellings including 3no affordable dwellings

Land On West Side Of, Bickers Hill Road, Laxfield, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 7079 LOC01 received 23/10/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 7079 LOC01 - Received 23/10/2019

Site Plan 7079 SL01H - Received 23/10/2019

Elevations - Proposed 7079 G01B - Received 23/10/2019

Floor Plan - Proposed 7079 G01B - Received 23/10/2019

Floor Plan - Proposed 7079 PL01B - Received 23/10/2019

Elevations - Proposed 7079 PL02C - Received 23/10/2019

Elevations - Proposed 7079 PL03D - Received 23/10/2019

Floor Plan - Proposed 7079 PL03D - Received 23/10/2019

Elevations - Proposed 7079 PL04D - Received 23/10/2019

Floor Plan - Proposed 7079 PL04D - Received 23/10/2019

Elevations - Proposed 7079 PL05E - Received 23/10/2019

Floor Plan - Proposed 7079 PL05E - Received 23/10/2019

Elevations - Proposed 7079 PL06D - Received 23/10/2019
Floor Plan - Proposed 7079 PL06D - Received 23/10/2019
Elevations - Proposed 7079 PL13B - Received 23/10/2019
Floor Plan - Proposed 7079 PL13B - Received 23/10/2019
Proposed Plans and Elevations 7079 PL11B - Received 01/11/2019

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that
PLANNING PERMISSION

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

3. ACTION REQUIRED PRIOR TO WORKS ABOVE SLAB LEVEL:
AGREEMENT OF EXTERNAL FACING AND ROOFING MATERIALS

Prior to the commencements of works above slab levels details of the external facing and roofing materials to be used in the construction of the development hereby permitted shall be provided submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development. For the avoidance of doubt this submission shall include precise details of the manufacturer, types and colours of the external facing and roofing materials. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4. ACTION REQUIRED IN ACCORDANCE PRIOR TO OCCUPATION: FIRE HYDRANTS

Prior to the first occupation of the site, details of the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority. The fire hydrants shall be carried out in accordance with these details in their entirety and in accordance with the timetable as may be agreed.

Reason - To ensure the site is suitably served by fire hydrants.

5. ACTION REQUIRED PRIOR TO IMPLEMENTATION OF ROAD LAYOUT: DETAILS OF ESTATE ROADS ETC

Prior to any roads being laid, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

6. ACTION REQUIRED PRIOR TO OCCUPATION: PROVISION OF FOOTPATHS AND CARRIAGEWAYS

No dwelling shall be occupied until the carriageways 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.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

7. ACTION REQUIRED PRIOR TO OCCUPATION: DETAILS OF REFUSE AND RECYCLING BINS

Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins 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 for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

8. ACTION REQUIRED PRIOR TO OCCUPATION: PROVISION OF PARKING AND TURNING AREAS

The areas within the site shown on 7079/SL01H for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles shall be provided prior to the occupation of the site. Thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

9. COMPLIANCE REQUIRED: ECOLOGICAL MITIGATION

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Ecological Survey: Protected Species and Habitats (JP Ecology, April 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

10. ACTION REQUIRED PRIOR TO WORKS ABOVE SLAB LEVEL:
SUBMISSION OF BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority prior to any works above slab level.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve and enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

11. ACTION REQUIRED PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING SCHEME

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to

cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

12. ACTION REQUIRED PRIOR TO COMMENCEMENT: CONSTRUCTION METHOD STATEMENT

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- routing of large delivery vehicles;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

13. COMPLIANCE REQUIRED: NATURAL FEATURE PROTECTION

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawings and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

14. ACTION REQUIRED PRIOR TO WORKS ABOVE SLAB LEVEL:
LANDSCAPING SCHEME

No works shall take place above slab level until a scheme of soft landscaping works for the site boundary to the north of Sunnyside Farm has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

15. ACTION REQUIRED PRIOR TO FIRST APPROPRIATE PLANTING
SEASON: IMPLEMENTATION OF LANDSCAPING SCHEME

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details of the condition above shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

16. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE -
SURFACE WATER DRAINAGE DETAILS

Full details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building it would serve are commenced. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

Reason - To safeguard the ground water environment and minimise the risk of flooding.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB08 - Safeguarding the character of conservation areas
HB14 - Ensuring archaeological remains are not destroyed
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T10 - Highway Considerations in Development
CL08 - Protecting wildlife habitats

NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. **INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.**

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INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline

without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

3. Environmental Health at the District Councils should be contacted in the event of unexpected ground conditions / contamination being encountered during construction. The developer should be aware that the responsibility for the safe development of the site lies with them at all times.
4. Public Footpath is recorded near the proposed development area. Whilst we do not have any objections to this proposal, the granting of planning permission is separate to any consents that may be required in relation to Public Rights of Way, including temporary closures for construction. These consents are to be obtained from the Public Rights of Way & Access Team at Suffolk County Council, as the Highway Authority.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here: [CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/19/04998

SECOND SCHEDULE

THE OWNER'S COVENANTS WITH THE DISTRICT COUNCIL

1. **AFFORDABLE DWELLINGS**
 - 1.1 To provide Affordable Dwellings consisting of three (3) x two bedroom four (4)-person dwellings (79sqm each) all of which shall be made available as Shared Equity Dwellings
 - 1.2 Not to Occupy or permit Occupation of more than four (4) of the Market Housing unless and until the three (3) Shared Equity Dwellings have been constructed and the Owner has transferred all the freehold interest in those Affordable Dwellings to Laxfield CLT or a Registered Provider
 - 1.3 To ensure that the initial sales of the Affordable dwellings (and any subsequent disposals within the first five (5) years following the initial disposals) comply with the Sales Nomination Restrictions
 - 1.4 To ensure the conditions on which the three (3) Shared Equity Dwellings shall be transferred shall include but not be limited to the following:
 - 1.4.1 to have good and marketable freehold title;
 - 1.4.2 be remediated so that the land is fit for the proposed use;
 - 1.4.3 be on terms that at the date of the transfer the following are provided up to a point immediately adjacent to the boundary of the Shared Equity Dwellings
 - 1.4.3.1 such necessary rights as the purchasers may reasonably require to be granted in relation to vehicular and pedestrian access to and from the Shared Equity Dwellings and of connection of the Shared Equity Dwellings to the usual utilities
 - 1.4.3.2 such necessary rights as the Owner may reasonably require to be reserved
 - 1.5 To ensure the three (3) Shared Equity Dwellings shall not be sold for any purpose other than as Affordable Housing except in those cases where a purchaser has acquired 100% ownership of a Shared Equity Dwelling through redemption of the charge after five (5) years under the terms of Laxfield CLT or the Registered Providers shared equity transfer and that the terms of the 25% equity charge to Laxfield CLT

or the RP shall require that in the event of the said charge being redeemed in part or in whole they shall be required to reinvest the capital receipt as follows:

- (a) *in the case of an RP the capital receipt will be re-invested in Affordable Housing within the area of Mid Suffolk District and the RP must notify the Council what the money will be spent on in writing; or*
- (b) *In the case of the Laxfield CLT, the Laxfield CLT must notify the Council in writing what the money will be spent on within the parish of Laxfield within a 5 year period.*

1.6

The Chargee shall prior to seeking to dispose of the Affordable Dwellings pursuant to any default under the terms of its mortgage or charge give not less than three (3) months' prior notice to the District Council of its intention to dispose and:

1.6.1 in the event that the District Council responds within two (2) months from receipt of the notice indicating that arrangements for the transfer of the Affordable Dwellings can be made in such a way as to safeguard them as Affordable Housing then the Chargee shall co-operate with such arrangements and use its reasonable endeavours to secure such transfer at a price and upon such terms as are reasonably acceptable to the Chargee

1.6.2 if the District Council does not serve its response to the notice within the said period of two (2) months contained in clause 1.6 then the Chargee shall be entitled to dispose free of the restrictions set out in this deed.

1.6.3 if the District Council or any other person cannot within two (2) months' of the date of service of its response under clause 1.6.2 secure such transfer then provided that the Chargee shall have complied with its obligations under clause 1.6 the Chargee shall be entitled to dispose free of the restrictions set out in this deed

PROVIDED THAT at all times the rights and obligations in this clause shall not require the Chargee to act contrary to its duties under the charge or mortgage and that the District Council shall give full consideration to protecting the interest of the Chargee in respect of moneys outstanding under the charge or mortgage

THIRD SCHEDULE

THE OWNER'S COVENANTS WITH THE COUNTY COUNCIL

1. To pay the School Transport Contribution to the County Council prior to the first Occupation of the third (3rd) Open Market Dwellings.
2. Not to Occupy or permit first Occupation of more than two (2) Open Market Dwellings until the School Transport Contribution has been paid in full to the County Council.

FOURTH SCHEDULE

DISTRICT COUNCIL'S COVENANTS

1. The District Council will issue the completed Planning Permission on or within five (5) Working Days' of the date of this Deed.
2. At the written request of the Owner the District Council shall provide written confirmation of the discharge of the obligations contained within this Deed when satisfied (acting reasonably) that such obligations have been performed.

FIFTH SCHEDULE

COUNTY COUNCIL'S COVENANTS

1. The County Council shall if requested to do so in writing after the expiry of ten (10) years of the date that the School Transport Contribution was paid within a further period of one (1) year to repay such amount of the School Transport Contribution which has not been committed or expended by the County Council in accordance with the provisions of this Deed to the Owner or such other person who made the payment such repayment to be made
2. In the event that the School Transport Contribution paid to the County Council pursuant to this Deed was spent or committed by the County Council it shall upon written request after the expiry of ten (10) years of the payment of that sum within a further period of one (1) year notify the Owner (or such other person who made the payment) that such monies have been spent or committed such notice to include full details of what the said monies were spent on or committed to.

SIXTH SCHEDULE

SALES NOMINATION RESTRICTIONS

Sales Nomination Restrictions for Shared Equity Dwellings

The following shall apply to the initial disposal of the three (3) Affordable Dwellings:

1. **Definitions**

In this Schedule:

- 1.1 'Affordable Housing' means subsidised housing that will be available to persons who cannot afford to rent or buy housing generally available on the open market
- 1.2 'Affordable Housing Units' means the three (3) Shared Equity Dwellings of Affordable Housing to be provided on the Property (plot numbers 1, 2 and 3 as shown on Site Layout Plan 7079-S101H) and occupied in accordance with S70(4) of the Housing and Regeneration Act 2008. Affordable Housing Unit shall be construed accordingly
- 1.3 'Chargee' means any mortgage or charge of the CLT or RP or any receiver or manager (including an administrative receiver) appointed by such mortgagee or charge or any other person appointed under any security documentation to enable such mortgagee or charge to realise its security or any administrator (howsoever appointed) including a housing administrator
- 1.4 'Chargee's Duties' means the tasks and duties set out in Clause 10.4 of this Deed
- 1.5 'Developer' means Jordan Developments (East Anglia) Limited (Company Registration Number 4900337) of 22 Earsham Street Bungay NR35 1 AG or their predecessor
- 1.6 'Initial Disposal' means the first freehold sale of such newly constructed and previously unoccupied Affordable Housing Unit
- 1.7 'Local Connection Criteria' means an individual who immediately before contracting to purchase an Affordable Housing Unit:
- 1.7.1 had his only or principal home in the Parish of Laxfield for a continuous period of not less than two (2) years and in the

event that there are no or insufficient individuals qualifying under this sub-paragraph then the choice of person shall default to those individuals fulfilling the criteria set out in the following sub-paragraphs

1.7.2 has or a member of whose household has a parent adult child brother or sister whose only or principal home is and has been for a continuous period of not less than two (2) years in the Parish of Laxfield and wishes to be near that relative or

1.7.3 is employed in the Parish of Laxfield on the date of the consideration of the individual's entitlement for an Affordable Housing Unit and has been continuously so employed for two (2) years

1.7.4 who during the period commencing from the date on which an Affordable Housing Unit to which such individual is eligible pursuant to this sub-paragraph becomes available (for the purposes of this sub-paragraph called the "Availability Date") can provide satisfactory written evidence to the Council of his or her former residency in the Parish of Laxfield for either (i) six (6) months out of the preceding twelve (12) months or (ii) three (3) years out of the preceding five years in either case such periods of twelve (12) months and five (5) years end with the Availability Date

1.7.5 in the event that there are insufficient applicants meeting criteria detailed in 1.7.1 to 1.7.4, the local connection defaults to those who had his only or principal home in the District of Mid Suffolk for a continuous period of not less than two (2) years and in the event that there are no or insufficient individuals qualifying under this sub-paragraph then the choice of person shall default to those individuals fulfilling the criteria set out in the following sub-paragraphs: -

1.7.5.(i) has or a member of whose household has a parent adult child brother or sister whose only or principal home is and has been for a continuous period of not less than two (2) years in the District of Mid Suffolk and wishes to be near that relative or

1.7.5 (ii) is employed in the District of Mid Suffolk on the date of the consideration of the individual's entitlement for an

Affordable Housing Unit and has been continuously so employed for two (2) years

1.7.5(iii) who during the period commencing from the date on which an Affordable Housing Unit to which such individual is eligible pursuant to this sub-paragraph becomes available (for the purposes of this sub-paragraph called the "Availability Date") can provide satisfactory written evidence to the Council of his or her former residency in the District of Mid Suffolk for either (i) six (6) months out of the preceding twelve (12) months or (ii) three (3) years out of the preceding five years in either case such periods of twelve (12) months and five (5) years end with the Availability Date

1.7.6 in the event of a sale subject to a charge in favour of the CLT, either:

(i) a person having a child attending All Saints Primary School, Laxfield or due to start attending that school within 12 months from the date of purchase; or

(ii) a person having designated Key Worker status working within or adjoining the Laxfield area.

2. Procedure

The parties agree that the Shared Equity Dwellings shall be allocated in accordance with this clause 2 and clause 3 of this Schedule.

2.1 The Developer shall actively market the Shared Equity Dwellings for a minimum period of 3 months or ensure that it is marketed with a view to their purchase by those who satisfy any part of the Local Connection Criteria, with a descending order of priority. For example, this means that when deciding between two applicants, those that satisfy paragraph 1.7.2 should be given priority over those satisfying clause 1.7.3

3.2 Initial Disposals

In relation to the Initial Disposals of the Affordable Housing Units the following shall apply

3.2.1 The Developer shall give the Council not less than three (3) months' written notice of the date when

all the Affordable Housing Units will be ready for occupation

4. ***Alteration to Local Connection Criteria***

The parties agree that the Local Connection Criteria may be varied from time to time by agreement in writing between the parties and the Laxfield CLT/RP

5. ***Agreements and declarations***

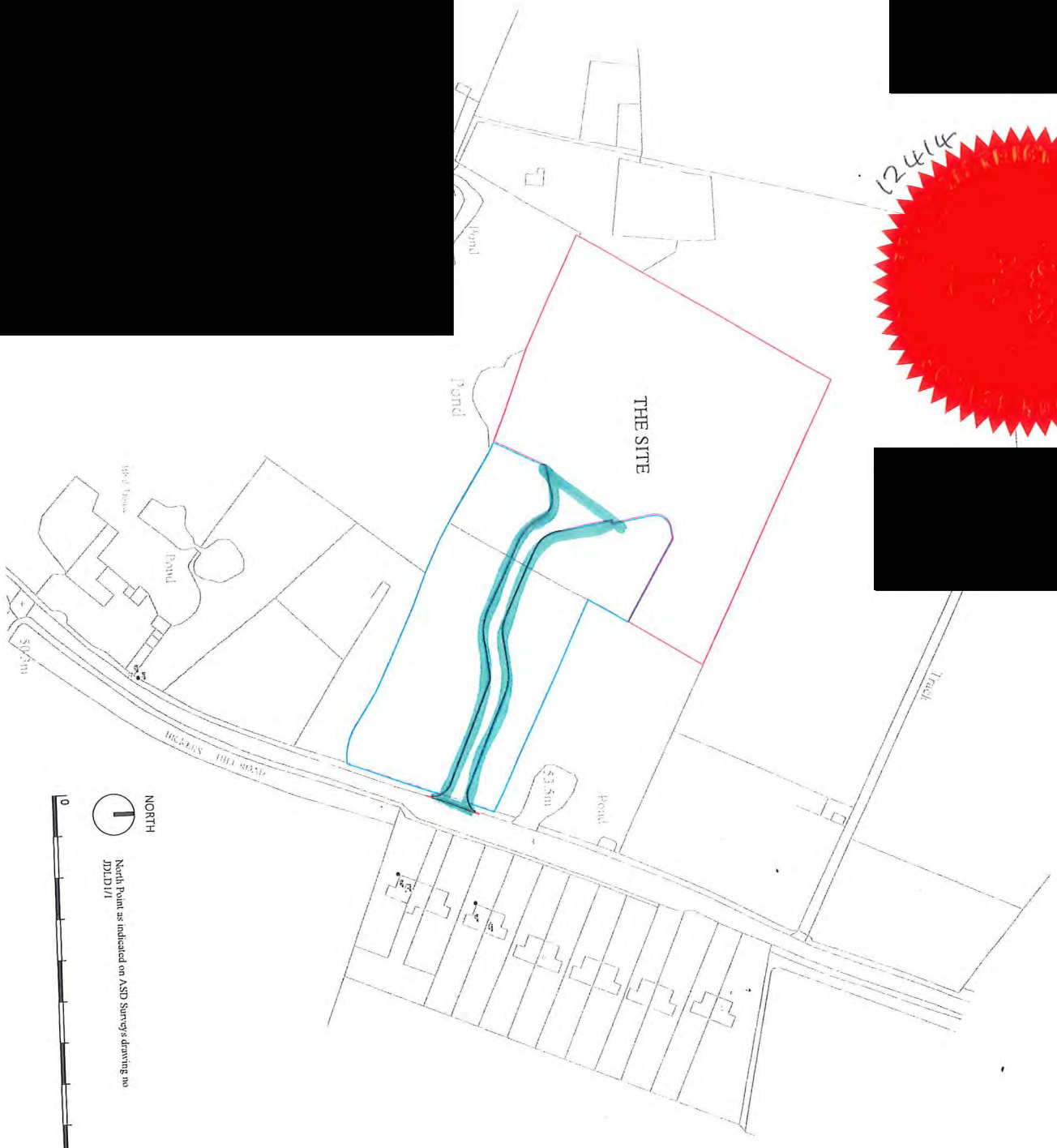
The parties agree and declare:

that the obligations and restrictions contained in this Agreement shall not be binding on:

- 5.1 *any mortgagee or Chargee of any purchaser of an individual dwelling or any person deriving title therefrom or his mortgagee or Chargee or any of their respective successors in title; or*
- 5.2 *any Chargee PROVIDED THAT the Chargee shall have first complied with the Chargee's Duties; or*
- 5.3 *any mortgagee or charge or any purchaser from a mortgagee or charge of any individual Affordable Housing Unit pursuant to any default by the individual mortgagor and any successor in title to any of them*
- 5.4 *The Chargee shall prior to seeking to dispose of the Affordable Housing Units pursuant to any default under the terms of its mortgage or charge give not less than three (3) months' prior notice ("the Chargee's Disposal Notice") to the Council of its intention to dispose and:*
 - (a) *in the event that the Council responds within one (1) month from receipt of the Chargee's Disposal Notice indicating that arrangements for the transfer of the Affordable Housing Units can be made in such a way as to safeguard them as Affordable Housing then the Chargee shall subject to the provisions of clause 5.4(c) co-operate with such*

arrangements and use reasonable endeavours to assist in such transfer;

- (b) if the Council does not serve its response in accordance with clause 5.4(a) to the Chargee's Disposal Notice within one (1) month then the Chargee shall be entitled to dispose free of the restrictions set out in this Deed which restrictions shall determine absolutely;*
- (c) if the Council cannot within three (3) months of receipt of the Chargee's Disposal Notice secure such transfer at the market rate then provided that the Chargee shall have complied with its obligations under this paragraph the Chargee shall be entitled to dispose free of the restrictions set out in this Deed which restrictions shall absolutely determine*



NOTES.

The Copyright of the design remains with Architects and may not be reproduced in any form without their prior written consent.
Written dimensions must be used in preference to verbal.
Contractors must check all dimensions on site.
Discrepancies are to be reported to the Architects before proceeding.

SPECIAL WARNING

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Drawings issued by ASD Architecture Ltd on paper. All e-mails are compiled to ensure that the drawings can be recorded and traced.
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Receipts of electronic copies of this drawing must not make amendments without the written consent of ASD Architecture Ltd.

REVISIONS.

| REV. | DATE |
|------|------|
| | |

CLIENT:



PROJECT:
Residential Development
Bickers Hill Road
Laxfield
Suffolk

DRAWING TITLE:
Site Location Plan
Phase 2

SCALE @A3 - 1:1250 DATE - Dec 2018

ASD ARCHITECTURE LTD
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| JOB NO. | DWG NO. | REV. |
| 7079 | LOC01 | - |

Architects: ASD Architecture Ltd, 16A Bridge Street, Halesworth, Suffolk, IP19 8AQ. Tel: 01986 872250. Fax: 01986 872228. Email: enquiries@ASD-architecture.co.uk. Website: www.ASD-architecture.co.uk

