

Dated ¹⁷ 18 December 2020

EAST SUFFOLK COUNCIL (1)

-and-

SUFFOLK COUNTY COUNCIL (2)

-and-

FLAGSHIP HOUSING DEVELOPMENTS LTD (3)

**DEED OF VARIATION OF PLANNING OBLIGATION
UNDER SECTION 106
OF THE TOWN AND COUNTRY PLANNING
ACT 1990**

relating to Land at High Road Trimley St Martin
Suffolk

THIS DEED OF VARIATION is dated

18th December

2020

PARTIES:

- (1) EAST SUFFOLK COUNCIL of East Suffolk House, Riduna Park, Station Road, Melton IP12 1RT (referred to as 'the Council')
- (2) SUFFOLK COUNTY COUNCIL of Endeavour House, 8 Russell Road, Ipswich IP1 2BX (referred to as 'the County Council')
- (3) FLAGSHIP HOUSING DEVELOPMENTS LIMITED (Company Number 05131085) whose registered office address is 31 Kings Street, Norwich NR1 1PD (referred to as "the Owner")

together referred to as 'the Parties'

INTRODUCTION

- (A) The Council is a local planning authority for the area within which the Site is located
- (B) The County Council is a local planning authority for the purposes of the Act
- (C) The Owner has applied for the New Variation of Condition Application and the Council has resolved to grant the New Variation of Condition Application provided the Parties enter into this Deed
- (D) The Owner is the legal owner of the Site registered at HM Land Registry under title SK396148
- (E) The Council, the County Council, Annette Talman, Ruth Elizabeth Stennett, Betty Armored Hewitt and Jane Walsh, and the Owner signed the First Deed of Variation dated 28 November 2018 following the submission of the First Variation of Condition Application.
- (F) The Council, the County Council and the Owner signed the Second Deed of Variation dated 24 April 2020 following the submission of the Second Variation of Condition Application.

(G) The expressions in this Deed have the meaning ascribed to them in the Original Agreement save as expressly provided in this Deed

1. DEFINITIONS

In this Deed the following expressions have the following meanings:

'First Deed of Variation' An agreement dated 28 November 2018 made under Section 106 of the Act between the Council (1) the County Council (2) the First Owners (3) and the Owner (4) following receipt of the First Variation of Condition Application bearing reference number DC/18/2130/VOC

'First Variation of Condition Application' Application to vary condition No. 2 of DC/16/1919/FUL - Erection of 69 new homes with associated access, landscaping and amenity space. Variation - Revised Plans to improve the approved scheme for future occupiers and to reflect Flagship's preferred affordable housing mix. i) replace drawing no. 015-015-010 Rev D with 015-015-010 Rev E (Site Layout)
ii) replace drawing no. 015-015-021 with drawing no. 015-015-021Rev A (Bungalow Types 2B & 2C & 2A);
iii) replace drawing no. 015-015-027 Rev A with drawing no. 015-015-027 Rev B (House type AH3a); and
iv) add drawing no. 015-015-033 (House type 2E) to list of approved drawings
approved by the Council subject to prior completion of the First Deed of Variation to vary the terms of the Original Agreement and to secure the planning obligations contained in the Original Agreement

'Original Agreement' the agreement dated 3 January 2017 made under Section 106 of the Act between the Council (1) Suffolk County Council (2) the First Owners (3) containing planning obligations enforceable by the Council relating to planning permission bearing reference number DC/16/1919/FUL

'New Variation of Condition Application

The planning application to be granted by the Council to amend condition No.2 of planning permission DC/18/2130/VOC (the Second Variation of Condition Application) bearing reference number DC/20/2803/VOC in the form attached in the Second Schedule

'Second Deed of Variation'

An agreement dated 24 April 2020 made under Section 106 of the Act between the Council (1) the County Council (2) and the Owner (4) following receipt of the Second Variation of Condition Application bearing reference number DC/19/2644/VOC

'Second Variation of Condition Application'

Application to vary condition No.2 of DC/18/2130/VOC-to improve the approved scheme for future occupiers and to reflect Flagships preferred housing types to improve the approved scheme for future occupiers and to reflect Flagships preferred housing types, approved by the Council subject to prior completion of the Second Deed of Variation to vary the terms of the Original Agreement and the First Deed of Variation and the Second Deed of Variation and to secure the planning obligations contained in the Original Agreement, First Deed of Variation and Second Deed of Variation.

2. LEGAL BASIS

2.1 This Deed is supplemental to the Original Agreement and the First Deed of Variation and the Second Deed of Variation and is made pursuant to Section 106 of the Act and Section 111 of the Local Government Act 1972 and all other enabling powers and the covenants and obligations contained in this Deed are planning obligations for the purposes of section 106 of the Act enforceable by the Council

2.2 The terms and conditions of the Original Agreement and the First Deed of Variation and the Second Deed of Variation shall remain in full force and effect except as varied

by this Deed

3. VARIATION

- 3.1 With effect from the date of this Deed the Parties agree to vary the Original Agreement and First Deed of Variation and the Second Deed of Variation as set out in the Third Schedule to this Deed.
- 3.2 In all other respects the contents of the Original Agreement and the First Deed of Variation and the Second Deed of Variation are confirmed and agreed and shall continue to bind the Site as varied by this Deed

4. OTHER PROVISIONS

- 4.1 On completion the Owner will pay the Council's and the County Council's reasonable legal costs in connection with this Deed
- 4.2 The Owner warrants that they have full power to enter into this Deed in respect of their interests in that part of the Site and there is no other person whose consent is necessary to make this Deed binding on the Site

First Schedule

Details of the Owner's Title, and Description of the Site

Freehold land at High Road Trimley St Martin shown edged red for identification only on Plan 1 within the Original Agreement

Second Schedule

Draft New Variation of Condition Application

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Mr David Gratton
WT Design Ltd
Unit 1
Burlingham Business Centre
North Burlingham
NR13 4TA

Planning Permission

Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2015

| | |
|----------------------|--|
| Our reference | DC/20/2803/VOC |
| Date valid | 27 July 2020 |
| Site | Land At , High Road, Trimley St Martin |
| Parish | Trimley St Martin |
| Proposal | Variation of Condition 2 of DC/18/2130/VOC (Variation: to improve the approved scheme for future occupiers and to reflect Flagships preferred housing types; to correct the GIFA notes on all house types to suit the approved plans; and to update window and porch details). |

Permission is hereby **granted** by East Suffolk Council as Local Planning Authority for the purposes of the Town and Country Planning Act 1990, for development in complete accordance with the application shown above, the plan(s) and information contained in the application, and subject to compliance with the following conditions as set out below. Your further attention is drawn to any informatives that may have been included.

In determining the application, the council has given due weight to all material planning considerations including policies within the development plan as follows:

National Planning Policy Framework

Policy SCLP5.8 - Housing Mix (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP5.10 - Affordable Housing on Residential Developments (Suffolk Coastal Local Plan, Adopted September 2020)

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Policy SCLP11.1 - Design Quality (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.2 - Residential Amenity (Suffolk Coastal Local Plan, Adopted September 2020)

Conditions:

1. The development hereby permitted shall be begun within a period of three years from the date of the parent permission reference DC/16/1919/FUL issued on the 17 January 2018.

Reason: In accordance with Section 91 of the Town and Country Planning Act (1990) as amended.

2. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings, for which permission is hereby granted or which are subsequently submitted to and approved in writing by the local planning authority and in compliance with any conditions imposed by the local planning authority:

- 015-015-003: Site location plan (received 09 May 2016 - DC/16/1919/FUL)
- 053-18-0100 Rev. T3: Site layout (received 26 October 2020 - DC/20/2803/VOC)
- 015-015-011 Rev. C: Affordable housing location (received on 01 August 2016 - DC/16/1919/FUL)
- 015-015-013 Rev. C: Parking compliance plan (received on 01 August 2016 - DC/16/1919/FUL)
- 015-015-014 Rev. C: Street scene one (received on 01 August 2016 - DC/16/1919/FUL)
- 015-015-015 Rev. C: Storey heights plan (received on 01 August 2016 - DC/16/1919/FUL)
- 015-015-017 Rev. C: Open space management strategy (received on 01 August 2016 - DC/16/1919/FUL)
- 617098/SK04 Rev. D: Internal visibility (received on 01 August 2016 - DC/16/1919/FUL)
- 618162/SK01 Rev P1: Proposed traffic calming (DC/16/1919/FUL)
- 053-18-200 2B4PB Rev. T2: Two-bedroom four-person semi-detached bungalow floor plan and elevations (received 26 October 2020 - DC/20/2803/VOC)
- 053-18-201 2B4PB Rev. T2: Two-bedroom four person detached bungalow floor plan and elevations (received 26 October 2020 - DC/20/2803/VOC)
- 053-18-202 3B5PB Rev. T1: Three-bedroom five person detached bungalow floor plan and elevations (received 28 July 2020 - DC/20/2803/VOC)
- 053-18-203 2B4PH Rev. T1: Two-bedroom four-person semi-detached house floor plan and elevations (received 28 July 2020 - DC/20/2803/VOC)
- 053-18-204 3B5PH Rev. T1: Three-bedroom five-person semi-detached house floor plan and elevations (received 28 July 2020 - DC/20/2803/VOC)
- 053-18-205 3B5PH Rev. P2: Three-bedroom five person detached house floor plan and elevations (received 28 July 2020 - DC/20/2803/VOC)
- 053-18-206 4B6PH Rev. T2: Four-bedroom six person detached house floor plan and elevations V1 (received 26 October 2020 - DC/20/2803/VOC)
- 053-18-207 4B6PH Rev. T2: Four-bedroom six person detached house floor plan and elevations V2 (received 26 October 2020 - DC/20/2803/VOC)

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- 053-18-208 4B7PH Rev. T2: Four-bedroom seven person detached house floor plan and elevations (received 26 October 2020 - DC/20/2803/VOC)
- 053-18-209 4B7PH Rev. T1: Four-bedroom seven person detached house floor plan and elevations (received 28 July 2020 - DC/20/2803/VOC)
- 053-18-210 3B5PH Rev. T1: Three-bedroom five-person house floor plan and elevations: (received 28 July 2020 - DC/20/2803/VOC)
- 053-18-211 AH3a Rev. T2: Affordable three-bedroom five-person semi-detached house floor plans and elevations (received 26 October 2020 - DC/20/2803/VOC)
- 015-015-027: Apartment type AH3b (received 09 May 2016 - DC/16/1919/FUL)
- 053-18-212 2E Rev. T2: Two-bedroom four-person semi-detached house floor plan and elevations (received 26 October 2020 - DC/20/2803/VOC)
- 053-18-213 AF1 & AF3 Rev. T2: Affordable one-bedroom apartments AF1 & Af3 floor plans and elevations (received 26 October 2020 - DC/20/2803/VOC)
- 053-18-214 AF2va Rev. T1: One-bedroom apartments [Version A] floor plans and elevations (received 28 July 2020 - DC/20/2803/VOC)
- 053-18-215 AF2vb Rev. T1: One-bedroom apartments [Version B] floor plans and elevations (received 28 July 2020 - DC/20/2803/VOC)
- 053-18-216 AH2 & AH2i Rev. T1: Apartment type AH2 & AH2i (received 28 July 2020 - DC/20/2803/VOC)
- 053-18-217 G Rev. T2: Garage floor plans and elevations (received 26 October 2020 - DC/20/2803/VOC)
- 053-18-218 Link 15 & 16: Link between Plots 15 and 16 (received 28 July 2020 - DC/20/2803/VOC)

Reason: For avoidance of doubt as to what has been considered and approved.

3. The proposed pedestrian crossing island and road widening scheme as shown on drawing number 618162/SK01 Rev. P1 (proposed traffic calming) shall be laid out and constructed in its entirety prior to occupation of the first dwelling.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

4. No dwelling shall be first occupied until the new vehicular access has been laid out and completed in all respects in accordance with drawing number 053-18-0100 Rev. T2 (site layout) and been made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is occupied in the interests of highway safety.

5. Prior to first occupation, clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the

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metalled carriageway at the centre line of the access point and a distance of 120 metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2, Class A of the Town & Country Planning (General Permitted Development) Order (1995) (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

6. Before the development is commenced details shall be submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of surface water from the development onto the highway. 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.

Reason: To prevent hazards caused by flowing water or ice on the highway.

7. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least base 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.

8. No dwelling shall be first occupied until the area(s) within the site for the purposes of manoeuvring and parking of vehicles serving that plot, as shown on drawing number 015-015-013 Rev C (parking compliance plan) (or such other drawing as may be approved in writing by the local planning authority) has been provided and 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. No part of the development shall be commenced until a site investigation is conducted to confirm groundwater depths remain at least one metre below the base of infiltration devices. Details of the investigation are to be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the proposed development can be adequately drained.

10. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated 2 April 2016, ref: MLM ref 617097-REP-CIV-FRA) shall be implemented as approved in

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writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

11. The new development hereby permitted shall be occupied until details of all sustainable urban drainage system components and piped networks have been submitted, in an approved form, to and approved in writing by the local planning authority for inclusion on the lead local flood authority's 'flood risk asset register'.

Reason: To ensure all flood risk assets and their owners are recorded onto the lead local flood authority's statutory flood risk asset register.

12. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

Reason: To ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan.

13. Prior to the commencement of development, a construction management plan shall be submitted to the local planning authority for approval. This statement should set out the site management practices for the development of the site.

Reason: In the interest of residential amenity.

14. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a 'written scheme of investigation', which has been submitted to and approved in writing by the local planning authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the 'written scheme of investigation'.
- g. 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.

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Reason: 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, in accordance with Policy SP1 and Policy SP15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2019).

15. No building shall be occupied 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 14 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: 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, in accordance with Strategic Policies SP1 and SP15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2019).

16. A dust management plan must be agreed with the local planning authority before any work commences on the site, the recommendations of which must be implemented during the construction phase of the development.

Reason: To ensure that dust arising from the site is appropriately dealt with.

17. Construction times should be restricted to:

- 07:30 to 18:00 Monday to Friday;
- 08:00 to 13:00 Saturdays; and
- At no time on Sundays and Bank Holidays.

Reason: In the interest of residential amenity.

18. The recommendations set out within Section 4.5 of the Preliminary Ecological Report prepared by BASE Ecology (dated April 2016) shall be implemented in full prior to the occupation of the first dwelling on the site.

Reason: To ensure appropriate ecological mitigation on the site.

19. Prior to the first occupation a scheme shall be submitted to the local planning authority for approval detailing the mechanism for the management of all communal and open spaces within the site in perpetuity. The management of the spaces shall be carried out in accordance with the approved details.

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Reason: In the interest of the visual amenity of the site.

20. Prior to the commencement of development a plan shall be submitted to and approved in writing by the local planning authority showing the details and locations of required fire hydrants within the site. The placement of such shall be carried out in accordance with the approved details and retained in situ.

Reason: To ensure appropriate and suitable provision of fire hydrants within the site in the interests of fire safety.

21. A written report assessing and fully characterising contamination (including ground gas) at the site (whether or not it originates from the site) must be submitted to and approved in writing by the local planning authority prior to the commencement of any development (including any construction, demolition, site clearance, removal of underground tanks and relic structures). The activities and report(s) characterising contamination at the site must be conducted in accordance with prevailing guidance and good practice (including BS10175:2014 and CLR:11) and must include, but are not limited to:

A desk study, including a site reconnaissance, which must include at least:

- A detailed appraisal of the site's history;
- An inspection and assessment of the current condition of the site;
- An assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- A conceptual site model; and
- A preliminary assessment of the risks from contamination at the site to the relevant receptors defined within the prevailing edition of the Environmental Protection Act (1990): Part 2A Contaminated Land Statutory Guidance including human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

An intrusive investigation which must include at least:

- Details of the locations and types of sampling points and justification for the sampling strategy;
- Sampling point logs including subjective descriptions of the ground encountered;
- Explanation and justification for the selection of analytes;
- Results from the laboratory analysis of soil and water samples;
- A revised conceptual site model; and
- An updated assessment of the risks from contamination at the site to the relevant receptors defined within the prevailing edition of the Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance including human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

The intrusive investigation of a potentially contaminated site is an iterative process which may need to be repeated several times before the site can be considered to have been fully investigated and characterised. This condition will not be discharged until the local planning

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authority is satisfied that contamination at the development site has been fully characterised.

Reason: To ensure that any contamination is appropriately dealt with.

22. Any approved remediation works, identified as a result of the works carried out in respect of Condition 21, must be implemented in their entirety prior to the commencement of any construction on the site unless otherwise agreed in writing by the local planning authority. The local planning authority must be given written notification of two weeks prior to the commencement of the remedial works.

Reason: To ensure that contamination is appropriately dealt with.

23. If remediation works are required in respect of Condition 21 then a validation report must be submitted to and approved in writing by the local planning authority prior to any construction on the site. If required then the validation report must include:

- Evidence that all the approved remediation works has been carried out in their entirety;
- Evidence that the remediation works has been effective and that the site is now suitable for the approved development;
- Evidence that any contaminated materials on the site for off site disposal have been removed by an appropriate licensed contractor to a facility approved by the Environment Agency; and
- Evidence that all imported material(s) for any backfilling operation is suitable for its intended use.

Reason: To ensure that contamination is appropriately dealt with.

24. All windows serving bathrooms/en-suites shall be fitted and remain fitted with patterned/obscured glass, details of which shall be submitted to and approved in writing by the local planning authority before the glazing is installed.

Reason: In the interest of residential amenity.

25. Within three month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting [shall include species, size and numbers of plants to be planted], grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

26. No development shall commence until details of the roof, wall materials and finishes to be used have been submitted to and approved by the local planning authority.

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Reason: To ensure satisfactory appearance of the development in the interests of visual amenity.

Informatives:

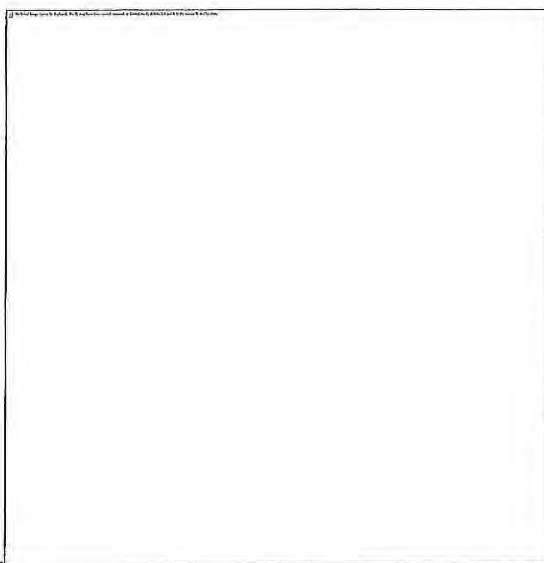
1. The local planning authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of new properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. You should contact the Property Information Team (01394) 444261, which is responsible on behalf of the council for the statutory street naming and numbering function.
3. The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended). Please note: the Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development. Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at <http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy/>
4. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.
5. The local planning authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act (1980) relating to the construction and subsequent adoption of estate roads.
6. The existing street lighting system may be affected by this proposal. The applicant must contact the street lighting engineer of Suffolk County Council (telephone: 01473 264929), in order to agree any necessary alterations/additions to be carried out at the expense of the developer.

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7. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act (1980) relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.
8. The applicant is advised that the proposed development will require approval under Building Regulations (2010). Any amendments to the hereby permitted scheme that may be necessary to comply with Building Regulations (2010) must also be approved in writing by the local planning authority in order that any planning implications arising from those amendments may be properly considered.
9. This planning permission contains condition precedent matters that must be discharged before the development approved is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant condition(s) you will not be able to implement the planning permission and your development will be deemed unauthorised. An application under Section 73 of the Town & Country Planning Act 1990 will be required to amend the relevant condition(s) before development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.

Yours sincerely,



Date:

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Please read notes below

Note

Most work, including change of use, has to comply with Building Regulations. Have you made an application or given notice before work is commenced?

Town and Country Planning Act 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission 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.

Planning applications: Sections 78 Town & Country Planning Act 1990

Listed Building applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990.

Advertisement applications: Section 78, Town and Country Planning Act 1990 Regulation 15, Town & Country Planning (Control of Advertisements) Regulations 2007.

- Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice.
- If an enforcement notice has been/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.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

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- 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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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Third Schedule

Variation

1 The Parties agree to vary the Original Agreement and the First Deed of Variation and the Second Deed of Variation as follows:

1.1 The definition of Application in the Original Agreement be amended to include the New Variation of Condition Application

1.2 The definition of Planning Permission in the Original Agreement to be deleted and replaced with

The full planning permission subject to conditions to be granted by the District Council pursuant to the Application substantially as set out in the draft in the Second Schedule, or any subsequent planning permission for the Development granted pursuant to Section 73 of the Act.

1.3 A new definition of Section 73 Consent shall be added to read:

means a planning permission granted pursuant to Section 73 of the TCPA 1990 which varies and./or removes any condition(s) subject to which the Planning Permission and/or any subsequent planning permission pursuant to Section 73 of the TCPA 1990 was granted

1.4 A new paragraph 8.13 of the Operative Part shall be added to read:

Unless otherwise agreed between the Parties if a Section 73 Consent is granted by the Council (or the Secretary of State) in relation to the Development, then with effect from the date that each such Section 73 Consent is granted

(a) *the obligations in this Deed shall (in addition to continuing to bind the Site in respect of the Planning Permission) relate to and bind all subsequent Section 73 Consents and the Site itself without any further act by the Parties;*

(b) *the definitions of Development, Application and Planning Permission in this Deed shall be construed to include references to any applications under Section 73 of the TCPA 1990, the Section 73 Consent granted pursuant to any such application and the development permitted by such Section 73 Consent*

PROVIDED THAT

(i) *nothing in this clause shall fetter the discretion of the Council in determining any application(s) under Section 73 of the TCPA 1990; and*

(ii) *to the extent that any of the obligations in this Deed have already been discharged at the date that any Section 73 Consent is granted they shall remain discharged for the purposes of the Section 73 Consent*

(iii) *if the Council considers that the obligations contained in this Deed shall be varied or amended it is agreed and acknowledged that the Council retain the right to refuse such application unless and until a deed of variation or alternative agreement has been entered into the secure the appropriate obligations*

1.5 Add the Second Schedule of this Deed into the Second Schedule of the Original Agreement

IN WITNESS whereof the parties hereto have executed this document as a Deed on the day and year first before written.

THE COMMON SEAL of)
EAST SUFFOLK)
COUNCIL)
was hereunto affixed)
in the presence of)

Authorised Signatory

Authorised Signatory

THE COMMON SEAL of)
SUFFOLK COUNTY)
COUNCIL)
was hereunto affixed)
in the presence of)

Authorised Signatory

Authorised Signatory

Executed as a Deed by)
FLAGSHIP HOUSING)
DEVELOPMENTS)
LIMITED acting [a director
and its secretary] [two
directors]

DocuSigned by:

Anthony Tann

64189443E0D74EC...

Director

Name (in BLOCK CAPITALS) Anthony Tann

Director/Secretary

Name (in BLOCK CAPITALS) Andrew Yuill

DocuSigned by:

Andrew Yuill

0323589DA3784C8...

EXECUTED as a DEED by }
affixing the common seal of }
FLAGSHIP HOUSING }
DEVELOPMENTS LIMITED in }
the presence of:

-Authorised Signatory

Name (in BLOCK CAPITALS)

Authorised Signatory

Name (in BLOCK CAPITALS)

EXECUTED as a DEED by }
[] }
[] as attorney for and on behalf of }
FLAGSHIP HOUSING }
DEVELOPMENTS LIMITED }
under a power of attorney dated }
[] 2020 in the }
presence of:

Signature of witness:

Name of witness (IN BLOCK
CAPITALS):

Address:

Occupation:

1024
2510