

Dated 15th April 2021

MID SUFFOLK DISTRICT COUNCIL

and

SUFFOLK COUNTY COUNCIL

and

BLACKACRE (GREAT BLAKENHAM) LTD

and

THE BLAKENHAM WOODLAND GARDEN

and

THE RIGHT HONOURABLE VISCOUNTESS MARCIA PERSEPHONE BLAKENHAM & THE HONOURABLE CASPAR
JOHN HARE as Personal Representatives of The Right Honourable Michael John Viscount Blakenham
and

OCTOPUS REAL ESTATE S.A R.L

SUPPLEMENTAL DEED

under Section 106 and 106A of the Town and Country Planning Act 1990
relating to land at Blackacre Hill, St James Business Park, Bramford Road,
Great Blakenham, Suffolk

And

Supplemental to a Section 106 Agreement dated 16th November 2016 as varied by a Deed of Variation dated 12 April
2019

Mid Suffolk District Council Planning Application Reference Number 20/01175

THIS DEED is made the 15 day of April 2021

BETWEEN

1. MID SUFFOLK DISTRICT COUNCIL of Endeavour House 8 Russell Road Ipswich Suffolk IP1 2BX ("the District Council").
2. SUFFOLK COUNTY COUNCIL of Endeavour House 8 Russell Road Ipswich Suffolk IP1 2BX ("the County Council").
3. BLACKACRE (GREAT BLAKENHAM) LTD (Company Registration Number 09247071) whose registered address is at The Octagon Suite E2, 2nd Floor, Middleborough, Colchester, Essex, England, CO1 1TG ("the First Owner").
4. THE BLAKENHAM WOODLAND GARDEN (Company Registration Number 01784059) whose registered office address is at 4th Floor 10 Bruton Street, London, United Kingdom, W1J 6PX ("the Second Owner").
5. THE RIGHT HONOURABLE VISCOUNTESS MARCIA PERSEPHONE BLAKENHAM AND THE HONOURABLE CASPAR JOHN HARE both of Cottage Farm, Little Blakenham, Ipswich, Suffolk, IP8 4TZ as Personal Representatives of The Right Honourable Michael John Viscount Blakenham ("the Third Owner").
6. OCTOPUS REAL ESTATE S.A R.L incorporated and registered in Luxembourg whose registered office is at E Building, Parc d'Activité Syrdall, 6 rue Gabriel Lippmann, L-5365 Munsbach, Grand Duchy of Luxembourg ("the Chargee").

BACKGROUND

- A. The District Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Site is located and the authority by whom the obligations contained in this Deed are enforceable.
- B. The County Council is also a local planning authority for the purposes of the TCPA 1990 for the area in which the Site is located (and is also the local highways authority) by whom the obligations contained in this Deed are enforceable.
- C. On 16th November 2016 the District Council (1) the County Council (2) the First Owner (3) Lendinvest Private Finance General Partners Limited (Company Registration Number 07156408) (4) and Lendinvest Capital S.A.R.L (being a company incorporated in Luxembourg) (5) entered into the Initial Agreement for the purpose of securing specific planning obligations against the Adjoining Site.
- D. Following completion of the Initial Agreement the District Council issued the Initial Planning Permission for the Adjoining Development to be carried out on the Adjoining Site.
- E. The Initial Agreement was varied by the Deed of Variation and the Initial Planning Permission was varied by the Planning Permission issued by the District Council under reference 1755/17 and dated 28th October 2018.
- F. The First Owner is the proprietor of the First Property
- G. The Second Owner is the proprietor of the Second Property.
- H. The Third Owner is entitled to be registered as the proprietor of the Third Property
- I. The Chargee is the registered proprietor of a Debenture containing a Legal Charge over the First Property dated 28 November 2019 which was registered against Title Numbers SK286697 SK241032 and SK237982 on 4th December 2019 and is a party to this Deed for the purpose of confirming its consent to the First Property being bound by the planning obligations set out below.
- J. The First Owner has submitted the New Application to the District Council seeking permission for the Additional Development (which is intended to be an extension to the Adjoining Development)
- K. The District Council has resolved to approve the New Application and issue the New Planning Permission **SUBJECT TO** the prior completion of this Deed (without which the New Planning Permission would not be issued).

- L. The District Council and the County Council consider that the obligations contained in this Deed are necessary to make the Additional Development acceptable in planning terms and are directly related to the Additional Development are fairly and reasonably related in scale and kind to the Additional Development and comply with the authorities' policies in relation to section 106 of the TCPA 1990.

NOW THIS DEED WITNESSETH as follows:

1. DEFINITIONS & INTERPRETATION

1.1 In this Deed the following words and expressions shall (unless the context otherwise requires) have the following meanings:

- "the Additional Development"** means the Extension to the Port One Business and Logistics Park (which was permitted by the Existing Application), together with associated works including drainage lagoons, ecology mitigation and landscaping the Development described in the New Planning Application .
- "Adjoining Development"** means the development authorised by the Existing Permission for a development of business and logistics park to provide commercial floorspace principally within Use Classes B1 and B8, to include access onto the 81113 Bramford Road and a secondary means of access via Addison Way, together with the provision of estate roads and ancillary parking, servicing and landscaping
- "Adjoining Site"** means the land defined as the Site in the Principal Section 106 Agreement (and shown edged red on the Plan attached to the Initial Agreement)
- "Commencement of Development"** means the date on which any material operation (as defined in section 56(4) of the Town and Country Planning Act 1990 (as amended)) forming part of the Additional Development begins to be carried out by or on behalf the First Owner the Second Owner or the Third Owner on the Site other than:-
- (i) (for the purposes of this Deed and no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of cables, erection of any temporary means of enclosure, the temporary display of any site notices or advertisements
 - (ii) (for the avoidance of doubt) any works carried out on the First Property pursuant to the Existing Planning Permission
- and "Commence Development" shall be construed accordingly
- "Deed of Variation"** means the Deed of Variation dated 12th April 2019 made between Mid Suffolk District Council (1) Suffolk County Council (2) Blackacre (Great Blakenham) Ltd (3) NZ Investments Limited (4) Saturn Real Estate 2 S.A R.L (5) Port One (FDS) Ltd (6) Arum Capital Limited (7) relating to the Adjoining Site
- "Existing Planning Permission"** means the outline planning permission for the Adjoining Development issued by the District Council on 17th November 2016 in respect of Planning Application Reference Number 2351/16 as varied by Permission Reference Number 1755/17 dated 28th October 2018 and includes any subsequent

variation

“First Property”	means the part of the Site which (i) forms part of the land registered at the Land Registry with freehold title absolute under Title Number SK286697 and (ii) is comprised in title numbers SK241032 and SK237982 and is shown for identification purposes edged red on Plan 1.
“Initial Agreement”	means the Agreement dated 16th November 2016 entered into the by the District Council (1) the County Council (2) the First Owner (3) Lendinvest Private Finance General Partners Limited (Company Registration Number 07156408) (4) and Lendinvest Capital S.A.R.L (being a company incorporated in Luxembourg) (5) pursuant to section 106 of the TCPA 1990 for the purpose of securing specific planning obligations against the Adjoining Site
“the Parties”	means the parties to this Deed and “Party” shall be construed accordingly.
“Plan 1 and Plan 2”	means the plans which are attached to this Deed and so marked.
“the Principal Section 106 Agreement”	means the Initial Agreement as varied by the Deed of Variation and any subsequent variation thereto
“Second Property”	means the part of the Site which forms part of the land registered at the Land Registry with freehold title absolute under Title Number SK320760 and is shown for identification purposes edged green on Plan 1
“Site”	means the land shown edged red on Plan 2 being the First Property the Second Property and the Third Property.
“the New Application”	means the application for the Additional Development which was validated by the District Council on 18 th March 2020 under Planning Application Reference Number DC/20/01175
“the New Planning Permission”	means the outline planning permission for the Additional Development which is to be issued by the District Council pursuant to the New Application in the form set out in the Appendix.
“the TCPA 1990”	means the Town and Country Planning Act 1990.
“Third Property”	means the part of the Site which forms part of the land registered at the Land Registry with freehold title absolute under Title Number SK109780 and is shown for identification purposes edged blue on Plan 1
“Working Day”	means any day from Monday to Friday (inclusive) which is not a statutory bank holiday and “Working Days” shall be construed accordingly.

1.2 In this Deed:

- (a) Unless otherwise stated all defined terms shall have the same meanings as those designated in the Principal Section 106 Agreement.
- (b) The clause headings shall not affect the interpretation of this Deed.
- (c) A reference to a person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).



- (d) Unless the context otherwise requires words in the singular shall include the plural and vice versa.
- (e) Unless the context otherwise requires a reference to one gender shall include a reference to all other genders.
- (f) A reference to any party shall include that Party's personal representatives, successors or permitted assigns and in the case of the District Council and the County Council any successor(s) to their respective statutory functions.
- (g) A reference to a statute or statutory provision shall include a reference to:
 - (1) that statute or statutory provision as from time to time amended, extended, re-enacted, consolidated or replaced; and
 - (2) any orders, regulations, instruments or other subordinate legislation made under that statute or statutory provision whether before or after the date of this Deed.
- (h) Unless the context otherwise requires any reference to a recital, clause, sub-clause, schedule, paragraph or appendix (if any) shall be a reference to any recital, clause, sub-clause, schedule, paragraph or appendix of this Deed.
- (i) Where an obligation falls to be performed by more than one person the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS

- 2.1 This Deed is made pursuant to the provisions of sections 106 and 106A of the TCPA 1990 and contains planning obligations pursuant to the TCPA 1990 which shall be binding on the First Property the Second Property and the Third Property and enforceable by both the District Council and County Council (as appropriate) against the First Owner the Second Owner and the Third Owner respectively.
- 2.2 Insofar as any of the covenants contained in this Deed are not planning obligations within the meaning of the TCPA 1990 they are entered into pursuant to the powers contained in:
 - (a) section 111 of the Local Government Act 1972;
 - (b) section 1 of the Localism Act 2011; and
 - (c) all other enabling powers.
- 2.3 The Parties acknowledge that the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 relating to planning obligations are satisfied.

3. APPLICATION OF THE PRINCIPAL SECTION 106 AGREEMENT

- 3.1 This Deed is a deed and may be modified or discharged in part or in total at any time after the date of this Deed by deed between the parties in the form of a deed.
- 3.2 **IT IS AGREED** that this Deed shall be read and construed as if the terms and provisions of the Principal Section 106 Agreement were incorporated (and set out in full) in this Deed (save insofar as those terms and provisions are inconsistent with the terms of this Deed) but varied by the provisions set out in the Schedule and (i) were applicable to both the Site and the Adjoining Site and both the Adjoining Development and the Additional Development, and (ii) that references in the Principal Section 106 Agreement to the "Owner" shall mean the First Owner the Second Owner or the Third Owner.
- 3.3 For the avoidance of doubt the Parties agree the Principal Section 106 Agreement shall remain in full force and effect in respect of the Existing Planning Permission and the Adjoining Development.

4. CONDITIONALITY

- 4.1 **IT IS FURTHER AGREED** that **WITH THE EXCEPTION OF:**
 - (a) Clauses 3.2 & 3.3 (Application of the Principal Section 106 Agreement);

- (b) Clauses 5.1(a) & (b) and 5.2 (a) and 5.3(a) (the First Owner's the Second Owner's and Third Owner's covenants);
- (c) Clauses 6.1 and 6.2 (the District Council's covenants);
- (d) Clauses 7.1 (the County Council's covenant);
- (e) Clause 8. (Continuation of the Terms of the Principal Section 106 Agreement)
- (f) Clauses 9. (Chargee's Consents)
- (g) Clause 10.1 (local land charge);
- (h) Clause 11.1 (notices);
- (i) Clause 12.1 (VAT);
- (j) Clause 13.1 (legal costs);
- (k) Clause 14.1 (third party rights);
- (l) Clause 15.1 (governing law)

which shall have immediate effect from the date of completion of this Deed no part of this Deed shall be effective or enforceable **UNLESS AND UNTIL:**

- (i) the New Planning Permission has been issued by the District Council;

AND

- (ii) Commencement of Development has occurred on the Site.

4.2 **IF** the New Planning Permission shall expire prior to Commencement of Development or shall at any time be quashed or revoked without the consent of the Parties **THEN** the provisions of this Deed shall forthwith determine and cease to have effect with the exception of this Clause 4.2 **AND** on receiving a written request from the First Owner and/or the Second Owner and/or the Third Owner the District Council shall ensure that any entry in the local land charges register referring to this Deed made in accordance with Clause 9.1 below shall be removed forthwith.

5. THE OWNER'S COVENANTS

5.1 The First Owner covenants with the District Council and the County Council:

- (a) that it is the registered proprietor of the First Property and no party other than the First Owner and the Chargee has an interest in the First Property whose consent is necessary in order to make this Deed binding on the First Property; and
- (b) to observe and perform the obligations on the part of the Owner set out in the Principal Section 106 Agreement as and varied by this Deed insofar as those obligations affect the First Property; and

5.2 The Second Owner covenants with the District Council and the County Council:

- (a) that it is the registered proprietor of the Second Property and no party other than the Second Owner has an interest in the Second Property whose consent is necessary in order to make this Deed binding on the Second Property; and
- (b) to observe and perform in respect of the Second Property same obligations as the obligations on the part of the Owner set out in the Principal Section 106 Agreement as if the Site formed part of the Adjoining Site;

5.3 The Third Owner covenants with the District Council and the County Council:

- (a) that it is entitled to be registered as the registered proprietor of the Third Property and no party other than the Third Owner has an interest in the Third Property whose consent is necessary in order to make this Deed binding on the Third Property; and
- (b) to observe and perform in respect of the Third Property the same obligations as those imposed by the Principal

Section 106 Agreement as if the Site formed part of the Adjoining Site

6. THE DISTRICT COUNCIL'S COVENANTS

- 6.1 The District Council covenants with the First Owner the Second Owner and the Third Owner to observe and perform in relation to the Site the same obligations as the obligations on its part set out in the Principal Section 106 agreement as varied by this Deed.
- 6.2 The District Council covenants that it shall issue the New Planning Permission as soon as reasonably practical following completion of this Deed and in any event within three (3) Working Days of its completion.

7. THE COUNTY COUNCIL'S COVENANTS

- 7.1 The County Council covenants with the First Owner the Second Owner and the Third Owner to observe and perform in relation to the Site the same obligations as the obligations in its part set out in the Principal Section 106 Agreement as varied by this Deed.

8. CONTINUATION OF THE TERMS OF THE PRINCIPAL SECTION 106 AGREEMENT

- 8.1 The District Council, the County Council, the First Owner the Second Owner and the Third Owner agree and hereby covenant that with effect from the date of Commencement of Development:
- (a) the Principal Section 106 Agreement (as amended in accordance with Clause 3.2 above) shall be read and construed as if references to the Planning Permission in the Principal Section 106 Agreement are references to both the Existing Planning Permission and the New Planning Permission; and
 - (b) the terms of the Principal Section 106 Agreement (as amended in accordance with Clauses 3.2 and 8.1(a) above) shall continue in full force and effect
- 8.2 For the avoidance of doubt the District Council, the County Council, the First Owner the Second Owner and the Third Owner agree and confirm that the Deed Of Variation did not have the effect of deleting the definitions of "Site Plan" and/or "Shuttle Bus" from the Initial Agreement and accordingly these definitions remain part of the Principal Agreement

9. THE CHARGEES CONSENT

- 9.1 The Chargee hereby consents to the First Owner entering into this Deed and agrees to be bound by it and agrees the security of its Legal Charge over the First Property shall take effect **SUBJECT TO** the provisions of this Deed **PROVIDED THAT** the Chargee shall otherwise have no liability under this Deed unless the Chargee takes possession of the First Property in which case the Chargee will be bound by the obligations as if it were a person deriving title from the First Owner.

10. LOCAL LAND CHARGE

- 10.1 As soon as reasonably practicable following its completion this Deed shall be registered by the District Council as a local land charge.

11. NOTICES

- 11.1 The addresses for service of any notice or other written communication in accordance with this Deed shall be as set out at the head of this Deed **SAVE THAT:-**
- (i) the address for the District Council shall be *The Chief Planning Officer, Growth and Sustainable Planning, Mid Suffolk District Council, Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX.* And
 - (ii) any notice to be served on the First Owner shall also be sent to 7 Pegasus Orion Court, Addison Way, Great

12. VALUE ADDED TAX

- 12.1 All considerations given to the District Council and the County Council in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

13. LEGAL COSTS

- 13.1 The First Owner shall no later than the date of completion of this Deed pay the reasonable legal costs incurred by the District Council and the County Council (being in total [£500] (£250] to be paid to each Council)) in its negotiation, preparation and completion.

14. THIRD PARTY RIGHTS

- 14.1 The provisions of the Contracts (Rights of Third Parties) Act 1999 shall not apply to this Deed and no person other than the Parties shall have any rights under it nor shall it be enforceable by any person other than the Parties.

15. GOVERNING LAW

- 15.1 This Deed any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

IN WITNESS the Parties have executed this Deed the day and year first before written.

SCHEDULE

The terms of the Principal Section 106 Agreement shall be varied as follows in respect of the Additional Development

The following clauses shall be deemed to be added in the Fourth Schedule of the Principal Section 106 Agreement as clauses 3.4, 3.5 and 3.6 -

"3.4 The Owner covenants to submit to the County Council details of:-

- (i) the traffic signalling scheme for the junction with the B1113 Bramford Road and
 - (ii) the additional pedestrian crossing on the B1113 which is to be constructed in the vicinity of Addison Way (and which for the avoidance of doubt shall be added to the footway and cycle track works referred to in Clause 3.1 of this Fourth Schedule)
- for written approval by the County Council prior to Commencement of Development.

3.5 The Owner covenants not to Commence Development or permit or allow the Commencement of Development unless and until details of the works referred to in Clause 3.4 ("the Additional Works") of this Fourth Schedule have been submitted to, and approved in writing by, the County Council.

3.6 The Owner covenants to carry out the Additional Works as approved by the County Council pursuant to Clause 3.4 of this Fourth Schedule in full prior to the Occupation of the first (1st) Commercial Unit."

The common seal of Mid Suffolk District Council
was affixed to this document in the presence of:

[Redacted Signature]
Authorised Signatory



The common seal of Suffolk County Council
was affixed to this document in the presence of:

[Redacted Signature]



Authorised Signatory

Executed as a Deed by Blackacre (Great Blakenham) Ltd
acting by a director in the presence of:

Witness Signature

Director

Witness name

Executed as a Deed by The Blakenham Woodland Garden
acting by a director in the presence of:

Witness Signature

Witness name

Address

Occupation

GREENE & GREENE
20 GUILDHALL STREET
BURY ST EDMUNDS
SUFFOLK IP33 1QB

solicitor

Executed as a deed by:

Marcia Persephone Blakenham

in the presence of:

Witness Signature

Witness name

Address

Occupation

GREENE & GREENE
20 GUILDHALL STREET
BURY ST EDMUNDS
SUFFOLK IP33 1QB

solicitor

Executed as a deed by:

Caspar John Hare

in the presence of:

Witness Signature

Witness name

Address

Occupation

Signature.....

Executed as a deed by

Octopus Real Estate S.A.R.L., a company incorporated in
Luxembourg acting by

who in accordance with the laws
of that territory is acting under the authority of the
company.

.....
Authorised Signatory

APPENDIX

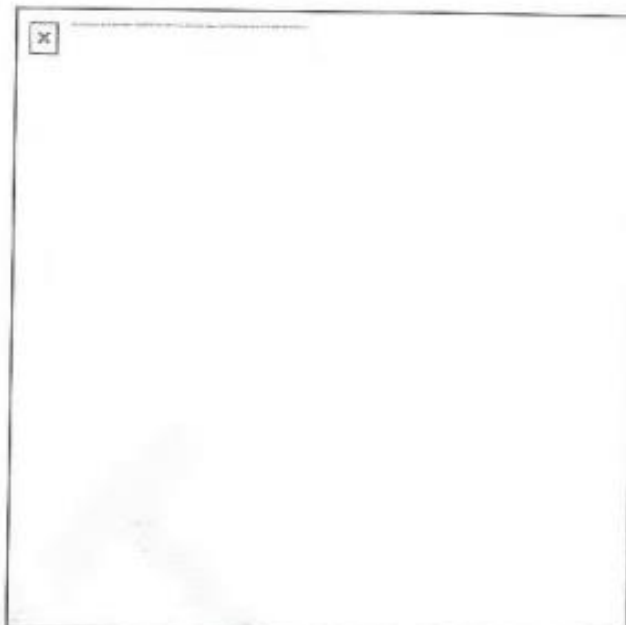
(draft copy of the Section 73 Planning Permission)

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council

Endeavour House, 8 Russell Road, Ipswich IP21 2BX

Website: www.midsuffolk.gov.uk



OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

The JTS Partnership LLP
Number One
The Drive
Brentwood
CM13 3DJ
United Kingdom

Applicant:

Curzon De Vere Ltd
The Octagon Suite E2, 2nd Floor
Middleborough
Colchester
CO1 1TG

Date Application Received: 17-Mar-20

Date Registered: 18-Mar-20

Application Reference: DC/20/01175

Proposal & Location of Development:

Application for Outline Planning Permission. (Access to be considered) Extension to Port One Business and Logistics Park (as permitted under ref. 2351/16 and varied by ref. 1755/17), together with associated works including drainage lagoons, ecology mitigation and landscaping

Land Adj Port One Business And Logistics Park , Blackacre Hill, Bramford Road, Great Blakenham Suffolk IP6 0RL

Section A – Plans & Documents:

This decision refers to drawing no./entitled 1823 DE 10-001A received 17/03/2020 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 1823 DE 10-001 A - Received 17/03/2020
Tree (bat) Roost Assessment Rev 3 - Received 25/09/2020
Additional Drainage Technical Note - Received 21/09/2020
Phase 3 & 4 Bat Survey Report dated 19th September 2020) - Received 21/09/2020
Flood Risk Assessment - Received 21/08/2020
Great Crested Newt (*Triturus cristatus*) Outline Mitigation Strategy
- Received 20/08/2020
Phase 3 - Reptile Survey Report - Rev A - Received 20/08/2020
Stage 1 Road Safety Audit - Received 20/08/2020
DESIGNERS RESPONSE TO ROAD SAFETY CONSULTING LTD
STAGE 1 SAFETY AUDIT - AUGUST 2020 - Received 20/08/2020
Landscape Master Plan Sheet 1 11365-05 H - Received 23/11/2020
Landscape Master Plan Sheet 2 11365-05 H - Received 23/11/2020
Tree Survey Sheet 1 11365-08 E - Received 23/11/2020
Tree Survey Sheet 2 11365-08 E - Received 23/11/2020
Phase 3 & 4 Bat Survey Assessment Rev B dated 19th August - Received 20/08/2020
Technical Note 02 (COTTEE Transport Planning) - Received 20/07/2020
Abrehart Ecology Letter dated 12th June 2020 - Received 24/06/2020
Arboricultural Report - Received 23/06/2020
LANDSCAPE AND VISUAL IMPACT ASSESSMENT April 2020
Revised June 19 2020 - Received 23/06/2020
Sectional Drawing Site Sections (indicative) 1823 DE 10-006 B - Received 10/11/2020
Sectional Drawing Site Sections (indicative) 1823 DE 10-007 B - Received 10/11/2020
TECHNICAL NOTE 01 - RESPONSE TO HIGHWAYS ENGLAND HEPR 16-01 - Received
01/05/2020
Technical Note April 2020 - Received 29/04/2020
Existing Contours 1823 DE 10-004 A - Received 17/03/2020
Proposed Contours 1823 DE 10-005 A - Received 17/03/2020
Archaeology Geophysical Survey. - Received 17/03/2020
Design and Access Statement - Received 17/03/2020
Preliminary Ecological Appraisal - Port One Great Blakenham - Phases 1 and 2 - Received
17/03/2020
Preliminary Ecological Appraisal - Port One Great Blakenham - Phases 3 and 4 - Received
17/03/2020
Preliminary Ecological Appraisal Addendum - Received 17/03/2020
Environmental Noise Report - Received 17/03/2020
Planning and Economic Statement - Received 17/03/2020
Proposed Illustrative Site Plan 1823 DE 10-003B 1823 DE 10-003 B - Received 16/08/2020
Badger Survey Report dated 7th April 2020 - Received 20/04/2020
Great Crested Newt Survey Report dated 11th April 2020 - Received 20/04/2020
Sustainability Report - Received 17/03/2020
Transport Assessment Part 1 - Received 17/03/2020
Transport Assessment Part 2 - Received 17/03/2020
Travel Plan (Draft Interim Workplace) - Received 17/03/2020
MS Technical Note dated 9th April 2020
JMS Technical Note dated 20th May 2020
JMS Technical Note dated 18th September 2020
- Received 29/09/2020

Section B:

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

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: TIME LIMIT FOR RESERVED MATTERS APPLICATION

Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF RESERVED MATTERS

Before development is commenced in any area of phase, approval of the details of the appearance, scale (including heights) and layout of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained, for that area or phase, in writing from the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

3. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF PHASING OF DEVELOPMENT

Before any development is commenced, and concurrently with the submission of the first reserved matters application referred to in Condition 2 above, an indicative scheme for the carrying out of the development in phases shall be submitted to the Local Planning Authority for approval.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development provided in appropriate phases to ensure minimal detriment to residential amenity, the environment and highway safety prior to the commencement of such development.

4. 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.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: SUBMISSION OF GROUND FLOOR LEVELS WITH RESERVED MATTERS APPLICATION.

Concurrently with the submission of reserved matters in respect of the siting and/or design of the individual buildings in each area or phase of the development, details of the proposed finished ground floor level, measured from a fixed off site datum point, of each building within that particular area or phase, shall also be submitted for approval, in writing, by the Local Planning Authority. The building(s) shall thereafter be constructed in accordance with the approved levels.

Reason - In order to secure a design in scale with development surrounding the site so as to protect the visual amenities, amenity of neighbouring properties and character of the area.

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: SUBMISSION OF SURFACE WATER DRAINAGE STRATEGY GROUND FLOOR WITH RESERVED MATTERS APPLICATION

Concurrent with the first reserved matters application(s) a surface water drainage strategy for the site shall be submitted to, and approved in writing by, the local planning authority.

Reason - To safeguard the ground water environment from harm.

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

No development shall take place within any particular area or phase of the development until details of a surface water drainage scheme for that plot / phase, has been submitted to and approved in writing by the local planning authority.

The scheme shall be in accordance with the approved strategy and shall include:

- a) Dimensioned plans and drawings of the surface water drainage scheme;
- b) Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- c) Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- d) Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to

the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;

e) Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

i) Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

1) Temporary drainage systems

2) Measures for managing pollution / water quality and protecting controlled waters and watercourses

3) Measures for managing any on or offsite flood risk associated with construction

f) Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

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

8. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - FLOOD RISK REGISTER ASSET

Within 28 days of completion of the last phase, details of all Sustainable Drainage System components and piped networks shall be submitted, in an approved form, to and approved the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason - To minimise the risk of flooding.

9. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT: CONSTRUCTION MANAGEMENT TO BE AGREED

Prior to the commencement of development within any particular other area or phase, a Construction Management Plan for that area or phase shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

o haul routes for construction traffic on the highway network and monitoring and review mechanisms.

o provision of boundary hoarding and lighting

o details of proposed means of dust suppression

o details of measures to prevent mud from vehicles leaving the site during construction

- o details of deliveries times to the site during construction phase
- o details of provision to ensure pedestrian and cycle safety
- o details of any piling where required and the methodology for this
- o programme of works (including measures for traffic management and operating hours)
- o parking and turning for vehicles of site personnel, operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials
- o maintain a register of complaints and record of actions taken to deal with such complaints at the site
- o office as specified in the Plan throughout the period of occupation of the site.
Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse
- o impact on the public highway during the construction phase.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

10. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT - ARCHAEOLOGICAL WORKS

No development shall take place 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 in each area or phase of the development
- 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 in the relevant area or phase shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

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. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of loss and damage to archaeological and historic assets.

11. ACTION REQUIRED PRIOR TO THE FIRST OCCUPATION OF DEVELOPMENT - ARCHAEOLOGICAL WORKS

No more than 30,000 sqm of floor space 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 approved Written Scheme of Investigation 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.

12. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF MATERIALS

No building in any area or phase may be constructed above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction of that building have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and shall be fully applied prior to the first use/occupation.

Reason - To secure an orderly and well designed finish sympathetic to the character of the area and in the interests of visual amenity and the character and appearance of the area.

13. CONCURRENT WITH RESERVED MATTERS FOR EACH PHASE: ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISALS RECOMMENDATIONS

All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the- Preliminary Ecological Appraisal - Port One St James' Park (January 2019), the Preliminary Ecological Appraisal - Port One Business Park (January 2020), Badger (*Meles meles*) Survey Report (June 2020), Great Crested Newt (*Triturus cristatus*) Survey Report (August 2020), Great Crested Newt (*Triturus cristatus*) Outline Mitigation Strategy (August 2020), the Phase 3 - Reptile Survey Report- Rev A (August 2020) and the Phase 3 & 4 - Bat Survey Assessment - Rev B (August 2020) and Tree (Bat) Roost Assessment Rev 3 (September 2020) - all undertaken

by Abrehart Ecology Ltd 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) and s17 Crime & Disorder Act 1998.

14. CONCURRENT WITH RESERVED MATTERS: PRIOR TO COMMENCEMENT:
SUBMISSION OF A COPY OF NATURAL ENGLAND MITIGATION LICENCE FOR
GREAT CRESTED NEWT

Development shall not commence in an area or phase unless the local planning authority has been provided, in relation to that area or phase, with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a certificate to confirm site registration under the GCN District Level Licence countersigned by Natural England; or
- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

15. CONCURRENT WITH RESERVED MATTERS: PRIOR TO COMMENCEMENT:
SUBMISSION OF A COPY OF THE MITIGATION LICENCE FOR BADGERS

The sett closure shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

16. CONCURRENT WITH RESERVED MATTERS: PRIOR TO COMMENCEMENT:
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN: BIODIVERSITY

A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) A programme of implementation linked to the phasing of the development.
- b) Finalised Reptile Mitigation Strategy
- c) Risk assessment of potentially damaging construction activities.
- d) Identification of "biodiversity protection zones".
- e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- f) The location and timing of sensitive works to avoid harm to biodiversity features.
- g) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

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

CONCURRENT WITH RESERVED MATTERS PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT

A Biodiversity Enhancement Layout, providing the finalised details, locations and phasing of the enhancement measures contained within the submitted Abrehart Ecology reports, shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

18. CONCURRENT WITH RESERVED MATTERS PRIOR TO BENEFICIAL USE:
LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims, objectives and phasing of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the result from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

19. CONCURRENT WITH RESERVED MATTERS: PRIOR TO BENEFICIAL USE: LIGHTING
(WILDLIFE SENSITIVE DESIGN SCHEME)

A lighting design scheme shall be submitted with the reserved matters application for each area or phase of the development 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 lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

Details of all external lighting to be installed or attached to the commercial units shall include luminaire types, position, height, aiming points, lighting levels and a polar

illuminance diagram, based on the vertical plane to reflect impact on surrounding residents.

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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

20. ACTION REQUIRED: TIME LIMIT ON DEVELOPMENT BEFORE FURTHER SURVEYS ARE REQUIRED

If any phase of development hereby approved does not commence within 18 months year from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or distribution or abundance of Great crested newt, bats (particularly in trees), reptiles or badgers and
- ii. identify any likely new ecological impacts that might arise from any changes.
- iii. determine impacts upon the qualifying features of the Little Blakenham Pit SSSI,
- iiii. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of any phase of development.
- iv. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable."

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

21. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

Prior to the commencement of development in any area or phase a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and operational phase of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme in that area or phase shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed. The Sustainability & Energy Strategy must be provided detailing how

the development will minimise the environmental impact during construction and occupation (as per policy CS3, and NPPF) including details on environmentally friendly materials, construction techniques minimisation of carbon emissions and running costs and reduced use of potable water (suggested maximum of 105ltr per person per day). Details as to the provision for electric vehicles should also be included please see the Suffolk Guidance for Parking, published on the SCC website on the link below: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-developmentadvice/parking-guidance/>. The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO2 reduction, resource conservation, use of sustainable materials and provision for electric vehicles. Clear commitments and minimum standards should be declared and phrases such as 'where possible, subject to, where feasible' must not be used. Evidence should be included where appropriate demonstrating the applicants previous good works and standards achieve in areas such as site waste mangement, eg what recycling rate has the applicant achieved in recent project to show that their % recycling rate commitment is likely.

Reason - To enhance the sustainability of the development through better use of water, energy and resources. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to include energy and resource efficienc measures that may improve or reduce harm to the environment and result in wider public benefit in accordance with the NPPF. Guidance can be found at the following locations:
<https://www.midsuffolk.gov.uk/environment/environmental-management/planning-requirements/>

22. ACTION REQUIRED ACCORDING TO A SPECFCIC TIMETABLE TO - HIGHWAY MITIGATION

The detailed design of mitigation measures required at the Logistic Park / Bramford Road junction, as indicated on Drawing No 1970/04C, is to be submitted to and approved by the local planning authority. The approved scheme shall be laid out, constructed and made functionally available for use prior to first occupation and thereafter retained in the approved form for the lifetime of the development.

Reason: To ensure that suitable highway improvements and mitigation measures are provided.

23. ACTION REQUIRED ACCORDING TO A SPECFCIC TIMETABLE TO - OFF-SITE HIGHWAY WORKS

The footway/cycleway indicated on Drawing No 1970/04C is to be provided in its entirety before the development is brought into use.

Reason: To ensure that suitable footways are provided to access the application site and to connect the sites with public rights of way and footway network.

24. ACTION REQUIRED ACCORDING TO A SPECFCIC TIMETABLE TO: COVERED CYCLE STORAGE

Before the development in any arear of phase is commenced, details of secure covered cycle storage for that area of phase 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 in that area or phase is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote the use of sustainable travelling alternatives within the area.

25. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - HIGHWAYS: PROVISION OF PARKING AND TURNING.

Prior to the commencement of development in any area or phase, details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure and lit cycle storage, parking for disabled motorists and motorcycles, and the provision of electric charging points, within that area or phase, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall, where relevant, be in accordance with Suffolk Parking Guidance 2015 and shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles and used for no other purpose.

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.

26. PRIOR TO COMMENCEMENT: TREE PROTECTION

Any retained trees, shrubs and hedgerows within, or at the boundary of, any area or phase, shall be protected in accordance with a scheme of tree protection, (BS5837:2012), to be agreed in writing with the Local Planning Authority prior to commencement of work within that area of phase.

The Local Planning Authority shall be advised in writing that the protective measures/fencing within a development area/phase have been provided before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

Reason - In order to reasonably minimise the landscape and visual impacts of the proposal have particular regard for Policy CS5

27. PRIOR TO CONSTRUCTION OF ANY BUILDING ABOVE SLAB LEVEL: SOFT LANDSCAPING.

No development of any building above slab level will take place within any area or phase, until there has been submitted to and approved in writing by the Local Planning Authority, in accordance with the agreed Landscape Masterplan LSDP 11365-05 Rev H Page 1 of 2 and Page 2 of 2, a scheme of soft landscaping for that development area/phase, drawn to a scale of not less than 1:200.

The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities, weed control protection and maintenance covering a period of a minimum 10 years as well as any tree works to be undertaken during the course of the development.

Any planting removed, dying or becoming seriously damaged or diseased within ten years of planting shall be replaced within the first available planting season thereafter (on a 1:1 basis for the first five years and at the discretion of the LPA for the second five years) with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

The agreed scheme shall be implemented in full for that area of phase.

Reason - In order to reasonably minimise the landscape and visual impacts of the proposal have particular regard for Policy CS5.

28. PRIOR TO CONSTRUCTION OF ANY BUILDING ABOVE SLAB LEVEL: HARD LANDSCAPING

No development of any building above slab level will take place in any area or phase, until full details of a hard landscaping scheme for that area/phase, in accordance with the agreed Landscape Masterplan LSDP 11365-05 Rev H Page 1 of 2 and Page 2 of 2, has been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contour showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (for example furniture, play areas and equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features).

The agreed scheme shall be implemented in full for that area or phase.

Reason - In order to reasonably minimise the landscape and visual impacts of the proposal have particular regard for Policy CS5.

29. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: ADVANCED PLANTING.

Concurrent with the reserved matters and in accordance with any approved phasing plan, details of advance native planting to boundaries shall be submitted and approved by the Local Planning Authority. Implementation will need to be carried out in accordance with an implementation timetable agreed in writing with the Local Planning Authority.

Reason - In order to ensure key structural / screening landscape planting is carried out at the earliest opportunity, in the interest of the landscape character and amenity of the locality, and the character, setting and significance of heritage assets.

30. ACTION REQUIRED PRIOR FIRST OCCUPATION: LANDSCAPE MANAGEMENT PLAN

No part of the development may be occupied until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan and associated work schedule for a minimum of 10 years. Both new and retained existing planting will be required to be included in the plan, along with surface treatments, SuDS features and all other landscape assets.

Reason - in the interest of the landscape character and amenity of the locality, and the character, setting and significance of heritage assets."

31. ACTION REQUIRED PRIOR FIRST OCCUPATION: NOISE REPORT

Prior to the occupation of unit 9 as shown on Drawing 1823 DE 10-003B Proposed Illustrative Site Plan, the applicant is required to submit an assessment carried out in accordance with BS 4142 to show that noise from machinery and equipment, including any external ventilation or refrigeration equipment and external noise from delivery vehicles including loading, will not have an adverse impact on occupiers of any noise sensitive premises. The assessment shall include details of any mitigation measures to be implemented, for the approval of the Local Planning Authority.

Reason - In the interest of residential amenity.

32. ON GOING REQUIREMENT OF DEVELOPMENT/USE: RESTRICTION ON CONSTRUCTION TIMES

The working hours during construction shall be restricted to 0730 hrs to 1800 hrs Mondays to Fridays and 0800 hrs and 1300 hrs on Saturdays. There shall be no construction work on Sundays or Bank Holidays.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

33. 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.

34. SPECIFIC RESTRICTION OF DEVELOPMENT: RESTRICTION ON LOCATION OF STORAGE

No goods, products, raw materials, scrap material or other materials of any other sort shall be deposited, stacked or stored in the open air outside the confines of the buildings unless otherwise agreed in writing by the Local Planning Authority.

Reason - The external storage of these items would be harmful to the local amenity, character and appearance of the area.

35. SPECIFIC RESTRICTION ON DEVELOPMENT: ADDITIONAL FLOOR RESTRICTION

No mezzanine, entresol or additional floors shall be inserted into any buildings constructed pursuant to this permission except pursuant to the grant of planning permission on an application made in that regard.

Reason - To prevent intensification of use that would result in detrimental impact on nearby residential amenity by the resulting increase in traffic impact.

36. **SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS**

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and/or the provisions of

Article 3, Schedule 2, Part 3 - Changes of Use, Class D and/or Class G and/or Class I [the letter not the numeral] and/or Class M and/or Class O [the letter not the numeral] of Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification)

and/or

Article 3, Schedule 2, Part 4 - Temporary Use of Land and Buildings, Class B and/or Class C and/or Class D of Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification)

and/or

Article 3, Schedule 2, Part 7 - Non-domestic extensions, alterations etc., Class A and/or Class F and/or Class H and/or Class I [the letter not the numeral] of Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification) No development that might be undertaken as permitted development within the Classes identified above [or in any Order revoking or re-enacting that Order with or without modification] is permitted except pursuant to the grant of planning permission on an application made in that regard to the local planning authority.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

- NPPF - National Planning Policy Framework
- 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
- FC01 - Presumption In Favour Of Sustainable Development
- FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
- FC03 - Supply Of Employment Land
- GP01 - Design and layout of development
- H17 - Keeping residential development away from pollution
- CL08 - Protecting wildlife habitats

CL09 - Recognised wildlife areas
SB02 - Development appropriate to its setting
CL11 - Retaining high quality agricultural land
E03 - Warehousing, storage, distribution and haulage depots
E04 - Protecting existing industrial/business areas for employment generating uses
E06 - Retention of use within existing industrial/commercial areas
E09 - Location of new businesses
E10 - New Industrial and commercial development in the countryside
New Industrial and commercial development in the countryside
T10 - Highway Considerations in Development
E12 - General principles for location, design and layout
T09 - Parking Standards
T12 - Designing for people with disabilities
T11 - Facilities for pedestrians and cyclists

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/20/01175

Signed: Philip Isbell

Dated:

**Chief Planning Officer
Sustainable Communities**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and 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 and 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 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. 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 six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practise refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.