

DATED

14th February

202~~1~~²



EAST SUFFOLK COUNCIL (1)

SUFFOLK COUNTY COUNCIL (2)

HOPKINS HOMES LIMITED (3)

HSBC UK BANK PLC (4)

**Planning Obligation by Deed of Agreement under
Sections 106 and 106A of the Town and Country
Planning Act 1990(as amended)**

**Relating to Land
on the west side of London Road, Beccles, Suffolk
(application reference DC/21/0671/FUL)**

Birketts

Birketts LLP: Offices in Cambridge | Chelmsford | Ipswich | Norwich

www.birketts.co.uk

THIS AGREEMENT IS MADE this 4th

day of February

2021

BETWEEN:

- (1) **EAST SUFFOLK COUNCIL** of East Suffolk House, Riduna Park, Station Road, Melton IP12 1RT ("the **Council**");
- (2) **SUFFOLK COUNTY COUNCIL** of Endeavour House 8 Russell Road Ipswich Suffolk IP1 2BX ("the **County Council**");
- (3) **HOPKINS HOMES LIMITED** (company registration number 02875798) whose registered office is at Melton Park House, Melton, Woodbridge, Suffolk, IP12 1TJ ("the **Owner**");
- (4) **HSBC UK BANK PLC** (Company Registration. No. 9928412) of 1 Centenary Square, Birmingham, B1 1HQ ("the **Chargee**").

Together "the Parties"

INTRODUCTION

- (A) The Council is the local planning authority for the purposes of the Act for the area in which the Site is situated.
- (B) The County Council is the local highway authority(except for trunk roads) the local education authority and the library authority for the area in which the Site is situated and is also a local planning authority for the purposes of the Act for the area in which the Site is situated.
- (C) The Owner is the current freehold owner of the Site which is registered at Land Registry under title number SK400696 subject to a legal charge dated 14 February 2020 in favour of the Chargee.
- (D) On 26 November 2019 the Council granted the Original Planning Permission for the Site to the Owner following the completion of the Original Section 106 Agreement.
- (E) The Owner has submitted the Second Application for the Second Planning Permission to the Council for the partial re-design of the Site.
- (F) The Council, the County Council, the Owner and the Chargee have agreed to enter into this Deed in order to modify planning obligations that relate to provision of affordable housing, self-build plots and the payment of financial contributions towards the Recreation Avoidance Mitigation Scheme, provision of pre-school facilities and the improvements to the existing bus stop on the east side of London Road, Beccles.

- (G) The Council and the County Council are satisfied that the planning obligations sought under the provisions of this Deed meet the tests set out in the Regulation 122 of the Community Infrastructure Levy Regulations 2010(as amended).

NOW THIS DEED WITNESSES AS FOLLOWS:

OPERATIVE PART

1. DEFINITIONS

In this Deed the definitions contained within the Original Section 106 Agreement shall continue to apply unless the context otherwise requires and in addition the following definitions shall have the following meanings:

"1990 Act"	means the Town and Country Planning Act 1990 (as amended);
"Original Section 106 Agreement"	means the legal agreement containing planning obligations made pursuant to Section 106 of the 1990 Act in relation to the Original Planning Permission and entered into by the Council (1) the County Council (2) Michael Soanes, Janet Ann Soanes and Timothy Soanes (3) and Hopkins Homes Limited (4) and dated 26 November 2019;
"Original Planning Permission"	means the planning permission granted by the Council on 26 November 2019 pursuant to application reference DC/18/4312/FUL for the Site;
"Second Application"	means the application for hybrid planning permission submitted to the Council for the Development and allocated reference number DC/21/0671/FUL;
"Second Planning Permission"	the hybrid planning permission subject to conditions to be granted by the Council pursuant to the Second Application as substantially set out in draft in the Schedule 2.

2. CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause paragraph schedule or recital such reference (unless the context otherwise requires) is a reference to a clause paragraph schedule or recital in this Deed;
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa;

- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeably in that manner;
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise;
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that act or deriving validity from it;
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the Council and the County Council their respective successor or successor in title to their relevant statutory functions;
- 2.7 The headings are for reference only and shall not affect construction.

3. LEGAL BASIS

- 3.1 This agreement is a Deed made pursuant to sections 106 and 106A(1) of the 1990 Act section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011 and all other enabling powers;
- 3.2 This Deed incorporates the terms of the Original Section 106 Agreement.

4. MODIFICATIONS

- 4.1 It is agreed that this Deed shall take effect from the date hereof and that the Original Section 106 Agreement shall be modified as set out in Schedule 2 of this Deed;
- 4.2 In all other respects the contents of the Original Section 106 Agreement shall continue to bind the Site save as expressly varied by this Deed.

5. CHARGEES' CONSENT

- 5.1 The Chargee consents to the Owner entering into this Deed so that its interest in the Site is bound by the obligations contained in this Deed PROVIDED THAT the Chargee is not required to observe or perform the obligations in this Deed or the Original Section 106 Agreement unless it takes possession of the Site or acquires the freehold interest in the Site in which case it will be regarded as a successor in title to the Owner. For the avoidance of doubt the Chargee will have no liability once it ceases to have any legal or other interest in the Site.

6. COSTS

- 6.1 The Owner shall pay to the Council on completion of this Deed their reasonable legal costs incurred in the negotiation, preparation and execution of this Deed;
- 6.2 The Owner shall pay to the County Council on completion of this Deed their reasonable legal costs incurred in the negotiation, preparation and execution of this Deed together with a monitoring fee of £1,648 (sixteen hundred and forty-eight pounds).

7. MISCELLANEOUS

- 7.1 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999;
- 7.2 This Deed shall be registrable as a local land charge by the Council.

8. JURISDICTION

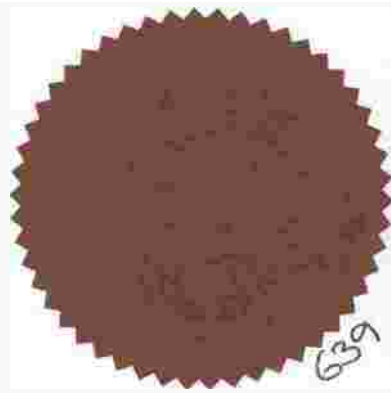
This Deed is governed by and interpreted in accordance with the law of England and the parties submit to the non-exclusive jurisdiction of the courts of England.

9. DELIVERY

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this instrument as a Deed in the manner appearing hereafter but not delivered until the day and year first before written

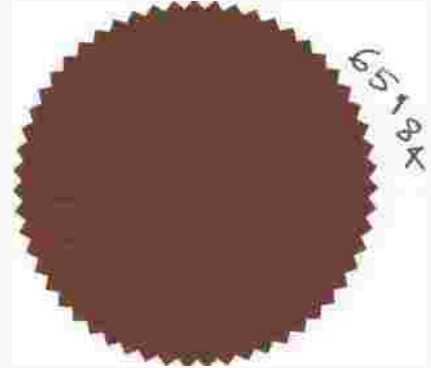
The Common Seal of **EAST SUFFOLK COUNCIL** was hereunto affixed in the presence of:



Authorised Signatory

Authorised Signatory

The Common Seal of **SUFFOLK COUNTY COUNCIL** was hereunto affixed in the presence of:



Authorised Signatory

EXECUTED AS A DEED by

BIRKETTS LLP as attorney for

HOPKINS HOMES LIMITED in the presence of:

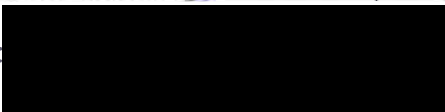
Attorney's signature



STEFAN HAREW-WRIGHT

Designated Member of Birketts **LLP** as attorney for Hopkins Homes Limited

Witness signature:



Witness name:

LISA WALKER

Witness address:

**BIRKETTS LLP
22 STATION ROAD
CAMBRIDGE CB1 2JD**

Witness Occupation:

Legal Secretary

Signed as a Deed by)

HSBC UK BANK PLC)



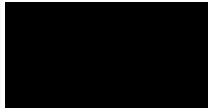
Acting by its attorney)

DAVID PRICE

Attorney

In the presence of:

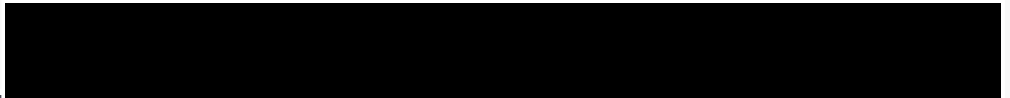
Witness Signature:



Witness Name:

PAUL CAHILL

Witness Address:



Witness Occupation:

LAWYER

SCHEDULE 1

DRAFT SECOND PLANNING PERMISSION



Mr Geoff Armstrong
Armstrong Rigg Planning
The Exchange
Colworth Science Park
Sharnbrook
Bedford
MK44 1LZ

Planning Permission

Town and Country Planning Act 1990

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

Our reference	DC/21/0671/FUL
Date valid	1 March 2021
Site	Land West Of, London Road, Beccles
Parish	Beccles
Proposal	Hybrid planning application: (i) full planning application - residential development of 150 dwellings (including affordable) together with public open space, roads, accesses, parking, garages, drainage and associated infrastructure; and (ii) outline planning application for a phased development - six serviced self-build plots with associated access and infrastructure. Application is a partial re-design of existing planning permission DC/18/4312/FUL.

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 2021

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WLP1.1- Scale and Location of Growth (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP3.2 - Land West of London Road, Beccles (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.1 - Housing Mix (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.2 - Affordable Housing (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.28 - Sustainable Construction (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.30 - Design of Open Spaces (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.31 - Lifetime Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.32 - Housing Density and Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.40 - Archaeology (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

Conditions:

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1. An application for approval of reserved matters for the six self-build dwellings must be made within three years of the date of this permission; and the development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Plans and particulars showing the detailed proposals ("the reserved matters") for all the following aspects of the development for the six self-build plots shall be submitted to the local planning authority and development shall not commence before these details have been approved.

A Design Code shall include a set of principles, including but not limited to the below:

- o The siting of all buildings within their plots.
- o The design of all the buildings, including the colour and texture of facing and roofing materials.
- o A landscape design showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels.
- o Measures to minimise water and energy consumption and to provide for recycling of waste.
- o The provision to be made within each plot for the parking, loading and unloading of vehicles.
- o The alignment, height and materials of all walls and fences and other means of enclosure.

Reason: To secure a properly planned development in accordance with Policy WLP8.3.

3. For the granted full planning permission comprising 150-dwellings, the development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

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

4. The development hereby permitted shall not be carried out other than in complete accordance with the following plans/drawings:

Site-wide plans

- o BEC1-001- Site location plan
- o BEC1-002 Rev. C-Planning layout
- o BEC1-003 Rev. C - External works layout

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- o BEC1-004 Rev. B-Materials plan
- o BEC1-005 - Beccles - Street scene
- o BEC1-006 - Perspective
- o BEC1-500- Phasing plan - received 22 December 2021

Planting plan(s)

- o 6535.PP.1.0 Rev. i - Planting plan overview
- o 6535.PP.1.1 Rev. i - Planting plan 1 of 7
- o 6535.PP.1.2 Rev. i - Planting plan 2 of 7
- o 6535.PP.1.3 Rev. i - Planting plan 3 of 7
- o 6535.PP.1.4 Rev. i - Planting plan 4 of 7
- o 6535.PP.1.5 Rev. i - Planting plan 5 of 7
- o 6535.PP.1.6 Rev. i - Planting plan 6 of 7
- o 6535.PP.1.7 Rev. i - Planting plan 7 of 7

Floor plans and elevations

- o BEC1-101 - Plots 1, 3 - Floor Plans: The Sutton (HT1021)
- o BEC1-102 - Plots 1, 3 - Elevations: The Sutton (HT1021)
- o BEC1-103 - Plot 4-Floor plans and elevations: The Lynford (HT1033)
- o BEC1-104 - Plots 5-7, 148-150- Floor plans 1: The Eaton (HT1122)
- o BEC1-105 - Plots 5-7, 148-150 - Floor plans 2: The Eaton (HT1122)
- o BEC1-106 - Plots 5-7, 148-150 - Elevations: The Eaton (HT1122)
- o BEC1-107 - Plot 8 - Floor plans: The Aide (HT885)
- o BEC1-108 - Plot 8 - Elevations: The Aide (HT885)
- o BEC1-109 - Plots 9, 10, 72 -Floor plans: The Ness (HT754)
- o BEC1-110 - Plots 9, 10, 72-Elevations: The Ness (HT754)
- o BEC1-111- Plots 77-79- Floor plans: The Brook (882) The Sutton (1021)
- o BEC1-112 - Plots 77-79- Elevations 1: The Brook (882) The Sutton (1021)
- o BEC1-113 - Plots 77-79 - Elevations 2: The Brook (882) The Sutton (1021)
- o BEC1-114 Rev. A - Plots 80 - 83 - Floor plans: The Sutton (HT1021), The Standford (HT1194/HT1350)
- o BEC1-115 Rev. A - Plots 80-83- Elevations: The Sutton (HT1021), The Standford (HT1194/HT1350)
- o BEC1-116 - Plots 84-85 - Floor plans: The Liston (HT999)
- o BEC1-117 - Plots 84-85 - Elevations: The Liston (HT999)
- o BEC1-118 - Plots 86-89- Floor plans 1: The Bixley (1179), The Eaton (1122)
- o BEC1-119 - Plots 86-89 - Floor plans 2: The Bixley (1179), The Eaton (1122)
- o BEC1-120 Rev. A - Plots 86-89 - Elevations 1: The Bixley (1179), The Eaton (1122)
- o BEC1-121- Plots 86-89 - Elevations 2: The Bixley (1179), The Eaton (1122)
- o BEC1-122 - Plots 90h, 237 - Floor plans: The Aide (HT885)
- o BEC1-123 - Plots 90h, 237 - Elevations: The Aide (HT885)
- o BEC1-124 - Plots 119, 120, 161h, 162h - Floor plans: The Roxham (HT1291)
- o BEC1-125 - Plots 119, 120, 161h, 162h - Elevations: The Roxham (HT1291)
- o BEC1-126 - Plots 121-122, 178-179 - Floor plans: The Sutton (HT1021)
- o BEC1-127 - Plots 121-122, 178-179 - Elevations: The Sutton (HT1021)

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- o BEC1-128 - Plots 123-124 - Floor plans: The Brook (HT882)
- o BEC1-129 - Plots 123-124 - Elevations: The Brook (HT882)
- o BEC1-130 - Plots 125-128, 233-236 - Floor plans 1: The Eaton (HT1122)
- o BEC1-131 - Plots 125-128, 233-236 - Floor plans 2: The Eaton (HT1122)
- o BEC1-132 Rev. A - Plots 125-128, 233-236 - Elevations 1: The Eaton (HT1122)
- o BEC1-133 - Plots 125-128, 233-236 - Elevations 2: The Eaton (HT1122)
- o BEC1-134 - Plots 129-130, 137-138 - Floor plans: The Liston (HT999)
- o BEC1-135 - Plots 129-130, 137-138 - Elevations: The Liston (HT999)
- o BEC1-136 - Plots 131-133, 185-187h - Floor plans: The Ness (HT754)
- o BEC1-137 - Plots 131-133, 185-187h - Elevations: The Ness (HT754)
- o BEC1-138 - Plots 134-136 - Floor plans: The Ness (754), The Kipton (794)
- o BEC1-139 - Plots 134-136 - Elevations: The Ness (754), The Kipton (794)
- o BEC1-140 - Plots 139-144 - Floor plans 1: HT512, 677, 732
- o BEC1-141 - Plots 139-144 - Floor plans 2: HT512, 677, 732
- o BEC1-142 - Plots 139-144 - Elevations 1: HT512, 677, 732
- o BEC1-143 - Plots 139-144 - Elevations 2: HT512, 677, 732
- o BEC1-144 - Plots 151-153 - Floor plans: The Ness (754), The Blyth (1032)
- o BEC1-145 - Plots 151-153 - Elevations: The Ness (754), The Blyth (1032)
- o BEC1-146 Rev. A - Plots 154, 159h, 164h, 176 - Floor plans: The Chiltern (1687)
- o BEC1-147 Rev. A - Plots 154, 159h, 164h, 176 - Elevations: The Chiltern (1687)
- o BEC1-148-A Rev. A - Plots 155, 156 - Floor plans: The Appleton (1764)
- o BEC1-149-A Rev. A - Plots 155, 156 - Elevations: The Appleton (1764)
- o BEC1-150 - Plots 156, 158h, 173h - Floor plans: The Roxham (1291)
- o BEC1-151 - Plots 156, 158h, 173h - Elevations: The Roxham (1291)
- o BEC1-152-A - Plots 157, 165H, 174H, 175H, 241 - Floor plans: The Keswick (1317)
- o BEC1-153-A - Plots 157, 165H, 174H, 175H, 241 - Elevations: The Keswick (1317)
- o BEC1-154 Rev. B - Plots 167 - Floor plans: The Chelmer (1454)
- o BEC1-155 Rev. B - Plots 167 - Elevations: The Chelmer (1453)
- o BEC1-156 - Plot 160 - Floor plans: The Keswick (1317)
- o BEC1-157 - Plot 160 - Elevations: The Keswick (1317)
- o BEC1-158 - Plot 163 - Floor plans: The Heacham (1550)
- o BEC1-159 - Plot 163 - Elevations: The Heacham (1550)
- o BEC1-164 - Plots 168h, 177, 180 - Floor plans: The Bourn (HT1208)
- o BEC1-165 - Plots 168h, 177, 180 - Elevations: The Bourn (HT1208)
- o BEC1-166 - Plots 170, 171 - Floor plan: The Heacham (HT550)
- o BEC1-167 - Plots 170, 171 - Elevations: The Heacham (HT1550)
- o BEC1-168 - Plots 172 - Floor plans and elevations: The Lynford (HT1033)
- o BEC1-169 - Plots 181, 184 - Floor plans: The Sutton (HT2021), The Bixley (HT1179)
- o BEC1-170 - Plots 181, 184 - Elevations: The Sutton (HT2021), The Bixley (HT1179)
- o BEC1-171 - Plot 188h, 189 - Floor plans and elevations: The Blyth (HT1032)
- o BEC1-172 - Plots 198-203 - Floor plans 1: (HT732)
- o BEC1-173 - Plots 198-203 - Floor plans 2: (HT732)
- o BEC1-174 - Plots 198-203 - Elevations 1 (HT732)
- o BEC1-175 - Plots 198-203 - Elevations 2 (HT732)
- o BEC1-176 - Plots 198-203 - Elevations 3 (HT732)

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- o BEC1-177 - Plots 238- Floor plans and elevations: The Lynford (HT1033)
- o BEC1-178- Plots 239-240 - Floor plans: The Ness (HT754)
- o BEC1-179- Plots 239-240 - Elevations: The Ness (HT754)
- o BEC1-201 - Plots 73-74, 91-92, 93-94 - Floor plans (HT859)
- o BEC1-202 - Plots 73-74, 91-92, 93-94 - Elevations (HT859)
- o BEC1-203 - Plots 75-76 - Floor plans (HT1157)
- o BEC1-204 - Plots 75-76 - Elevations (HT1157)
- o BEC1-205 - Plots 95-97, 95-197h - Floor plans (HT859)
- o BEC1-206 - Plots 95-97, 95-197h - Elevations (HT859)
- o BEC1-207- Plots 104-105 - Floor plans (HT859)
- o BEC1-208 - Plots 104-105 - Elevations (HT859)
- o BEC1-209 - Plots 106-108, 190-192h - Floor plans (HT859)
- o BEC1-210 - Plots 106-108, 190-192h - Elevations (HT859)
- o BEC1-211 Rev. A - Plots 109-144 - Floor plans 1
- o BEC1-212 Rev. A - Plots 109-144 - Floor plans 2
- o BEC1-213 - Plots 109-144 - Elevations 1 (HT512, 677)
- o BEC1-214- Plots 109-144 - Elevations 2 (HT512, 677)
- o BEC1-215 - Plots 115-118- Floor plans (HT859)
- o BEC1-216 - Plots 115-118 - Elevations 1 (HT859)
- o BEC1-217 - Plots 115 - 118 - Elevations 2 (HT859)
- o BEC1-218 - Plots 145-147 - Floor plans (HT 859, 878)
- o BEC1-219 - Plots 145 - 147 - Elevations 1 (HT 859, 878)
- o BEC1-220 - Plots 145 - 147 - Elevations 2 (HT 859, 878)
- o BEC1-221 Rev. A - Plot 193 - Floor plans (HT886)
- o BEC1-222 Rev. A - Plots 193 - Elevations (HT886)
- o BEC1-223 Rev. A-Plots 194 - Floor plans (HT886)
- o BEC1-224 Rev. A - Plots 194 - Elevations (HT886)
- o BEC1-225 - Plots 204-205 - Floor plans (HT1009)
- o BEC1-226 - Plots 204-205 - Elevations (HT1009)
- o BEC1-227 - Plots 229-230, 231-232 - Floor plans (HT1009)
- o BEC1-228 - Plots 229-230, 231-232 - Elevations (HT1009)
- o BEC1-301 Rev. B - Plots as noted - Floor plans and elevations: Garage 1
- o BEC1-302 Rev. A - Plots as noted - Floor plans and elevations: Garage 2
- o BEC1-303 Rev. A - Plots as noted - Floor plans and elevations: Garage 3

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

5. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed by the local planning authority.

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

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6. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the local planning authority.

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

7. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the local planning authority.

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

8. No dwelling shall be occupied until the areas for storage of refuse/recycling bins as shown on drawing number BEC1-003 Rev. C have been provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

9. No dwelling shall be occupied until the area(s) within the site shown on drawing number BEC1-002 Rev. C for the purposes of loading, unloading, manoeuvring and parking of vehicles 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.

10. Prior to commencement of development, details of the areas to be provided for secure cycle storage and electric vehicle charging infrastructure shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the provision and long-term maintenance of adequate on-site space for cycle storage and infrastructure for charging electric vehicles in accordance with Suffolk Guidance for Parking.

11. No development above ground floor slab level shall take place until residents travel arrangements to and from the site, in the form of a Travel Plan, has been submitted to and approved in writing by the local planning authority, and in consultation with the highway authority.

The Travel Plan must contain the following:

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o Baseline travel data based upon the information provided in the Transport Assessment, with suitable measures, objectives and identified targets to reduce the vehicular trips made by residents across the whole development. Suitable remedial measures are to be identified and implemented if these objectives and targets are not met.

o Appointment of a Travel Plan Coordinator to implement the Travel Plan in full and clearly identify their contact details within the Travel Plan.

o A commitment to monitor the vehicular trips generated by the residents using traffic counters and resident questionnaires, and the submission of a revised (or full) Travel Plan on occupation of the 15th dwelling on Phase 2 (i.e., within the site boundary identified by DC/21/0671/FUL).

o A further commitment to monitor the Travel Plan annually on each anniversary of the approval of the full Travel Plan. The outcome of any revisions is to be submitted to and approved in writing by the local planning authority until five years has passed after occupation of the 15th dwelling (or one year after final occupation, whichever is the latter) on Phase 2 (i.e., within the site boundary identified by DC/21/0671/FUL), using the same methodology as the baseline monitoring.

o A suitable marketing strategy to ensure that all residents on the site are engaged in the Travel Plan process.

o A budget that covers the full implementation of the Travel Plan.

o A copy of a residents travel pack that includes a multi-modal voucher to incentivise residents to use sustainable travel in the local area.

Note: The Travel Plan and Resident Travel Pack should be produced in accordance with Suffolk County Council's Travel Plan Guidance (www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/information-for-developers), and in accordance with the Travel Plan comments included in the Suffolk County Council Highway response dated 29 March 2021.

Reason: In the interest of sustainable development as set out in the National Planning Policy Framework and relevant local planning authority policies.

12. No dwelling within the site shall be occupied until the Travel Plan has been agreed. The approved measures within the Travel Plan shall be implemented in accordance with an agreed timetable (included within the plan) and shall thereafter be adhered to in accordance with the approved plan.

Reason: In the interest of sustainable development as set out in the National Planning Policy Framework and relevant local planning authority policies.

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13. Not less than three months prior to the first occupation of any dwelling, the contents of a Residents Travel Pack shall be submitted to and approved in writing by the local planning authority, in consultation with the highways authority. It shall include walking, cycling and bus maps; latest relevant bus and rail timetable information; car sharing information, personalised travel planning; and a multi-modal travel voucher.

Within one month of first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack in accordance with the requirements in the Travel Plan (as agreed under Condition 11).

Reason: In the interest of sustainable development as set out in the National Planning Policy Framework, and relevant local planning authority policies.

14. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecology Assessment (by Hopkins Ecology, dated October 2018) and the 'Shadow' Habitats Regulations Assessment (by Hopkins Ecology, dated January 2019) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.

15. Prior to works above slab level, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority.

The strategy shall:

a. identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: To ensure that impacts on ecological receptors from external lighting are prevented.

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16. No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

17. Prior to commencement, a detailed Arboricultural Method Statement (in accordance with 'BS5837:2012 Trees in relation to design, demolition and construction - Recommendations') shall be submitted to and approved in writing by the local planning authority. The statement shall detail arboricultural auditing during construction works, appropriate low impact excavations in root, protection areas, and other tree protection measures.

No materials, plant or machinery shall be brought on to the site until full details showing the position of fencing to protect all trees and hedgerows, shown to be retained on the approved plan, have been submitted to and approved in writing by the local planning authority. The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity

18. Prior to commencement of development above floor slab level of Plots 154; 155; 163; 164; and 165, further details of boundary treatments shall be submitted to and agreed in writing by the local planning authority, and thereafter retained as such.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity, and in accordance with Policy WLP3.2.

19. Prior to commencement of development above floor slab level, further details of hard/soft landscaping relating to the green corridor shall be submitted to and agreed in writing by the local planning authority, and thereafter retained as such.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of amenity.

20. The approved landscaping scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of five years.

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Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

21. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

22. Development must be undertaken in accordance with Landscape Management Plan (by Aspect Landscape Planning, dated May 2021 - received 2 June 2021) as submitted with the planning application and agreed in principle with the local planning authority prior to determination. The development shall thereafter be carried out in accordance with the approved management plan.

Reason: To ensure the access drive and landscaping areas are properly maintained in the interest of visual amenity.

23. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) and surface water drainage strategy (originally dated July 2018, with Addendums dated December 2018, January 2019, December 2020 and a Technical Note dated 19 July 2021). 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.

24. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the local planning authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable

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Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.

25. No development shall commence until 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 and shall include:

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

- i. Temporary drainage systems
- ii. Measures for managing pollution/ water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan.

26. No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and lighting.

The plan should include, but not be limited to:

- o Arrangements for liaison with the Council's Environmental Protection Team;
- o Mitigation measures as defined in BS 5228: Parts 1 and 2: Noise and Vibration;
- o Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- o Procedures for the emergency deviation of the agreed working hours; and
- o Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air - borne pollutants.

Thereafter the development shall be conducted in accordance with the approved plan.

Reason: In the interests of residential amenity and to ensure that the development can be carried out safely without unacceptable risks to neighbours and other offsite receptors.

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27. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed Remediation Method Statement (RMS) has been submitted to, and approved in writing by, the local planning authority. The RMS must include, but is not limited to:

- o details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- o an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- o proposed remediation objectives and remediation criteria; and
- o proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019 and Land Contamination Risk Management.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28. Prior to any occupation or use of the approved development the Remediation Method Statement approved under Condition 27 must be completed in its entirety. The local planning authority must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

29. A validation report must be submitted to and approved in writing by the local planning authority prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- o results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- o evidence that the RMS approved under Condition 28 has been carried out competently, effectively and in its entirety; and
- o evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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The validation report must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, CIRIA C735 and Land Contamination Risk Management.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

30. In the event that contamination, which has not already been identified to the local planning authority, is found or suspected on the site it must be reported in writing immediately to the local planning authority. Unless agreed in writing by the local planning authority no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and Land Contamination Risk Management) and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority.

Where remediation is necessary a detailed Remediation Method Statement (RMS) must be prepared and is subject to the approval in writing of the local planning authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the local planning authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

31. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part 1 [all classes] and Part 2, Class A of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.

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Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment and the amenity of adjoining residents.

32. All windows serving bathrooms, en-suites and WC's 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.

33. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented in its entirety prior to the occupation of the building. It shall thereafter be retained and maintained in its improved form.

Reason: In the interests of the safety of the future occupants of the hereby approved development.

34. Prior to commencement of development, a detailed Sustainability and Energy Statement shall be submitted to and approved in writing by the local planning authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change.

Development shall be undertaken in accordance with the approved statement, unless otherwise approved in writing by the local planning authority.

Reason: To ensure a sustainable standard of design interest of addressing climate change to secure sustainable development in accordance with Policy WLP8.28 of the Waveney Local Plan (2019).

35. Prior to first occupation of the hereby approved development details of all the measures that have been completed as stated in the Sustainability and Energy Statement approved under Condition 34, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the finished development implements the approved sustainable measures to comply with Policy WLP8.28 of the East Suffolk Council - Waveney Local Plan (2019).

36. Prior to occupation, evidence of the energy performance and water efficiency standards shall be submitted to, and approved in writing by, the local planning authority.

The dwelling(s) within the hereby approved development must achieve the optional technical standard in terms of water efficiency of 110 litres/person/day in Policy WLP8.28 or any future document/policy replacing this, as measured in accordance with a methodology approved by Building Regulations Approved Document G.

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Reason: To ensure that the finished dwelling(s) comply with Policy WLP8.28 of the East Suffolk Council - Waveney Local Plan (2019) and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).

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. This consent is subject of a Section 106 Legal Agreement which must be adhered to.
3. The applicant is advised that the granting of planning permission for the hereby approved development does not override any other legislation, private access rights or land ownership issues which may exist. The onus rests with the owner of the property to ensure they comply with all the necessary legislation (e.g. building regulations and acts relating to environmental protection) and it is the applicants/developers responsibility to ensure that comply with all the necessary legislative requirements, and obtain all the necessary consents/permits.
4. 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/>.

5. 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.
6. 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 conditions(s) you will not be able to implement the planning permission & 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

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development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.

7. 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.

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. 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 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.
9. The Travel Plan and Resident Travel Pack should be produced in accordance with Suffolk County Council's Travel Plan Guidance.
10. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1-Part BS, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.
11. Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is

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not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies. We are working towards making Suffolk the Greenest County. This paper is 100% recycled and made using a chlorine free process. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter). Consultation should be made with the Water Authorities to determine flow rates in all cases.

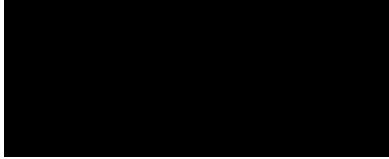
12. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter). Consultation should be made with the Water Authorities to determine flow rates in all cases. Should you need any further advice or information on access and firefighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.
13. Any works to a watercourse may require consent under Section 23 of the Land Drainage Act 1991. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003.
14. The applicant intends to discharge surface water to a watercourse within the watershed catchment of the East Suffolk Drainage Board's IDD. It is requested that this discharge is facilitated in line with the non-statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. It is recommended that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. The reason for this recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 163 of the National Planning Policy Framework).
15. It is an offence to deliberately capture, injure or kill any protected species (bats, slow worms, newts etc) or to damage or destroy a breeding or resting place. A licence may need to be obtained from Natural England before any work is commenced, including demolition work, site clearance, timber treatment etc.
16. It is recommended that a check of the buildings and vegetation for nesting birds is undertaken prior to work commencing. Nesting birds are protected by the Wildlife and Countryside Act (1981). It is therefore recommended that any works take place outside the nesting season. If birds are encountered advice should be sought from a suitably qualified ecologist on how best to proceed.

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17. Public utility apparatus may be affected by this proposal - the applicant must contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

Yours sincerely,



Philip Ridley BSc (Hons) MRTPI | Head of Planning & Coastal Management
East Suffolk Council

Date:

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Please note the content of the following pages in respect of the community infrastructure levy which may affect your development, Building Regulations and appeals against decisions.

Community Infrastructure Levy

East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended). For more information and CIL forms please see:

[About the Community Infrastructure Levy | Community Infrastructure Levy | Planning Portal](#)

[Community Infrastructure Levy \(CIL\) » East Suffolk Council](#)

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, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsoffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

Building Regulations

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

Appeals to the Secretary of State

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

- 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.

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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.
- 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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SCHEDULE 2

MODIFICATIONS TO ORIGINAL SECTION 106 AGREEMENT

1. Reference to “sixty five (65) Dwellings” in the definition of “Affordable Housing Units” in the Original Section 106 Agreement shall be amended to read “ *sixty nine (69) Dwellings*”
2. A new definition of “Bus Shelter Contribution” shall be inserted into the Original Section 106 Agreement as follows:

“Bus Shelter Contribution”	means the sum of £5,000 Index Linked from 18 March 2021 payable to and to be applied by the County Council solely towards the costs of the County Council providing a new bus shelter at the new bus stop by the east side of London Road, Beccles.
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3. The existing definition of “Development” in the Original Section 106 Agreement shall be deleted and replaced with the following definition:

“Development”	means the development of the Site for a total of 241 Dwellings including 69 Affordable Housing Units and 12 Self Build pursuant to the First Planning Permission (85 Dwellings to be built on Phase 1 of the Site) and the Second Planning Permission (156 Dwellings to be built on Phase 2 of the Site) together with public open space, roads, accesses, parking, garages, drainage and associated infrastructure.
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4. The words “ **and/or the Second Planning Permission**” shall be inserted immediately after the words “the Planning Permission” in the definitions of “Dwelling” and “Occupation” and “Occupied” in the Original Section 106 Agreement.
5. A new definition of “Additional RAMS Contribution shall be inserted into the Original Section 106 Agreement as follows:

“Additional RAMS Contribution”	the sum of four thousand one hundred and seventy five pounds and eighty six pence (£4,175.86) Index Linked from <i>4th February 2021</i> payable to the Council as a result of the net additional Dwellings permitted by the Second Permission towards the cost of mitigating the impact of additional visitors upon European
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	Protected Sites as a result of the Development pursuant to the RAMS.
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6. A new definition of “First Application” shall be inserted into the Original Section 106 Agreement as follows:

“First Application”	means the application for hybrid planning permission submitted to the Council for the Development of the Site and allocated reference number DC/18/4312/FUL.
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7. A new definition of “First Planning Permission” shall be inserted into the Original Section 106 Agreement:

“First Planning Permission”	means the hybrid planning permission subject to conditions for the Site granted by the Council on 26 November 2019 pursuant to the First Application.
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8. The existing definition of “New Pre-School Contribution” in the Original Section 106 shall be deleted and replaced with the following definition:

“New Pre-School Contribution”	means the sum of three hundred and ninety seven pounds and eighty six pounds (£397,086) Index Linked payable to and to be applied by the County Council solely towards the costs of a new pre-school at Beccles Primary Academy or in the event that such scheme cannot be delivered within such period as to reasonably serve the needs of the Development then such contribution shall be applied towards an alternate delivery of a new pre-school which will serve the needs of the Development.
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9. A new definition of “Phase 1” shall be inserted into the Original Section 106 Agreement as follows:

“Phase 1”	means that part of the Site shown edged blue on the Plan which has been constructed pursuant to the First Planning Permission.
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10. A new definition of "Phase 2" shall be inserted into the Original Section 106 Agreement as follows:

"Phase 2"	means that part of the Site shown edged red on the Plan to be constructed pursuant to the Second Permission.
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11. A new clause 2.8 shall be inserted into the Original Section 106 Agreement as follows:

2.8 References to "Planning Permission" in this Deed shall mean the First Planning Permission unless otherwise expressly stated

12. A new clause 2.9 shall be inserted into the Original Section 106 Agreement as follows:

2.9 References to "Application" in this Deed shall mean the First Application unless otherwise expressly stated

13. A new definition of "Second Application" shall be inserted into the Original Section 106 Agreement as follows:

"Second Application"	means the application for hybrid planning permission submitted to the Council and allocated reference number DC/ DC/21/0671/FUL.
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14. A new definition of "Second Permission" shall be inserted into the Original Section 106 Agreement as follows:

"Second Permission"	means the hybrid planning permission granted pursuant to the Second Application and the expression "Second Planning Permission" shall be construed accordingly.
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15. The definition of "Self Build Dwellings" in the Original Section 106 Agreement shall be deleted and replaced with the following definition:

"Self Build Dwellings"	means a total of twelve (12) Dwellings to be constructed on the Self Build Plots to be constructed substantially in accordance with the Self Build Design Code as annexed to Schedule 7 and to be provided pursuant to the Outline Permission.
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16. The definition of "Self Build Plots" in the Original Section 106 Agreement shall be deleted and replaced with the following definition:

"Self Build Plots"	means comprising nine (9) Self Build Private Plots and three (3) Self Build Discounted Plots and shown indicatively edged red and blue on the attached drawing BEC1 1000 Self Build Location Plan which are each to be secured as a "custom housebuilding" plot as defined in section 1(A1) of the Custom Build Act and upon which 9 Self Build Private Units and 3 Self Build Discounted Units shall be constructed upon.
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17. The definition of "Self Build Private Plots" in the Original Section 106 Agreement shall be deleted and replaced with the following definition:

"Self Build Private Plots"	means the nine (9) plots upon which the Self Build Private Units will be constructed on.
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18. The definition of "Self Build Private Units" in the Original Section 106 Agreement shall be deleted and replaced with the following definition:

"Self Build Private Units"	means nine (9) of the Self-Build Dwellings to be provided on the Self Build Private Plots as private dwellings and sold at an open market price.
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19. The definition of "Site" in the Original Section 106 Agreement shall be deleted and replaced with the following definition:

"Site"	means the land edged red in respect of the Second Planning Permission and the land edged blue in respect of the First Planning Permission against which this Deed may be enforceable.
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20. A new definition of "Travel Plan" shall be inserted into the Original Section 106 Agreement and shall read as follows:

"Travel Plan"	means the long term management strategy for the Development dated December 2018 and approved by the County Council on 29th November 2018 that seeks
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pursuant to Conditions 13; 14; and 15 of the First Permission (DC 18/4312/FUL) for Phase 1 and conditions 11 and 12 of the Second Permission (DC 21/0671/FUL) of Phase 1

	to deliver sustainable transport objectives that is regularly monitored, reviewed and updated.
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21. A new definition of "Travel Plan Evaluation and Support Contribution" shall be inserted into the Original Section 106 Agreement and shall read as follows:

"Travel Plan Evaluation and Support Contribution"	means the sum £1,000 per annum payable for a minimum of five years, or one year after final occupation of the final Dwelling constructed on the Site whichever is the later to be applied by the County Council towards the costs of overseeing and monitoring the Travel Plan.
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22. The words "**and/or the Second Planning Permission**" shall be inserted after the words "the Planning Permission" in clauses 7.9.1, 7.10, 7.11.1 and 7.11.2 of the Original Section 106 Agreement.
23. The words "**and/or the Second Planning Permission**" shall be inserted after the words "the Planning Permission" at paragraph 3.4 to Schedule 3 of the Original Section 106 Agreement.
24. Paragraph 1.7 to Schedule 3 of the Original Section 106 Agreement which commences with the words: "*The provisions of this paragraph 1 shall not be binding on a mortgagee or charge ...*" shall be corrected and renumbered as paragraph 1.9 to Schedule 3 of the Original Section 106 Agreement.
25. A new paragraph 1.10 to Schedule 3 of the Original Section 106 Agreement shall be inserted as follows:

1.10 The provisions of this paragraph 1 shall also not be binding on:

1.10.1 Any Protected Person;

1.10.2 Any Affordable Housing Unit where a Registered Provider sells to a tenant through Social Homebuy funded pursuant to section 19(3) of the Housing and Regeneration Act 2008, a voluntary grant scheme under section 21 of the Housing Act 1996 or any amendment or replacement thereof;

1.10.3 A 100% Staircaser (being a lessee under a Shared Ownership Lease who has exercised their right under that Shared Ownership Lease to purchase 100% of the equity of that Shared Ownership Dwelling);

1.10.4 Any mortgagee or chargee of any of the above or persons or bodies deriving title and their mortgagees and chargees.

26 A new paragraph 7 to Schedule 3 shall be inserted into the Original Section 106 Agreement and shall read as follows:

“7. BUS SHELTER CONTRIBUTION

7.1 The Owner covenants to pay the Bus Shelter Contribution to the County Council prior to the Occupation of any Market Housing Unit constructed on Phase 2;

7.2 The Owner shall not occupy or permit the occupation of any Market Housing Unit constructed on Phase 2 until the Bus Shelter Contribution has been paid to the County Council.”

27. A new paragraph 8 to Schedule 3 shall be inserted into the Original Section 106 Agreement and shall read as follows:

“8. TRAVEL PLAN EVALUATION AND SUPPORT CONTRIBUTION

8.1 The Owner covenants to pay the first instalment of the Travel Plan Evaluation and Support Contribution to the County Council within ten (10) Working Days from Occupation of the 100th Dwelling and thereafter to pay the Travel Plan Evaluation and Support Contribution on the anniversary of the date of the payment of the first Travel Plan Evaluation and Support Contribution for a period of 5 years or until the date of Occupation of the final Dwelling constructed as part of the Development whichever is the later;

8.2 The Owner shall not occupy or permit the occupation of any Market Housing Unit on Phase 2 until the first instalment of the Travel Plan Evaluation and Support Contribution has been paid to the County Council.”

28. A new paragraph 9 to Schedule 3 shall be inserted into the Original Section 106 Agreement and shall read as follows:

“9. ADDITIONAL RAMS CONTRIBUTION

9.1 The Owner covenants to pay the Additional RAMS Contribution to the Council prior to Commencement of the Second Planning Permission

29. The existing Affordable Housing Table at Schedule 4 shall be deleted and replaced with the following table:

SHARED OWNERSHIP DWELLINGS		
TYPE	NUMBER	PLOT
Phase 1		
1 bed 2 person apartment	4	42-45
2 bed 4 person house	3	24,40,41
3 bed 5 person house	9	23,25,37-39,46-49
Phase 2		
2 bed 4 person house	16	73,74,91-97,107,108,145-147,190,197
3 bed 5 person house	2	231,232
	34 plots	
AFFORDABLE RENTED UNITS		
Phase 1		
1 bed 2 person apartment	6	31-36
2 bed 4 person bungalow	4	56-59
Phase 2		
1 bed 2 person apartment	4	109,111,112,114
2 bed 3 person apartment	2	110,113
2 bed 3 person FOCP	2	193,194
2 bed 4 person house	11	191,192,195,196,104-106,115-118
3 bed 5 person house	4	204,205,229,230
4 bed 6 person house	2	75,76
	35 plots	

30. Paragraph 2 to Schedule 5 of the Original Section 106 Agreement shall be amended so that the words ***“the Bus Shelter Contribution and the Travel Plan Support and Evaluation Contribution”*** shall be inserted immediately after the words “Bus Stop Contribution”.
31. Paragraph 3.1 to Schedule 5 of the Original Section 106 Agreement shall be amended so that the words ***“or in the event that such scheme cannot be delivered within such period as to reasonably serve the needs of the Development then towards an alternative delivery of a new pre-school which will serve the needs of the Development”*** shall be inserted immediately after the words “solely towards the costs of providing a new pre-school at Beccles Primary Academy”.
32. The plan referred to in the definition of “Plan” in the Original Section 106 Agreement shall be deleted and replaced with the plan appended to this Deed as Appendix 1.
33. The plan HOPK1805327 PP 002 referred to in the definition of “Self Build Plots” shall be deleted and replaced with the plan appended to this Deed as Appendix 2.

Appendix 1
Replacement “Plan”



Site Location Plan
 11250



	
PLANNING	
Project Name:	
Project No.:	
Project Date:	
Project Status:	
Project Location:	
Project Area:	
Project Size:	
Project Cost:	
Project Manager:	
Project Engineer:	
Project Designer:	
Project Checker:	
Project Approver:	

Appendix 2

Replacement plan showing locations of Self Build Plots



-  Self Built PINK FHD
-  Self Built QUALIFIED FHD



PROJECT

NO. 1

DATE

2023

SCALE

1:1000

DATE

2023

SCALE

1:1000