

PART 2

THE COUNTY COUNCIL COVENANTS

Early Years Contribution

1. The County Council to use the Early Years Contribution for the provision of additional places and for new, improved or enhanced provision serving the Development.
2. The County Council shall if requested to do so in writing after the expiry of ten (10) years from first Occupation of the final Dwelling within a further period of one (1) year pay to any person such amount of the Early Years Contribution paid by that person in accordance with the provisions of this Deed which has not been committed or expended by the County Council in accordance with the provisions of this Deed, less any deduction for the County Council's reasonable administrative costs associated with holding administering and refunding any part of the Early Years Contribution, such payment to be made within twenty eight (28) Working Days of such request.

Primary Education Contribution

3. The County Council to use the Primary School Contribution for the provision of increased places and/or for new, improve or enhancements provisions serving the Development.
4. The County Council shall if requested to do so in writing after the expiry of ten (10) years from first (1st) Occupation of the final Dwelling within a further period of one (1) year pay to any person such amount of the Primary School Contribution paid by that person in accordance with the provisions of this Deed which has not been committed or expended by the County Council in accordance with the provisions of this Deed, less any deduction for the County Council's reasonable administrative costs associated with holding administering and refunding any part of the Primary School Contribution, such payment to be made within twenty eight (28) Working Days of such request.

Highways Contribution

5. The County Council to use the Highways Contribution to progress a scheme of Traffic Regulation Order(s) considering loading and unloading restrictions and waiting restrictions serving the Development.
6. The County Council shall if requested to do so in writing after the expiry of ten (10) years from first (1st) Occupation of the final Dwelling within a further period of one (1) year pay to any person such amount of the Highways Contribution paid by that person in accordance with the provisions of this Deed which has not been committed or expended by the County Council in accordance with the provisions of this Deed, less any deduction for the County Council's reasonable administrative costs associated with holding administering and refunding any part of the Highways Contribution, such payment to be made within twenty eight (28) Working Days of such request.

Library Contribution

7. The County Council to use the Library Contribution for the provision of improving library facilities serving the Development including additional items of lending stock and equipment.
8. The County Council shall if requested to do so in writing after the expiry of ten (10) years from first (1st) Occupation of the final Dwelling within a further period of one (1) year pay to any person such amount of Library Contribution paid by that person in accordance with the provisions of this Deed which has not been committed or expended by the County Council in accordance with the provisions of this Deed, less any deduction for the County Council's reasonable administrative costs associated with holding administering and refunding any part of the Library Contribution, such payment to be made within twenty eight (28) Working Days of such request.

Annex

Draft planning permission

DRAFT

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



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

Agent for:
Maybush Developments Ltd

Application Reference: IP/19/00369/FUL

GRANT OF FULL PLANNING PERMISSION

Ipswich Borough Council, as local planning authority, hereby **GRANT** Full Planning Permission for:

Demolition of single-storey extension to former Defiance PH. Re-ordering of premises to provide two flats. Erection of buildings on land behind Defiance PH containing 29 flats.

at: Former Defiance Public House 22 Stoke Street Ipswich Suffolk IP2 8BX

in accordance with your application reference: IP/19/00369/FUL received 12.04.2019.

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

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

1. The hereby-approved development shall be carried out in accordance with the following approved drawings:- Drawing no's 3637 - 0110 Rev P04, - 0111 Rev P04, - 0310 Rev P02, -0311 Rev P01, -0320 Rev P02, -0400 Rev P02, - 0401 Rev P02, - 0402 Rev P03, - 0403 Rev P02, - 0404 Rev P02.
2. Before work on external elevations of the hereby-approved development commence, details of external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
3. Before any foundations associated with the hereby-approved development are constructed details of site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
4. Before the commencement of groundworks associated with the hereby-approved development the following details shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be provided before first occupation, made available for use in connection with the development and retained thereafter:-

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

12. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
13. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
15. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
16. The hereby-approved development shall only be carried out in accordance with the submitted Biodiversity Assessment, Energy Statement and Water Statement submitted with the application unless otherwise approved in writing with the Local Planning Authority.
17. Before commencement of internal layout works within Blocks 1 and 2, details of refuge areas and flood resistance and resilience measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
18. The finished floor level on the ground floor within Blocks 1 and 2 hereby-approved shall be no lower than 4.5 metres AOD.
19. No groundworks shall until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation

Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7.

15. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.
16. In the interests of biodiversity and to ensure a sustainable form of development.
17. and 18. To safeguard against the risk of flooding.
19. and 20. 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.
21. To ensure a high standard of development.

INFORMATIVES

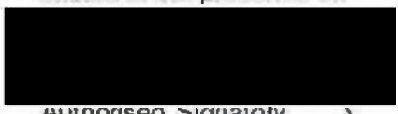
1. You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Ipswich Borough Council on email: building.control@ipswich.gov.uk or on telephone number: 01473 432951.
2. Many species of plant and animal in England, and their habitats, are protected by law. You are breaking the law if you capture, kill, disturb or injure a European protected species (on purpose or by not taking enough care); damage or destroy a breeding or resting place (even accidentally); obstruct access to their resting or sheltering places (on purpose or by not taking enough care); possess, sell, control or transport live or dead individuals, or parts of them. For further information and guidance you are advised to speak to Natural England at www.gov.uk or by telephone on 0300 060 6000.
3. There is a planning fee payable for applications in writing to discharge planning permission conditions. Forms for applications to discharge conditions are available from the Council's website.
4. The Council recommends the installation of an appropriate sprinkler system within the development.
5. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.
6. In accordance with The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016, Schedule 25, Part 1, these works may require a Flood Risk Activity Permit if the applicant wants to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The River Gipping, is designated a 'main river'.
7. It is an OFFENCE to carry out any 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. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The

earlier.

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

In making this decision the Council has positively addressed the National Planning Policy Framework 2019.

THE COMMON SEAL OF IPSWICH)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:)



Authorised Signatory
(M J FORD)



Authorised Signatory
CLARE DAWSON-DALYEN



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



Authorised Signatory



EXECUTED AS A DEED BY)
MAYBUSH DEVELOPMENTS LTD)

acting by a Director (MICHAEL)
SINABRE)

In the presence of:)



Witness signature

Witness name

Witness address:



Annex E
First Variation

DATED

9 MAY

2023

(1) **Ipswich Borough Council**

(2) **Suffolk County Council**

(3) **M and M Management Ltd**

and

(4) **Rental Properties Ltd**

Deed of Variation to a Section 106 Agreement dated 08 August 2020

Under section 106 of the Town and Country Planning Act 1990

relating to the development of land/buildings at 22 Stoke Street, Ipswich IP2 8BX and to the rear of 14-22 Stoke Street, Ipswich (ref IP/22/00324)

THIS DEED OF VARIATION is made the 9th day of May 2023

BETWEEN

- (1) **IPSWICH BOROUGH COUNCIL** of Grafton House, 15-17 Russell Road, Ipswich, Suffolk, IP1 2DE ("the **Borough Council**")
- (2) **SUFFOLK COUNTY COUNCIL** of Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX ("the **County Council**")
- (3) **M AND M MANAGEMENT LTD** (Company registration number 03741694) whose registered office is at 170 Colchester Road, Ipswich, IP4 4RS ("the **First Owner**")
- (4) **RENTAL PROPERTIES LTD** (Company registration number 10755979) whose registered office is at 629 Foxhall Road, Ipswich, IP3 8NE ("the **Second Owner**")

WHEREAS:-

- (A) The Borough Council and the County Council are the local planning authorities for the purposes of the Town and Country Planning Act 1990 (the 1990 Act) for the area in which the Application Site is situated and by whom the obligations contained in this Deed are enforceable,
- (B) The County Council is also the local highway authority (except for trunk roads) for the area within which the Application Site is situated.
- (C) The First Owner is now the freehold owner of the Whole Site, having purchased the Whole Site from the Original Developer on 30 June 2021.
- (D) The Second Owner is now the freehold owner of the Application Site having purchased the Application Site from the Original Developer on 30 June 2021.
- (E) The Borough Council the County Council and the Original Developer entered the Principal Agreement pursuant to Section 106 of the 1990 Act and other enabling powers.
- (F) The Second Owner has submitted the Second Planning Application to Ipswich Borough Council for permission to develop the Application Site in the manner and for the use set out in the Second Planning Application.
- (G) The Borough Council in accordance with powers delegated to officers has resolved to grant the Second Planning Permission subject to completion of this Deed.

NOW THIS DEED WITNESSETH as follows:-

1. DEFINITIONS AND INTERPRETATION

1.1 The provisions of the Principal Agreement apply to this Deed except to the extent that they are expressly supplemented and varied by this Deed

1.1 The definitions and rules of interpretation in this clause apply in this deed.

1.2 All words and phrases defined in the Principal Agreement shall have the same meaning in this deed save where the context otherwise dictates.

1.3 In this deed the following expression shall have the following meaning:

Application Site: that part of the Property known as 22 Stoke Street, Ipswich and registered at the Land Registry with title number SK409694 as edged red on the plan attached to this Deed at Annex A with reference "A 12,530"

Original Developer: Maybush Developments Limited

Principal Agreement: the agreement made under section 106 of the TCPA 1990 dated 6 August 2020 between Ipswich Borough Council (1) Suffolk County Council (2) and Maybush Developments Ltd (3) attached to this Deed at Annex B.

Whole Site: means the property known as 22 Stoke Street and land to the rear of 14-22 Stoke Street, Ipswich and registered at the Land Registry with title number SK261341 as more particularly described in the Principal Agreement including that part now registered with title number SK409693.

1.4 All references in this deed to clauses in the Principal Agreement are to clauses within the Principal Agreement.

1.5 Clause headings shall not affect the interpretation of this deed.

1.6 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).

1.7 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.

1.8 Unless the context otherwise requires, words in the singular include the plural and in the plural shall include the singular.

1.9 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

1.10 A reference to any party shall include that party's personal representatives, successors or permitted assigns and in the case of the Council the successors to its respective statutory functions.