

DATED 29 April

2024

Deed of variation

to a section 106 Agreement dated
13 May 2022 relating to land at
Grafton Way, Ipswich

- (1) Ipswich Borough Council
- (2) Suffolk County Council
- (3) SHR Ipswich Limited
- (4) Plutos (Ipswich) Limited
- (5) GHIL (Ipswich) Developments Limited

This Deed of Agreement and Deed Of Variation is made on 29th April 2024

Between

- 1 **Ipswich Borough Council** of Grafton House, 15-17 Russell Road, Ipswich IP1 2DE (the **Council**);
- 2 **Suffolk County Council** of Endeavour House, 8 Russell Rd, Ipswich, Suffolk IP1 2BX (the **County Council**);
- 3 **SHR Ipswich Limited** a company incorporated in England and Wales (company number 14068191) whose registered office is at 80 Fenchurch Street, London, United Kingdom EC3M 4AE (the **First Owner**);
- 4 **Plutus (Ipswich) Limited** a company incorporated in England and Wales (company number 10209541) who registered office is at 3rd Floor Sterling House, Langston Road, Loughton, Essex IG10 3TS (the **Second Owner**); and
- 5 **GHL (Ipswich) Developments Limited** (company number 07681831) a company incorporated in England and Wales whose registered office is 3rd Floor, Sterling House, Langston Road, Loughton, Essex, United Kingdom IG10 3TS (the **Developer**).

Background

- (A) For the purposes of the 1990 Act, the Council is the local planning authority for the area within which the Property is located and the local planning authority entitled to enforce the obligations contained in this Deed.
- (B) The County Council is the county planning authority and is also the highway authority for the area.
- (C) The First Owner is the freehold owner with title absolute of the that part of the Property registered at the Land Registry under title number SK423422 and leasehold owner of that part of the Property with title absolute registered at HM Land Registry under title number SK331119 free from encumbrances that would prevent the First Owner from entering into this Deed.
- (D) The Second Owner is the freehold owner with title absolute of that part of the Property registered at HM Land Registry under title number SK331116 free from encumbrances that would prevent the Second Owner from entering into this Deed.
- (E) The Developer has an interest in the Property.
- (F) On 13 May 2022 the Council issued the Planning Permission with reference 19/00148/OUT. The Council entered into the Section 106 Agreement dated 13 May 2022.
- (G) The Developer submitted the Section 73 Application to the Council.
- (H) The Council has resolved to grant the Section 73 Permission subject to the First Owner and the Second Owner entering into this Deed to link the Section 73 Permission to the Section 106 Agreement.
- (I) The Parties hereto have further agreed to enter in this Deed to create planning obligations pursuant to Section 106 of the 1990 Act and to amend the Section 106 Agreement on the terms set out herein.

It is agreed as follows:

1 **interpretation**

This Deed uses the following defined terms:

Parties: collectively the Council, the County Council, the First Owner and the Second Owner.

Section 106 Agreement: the planning obligation entered into pursuant to section 106 of the 1990 Act dated 13 May 2022 between the Ipswich Borough Council (1) Suffolk County Council (2) Plutus (Ipswich) Limited (3) and Reflex Bridging Limited (4).

Section 73 Application: the application for planning permission to vary condition 4 from the Planning Permission, the application being received by the Council on 10 June 2022 and validated with reference number IP/22/00523/VC.

Section 73 Permission: the planning permission to be granted by the Council pursuant to the Section 73 Application.

2 **Effect of this Deed**

2.1 This Deed is made pursuant to Sections 106 and 106A of the 1990 Act, section 111 of the Local Government Act 1972, section 1 of the Localism Act 2011 and any other enabling powers and creates planning obligations for the purposes of Section 106 of the 1990 Act enforceable by the Council and by the County Council as Local Planning Authorities.

2.2 All words and phrases defined in the Section 106 Agreement shall have the same meaning in this Deed save where varied by this Deed.

2.3 In all other respects the Section 106 Agreement as varied by this Deed shall remain in full force and effect.

3 **Planning obligations and variation of Section 106 agreement**

The parties agree to vary the Section 106 Agreement as follows:

3.1 The following definitions shall be included in clause 1 of the Section 106 Agreement:

Section 73 Application: the application for planning permission to vary condition 4 of the Permission, the application being received by the Council on 10 June 2022 and validated with reference number IP/22/00523/VC.

Section 73 Permission: the planning permission to be granted by the Council pursuant to the Section 73 Application.

3.2 The definition of **Development** at clause 1 of the Section 106 Agreement shall be deleted and replaced with the following:

Development: use of the Property in pursuance of and as permitted by the Permission and/or use of the Property in pursuance of and as permitted by the Section 73 Permission.

3.3 Clause 32 of the Section 106 Agreement shall be deleted and replaced with the following clause:

“32. *In the event that any new planning permission is granted in respect of the Development pursuant to section 73 of the 1990 Act;*

the obligations in this Deed shall (in addition to continuing to bind the Property in respect of the Planning Permission) relate to and bind the Property in respect of any planning permission granted pursuant to section 73 of the 1990 Act; and

the definitions of Application, Development and Permission in this Deed shall be construed to include references to any applications under section 73 of the 1990 Act, the planning permission(s) granted thereunder and the development permitted by such subsequent planning permission(s).”

3.4 Clause 25 of the Section 106 Agreement shall be deleted and replaced with the following wording:

"3.4.1 The obligations in this Deed shall not be enforceable against any statutory undertaker which has an interest in any part of the Property for the purpose of its undertaking."

3.5 The Appendix to this Deed shall be inserted as Annex 2 to the Section 106 Agreement.

4 Registration

4.1 This Deed shall be registered as a Local Land Charge by the Council pursuant to Section 106(11) of the 1990 Act.

4.2 Upon receipt of a written request to the Council to confirm which obligations in the Section 106 Agreement and this Deed have been discharged the Council will issue a letter of release and will place notes against the Local Land Charges Register entries relating to the Section 106 Agreement and this Deed stating which obligations of the Section 106 Agreement and this Deed no longer have effect.

4.3 A copy of this Deed shall also be placed on the Council's planning register.

5 Costs of This Deed

5.1 Upon completion of this Deed the First Owner and/or Second Owner and/or Developer shall pay to the Council its reasonable and proper legal costs up to a maximum of one thousand pounds (£1,000) in connection with the preparation, negotiation and completion of this Deed.

5.2 Upon completion of this Deed the First Owner and/or Second Owner and/or Developer shall pay to the County Council its reasonable legal costs incurred in connection with the preparation, negotiation and completion of this Deed.

6 Miscellaneous

6.1 This Deed is governed and interpreted in accordance with the laws of England.

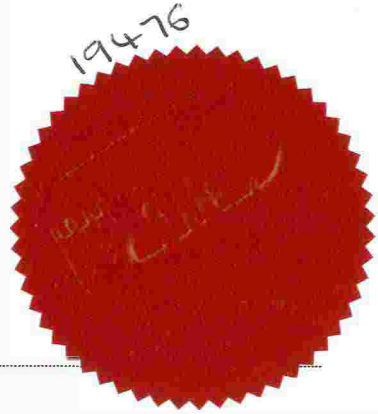
6.2 The provisions of the Contracts (Rights of Third Parties) Act 1999 shall not apply to this deed.

6.3 This Deed does not release any party to it from any breaches of the Section 106 Agreement existing at the date of this Deed save where variations contained in this Deed remove the obligations of which the party is in breach.

7 Execution

The parties have executed this agreement as a Deed and it is delivered on the date set out above.

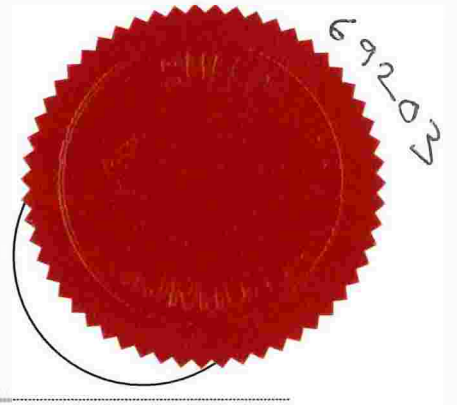
The common seal of Ipswich Borough Council was affixed to this Deed in the presence of::



LAURA HEMMINGGS

Authorised signatory

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



Authorised signatory

*Shoosmiths
LLP*

17/04 (JCC)

Plutus (Ipswich)

Executed as a deed by **SHR-Ipswich Limited** acting by a director in the presence of:

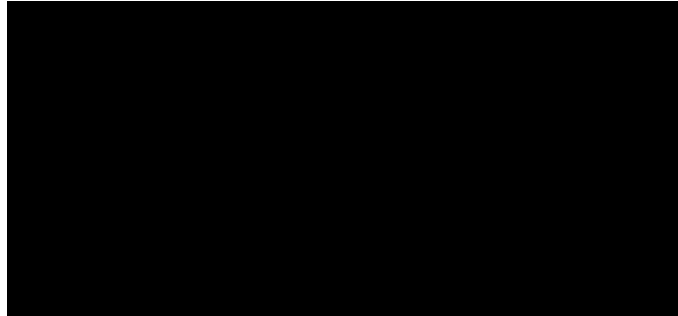


GARY CONWAY /

Signature of witness:

Name (in BLOCK CAPITALS):

Address:



Executed as a deed by **GHL (Ipswich) Developments Limited** acting by a director in the presence of:



GARY CONWAY /

Signature of witness:

Name (in BLOCK CAPITALS):

Address:



[Redacted] (SCC)

*Shoosmuus
UP*

SHR Ipswich

Executed as a deed by ~~Plutus (Ipswich)~~
Limited acting by a director in the
presence of:

[Redacted Signature]

Director

RACHEL SIMS

Signature of witness:

[Redacted Signature]

Name (in BLOCK CAPITALS):

Address:

Kat Pozniak
Document Services Lead
Aviva Investors
80 Fenchurch Street
London EC3M 4A E

Appendix 1
Annex 2

Variation of condition 4 attached to planning permission 19/00148/OUT.

A draft of the decision notice in respect of the said Section 73 Permission is attached hereto.

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



IPSWICH
BOROUGH COUNCIL

To: Mr Lloyd Adams
GHL (Ipswich) Developments Ltd
3rd Floor Sterling House
Langston Road
Loughton
IG10 3TS

Agent for:
GHL (Ipswich) Developments Limited

Application Reference: IP/22/00523/VC

VARIATION OF CONDITIONS ATTACHED TO PLANNING PERMISSION

Ipswich Borough Council, as local planning authority, hereby **GRANT** approval for:

Variation of condition 4 of planning permission 19/00148/OUT to read 'All sleeping accommodation within the hereby approved development shall be at least 4.34 metres AOD' in place of 'Habitable rooms within the hereby-approved development shall be at least 3.7 metres AOD'

at: Redevelopment Site Grafton Way Ipswich Suffolk

in accordance with your application reference: IP/22/00523/VC received 09.06.2022.

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 **XXXXXXXXXX**, which is three years from the beginning of the date of the original notice.

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

1. Approval of the details of appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of the reserved matters shall be submitted in writing to the Local Planning Authority and the development shall be carried out as approved.
2. In relation to layout and scale, the hereby-approved development shall be in accordance with the following approved drawings unless as otherwise required pursuant to requirements of any succeeding condition:- Drawing no's:- 1566-P101-B, -P102-A, -P103-A, -P105, -P106, -P107, -P108, -P109, -P110.
3. None of the hereby-approved dwellings or commercial units shall be first occupied or brought into use until the following details have been submitted to and approved in writing by the Local Planning Authority. No dwelling or commercial unit shall be first occupied or brought into use until the works/detail approved in relation to that dwelling/unit have been provided in their entirety and where necessary made available for use. The approved works shall be retained thereafter:-
 - i. secure cycle parking,
 - ii. fire hydrants,

- iii. refuse/recycle storage and means of collection,
 - iv. blue badge holder parking,
 - v. electric vehicle recharging infrastructure,
 - vi. noise mitigation (for dwellings only),
 - vii. boundary treatments,
 - viii. lighting,
 - ix. flood resistance and resilience measures,
 - x. safe refuge (for dwellings only),
 - xi. 15% of energy requirements within dwellings from decentralised and renewable or low-carbon sources and
 - xii. measures to promote biodiversity.
4. All sleeping accommodation within the hereby approved development shall be at least 4.34 metres AOD.
 5. None of the hereby-approved dwellings or commercial units shall be first occupied or brought into use until a detailed plan with regard to the management and maintenance of areas open to members of the public, including pathways (cycle and footway), vehicular areas, communal gardens and public realm, has been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be managed/maintained in accordance with the approved management and maintenance details.
 6. None of the hereby-approved dwellings shall be first occupied until a flood evacuation plan has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved plan is operational.
 7. No development shall be commenced until details of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the approved Flood Risk Assessment and include:
 - a. Dimensioned plans and drawings of the surface water drainage scheme;
 - b. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
 - c. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
 - d. Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
 - e. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
 - i. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
 1. Temporary drainage systems
 2. Measures for managing pollution/ water quality and protecting controlled waters and watercourses
 3. Measures for managing any on or offsite flood risk associated with construction
 - f. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented as approved.
 8. Construction of the development shall not be carried out other than in accordance with the Construction Management Plan approved pursuant to condition 8 of planning permission IP/19/00148/OUT (condition application reference no. IP/22/00430/CON).

9. Within one month of first occupation, at least one electric car club vehicle shall be based on the site and made available for use by occupants of the development. Prior to occupation of the 50th dwelling, a second car club car shall be based on the site and made available for use by occupants. Thereafter, a minimum of two car club cars, at least 50% of which shall be electric, shall be based on the site and made available for use by occupants for a minimum of five years.
10. Prior to the occupation of any dwelling details of the travel arrangements to and from the site for residents of the dwellings, in the form of a Travel Plan in accordance with the mitigation measures identified in the submitted Transport Assessment (dated November 2018) shall be submitted for the approval in writing by the Local Planning Authority. This Travel Plan must contain the following:
 - i. Baseline travel data based upon the information provided in the Transport Assessment, with suitable measures, objectives and targets identified targets to reduce the vehicular trips made by residents across the whole development, with suitable remedial measures identified to be implemented if these objectives and targets are not met
 - ii. Appointment of a suitably qualified Travel Plan Coordinator to implement the Travel Plan in full and clearly identify their contact details in the Travel Plan
 - iii. A commitment to monitor the vehicular trips generated by the residents and submit a revised (or Full) Travel Plan on occupation of the 100th dwelling
 - iv. A further commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority until five years has passed after occupation of the final dwelling, or one year after occupation of the final dwelling (whichever is the longest duration) using the same methodology as the baseline monitoring
 - v. A suitable marketing strategy to ensure that all residents on the site are engaged in the Travel Plan process
 - vi. A Travel Plan budget that covers the full implementation of the Travel Plan
 - vii. A copy of a residents travel pack that includes a multi-modal voucher to incentivise residents to use sustainable travel in the local area
 - viii. No dwelling within the site shall be occupied until the Travel Plan has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter adhered to in accordance with the approved Travel Plan.
11. Following completion of measures identified in the remediation scheme approved pursuant to condition 11 of planning permission IP/19/00148/OUT (condition application reference no. IP/22/00431/CON) a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority before any dwelling hereby-approved is first occupied.
12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
13. The hereby-approved dwellings shall be constructed so that the development meets an energy/CO2 standard of at least 19% improvement in dwelling emission rate over Target Emission Rate (TER), as determined by the 2013 Building Regulation Standards, and a water usage standard of no more than 110 litres per person per day (or in the case that the achievement of these standards are demonstrated not to be feasible or viable a lesser standard level as may be agreed in writing with the Local Planning Authority). Prior to first occupation of the hereby-approved dwellings, certification of compliance with these standards shall be submitted to and approved by the Local Planning Authority.

14. No dwelling shall be first occupied and no commercial unit shall be brought into use until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under condition 14 of planning permission IP/19/00148/OUT (condition application reference no. IP/22/00432/CON) and the provision made for analysis, publication and dissemination of results and archive deposition.
15. No development shall be commenced until details of the vehicular accesses, including visibility splays and means to prevent discharge of surface water from the development onto the public highway (notwithstanding submitted details), have been submitted to and approved in writing by the Local Planning Authority. No dwelling or commercial unit shall be first occupied or brought into use until the approved accesses have been carried out in their entirety or in accordance with an agreed phasing plan.
16. No development shall be commenced until details of the vehicular areas, including loading, unloading, manoeuvring and parking space, including provision for cars, power two wheel vehicles, disabled motorists and designated car club spaces, have been submitted to and approved in writing by the Local Planning Authority. No dwelling or commercial unit shall be first occupied or brought into use until the approved vehicular areas have been provided in relation to that dwelling/unit.
17. No development shall be commenced until details of the Bridge Street to Princes Street footpath/cyclepath link, including surfacing, seating, lighting, handrail, litter bins, gradients, signage, stairs, other public realm works, have been submitted to and approved in writing by the Local Planning Authority. No dwelling or commercial unit shall be first occupied or brought into use until the approved works have been provided in their entirety (except for the Princes Street connection) and made available for use. The footpath/cyclepath link shall thereafter be made available as a publicly accessible route at all times, other than for reasonable maintenance and/or repair.
18. No development shall be commenced until details of a resurfaced 2 metre wide footpath along Grafton Way/Commercial Road, for the length of the site, have been submitted to and approved in writing by the Local Planning Authority. No dwelling or commercial unit shall be first occupied or brought into use until the approved footpath has been provided in its entirety or in accordance with an agreed phasing plan.
19. The hereby-approved commercial units shall not be amalgamated and subsequently brought into use as a shop use.
20. Notwithstanding the details submitted with the application, none of the hereby-approved commercial floorspace shall be used as hot food takeaway.
21. Notwithstanding the provisions of Schedule 2, Part 1 Classes A, B, D, E, F, G, H and Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) there shall be no enlargement, improvement or other alteration, additions to the roof or erection or construction of a porch, no provision of buildings etc or hard surfaces incidental to the enjoyment of a dwellinghouse, no chimneys, flues or microwave antenna installed, nor the erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure with respect of the hereby-approved dwellinghouses.
22. All of the hereby-approved dwellings shall meet the Technical housing standards - nationally described space standard (Department for Communities and Local Government, March 2015).
23. The development shall be carried out in accordance with the garage details approved pursuant to condition 24 of planning permission IP/19/00148/OUT (condition application reference no. IP/22/00603/CON) and any approved garages shall be retained and allow sufficient space for the parking of a car therein.

24. Before the demountable ramp and stairs are installed details shall be submitted to and approved in writing by the Local Planning Authority as to how the parapet adjacent to Princes Street is temporarily made good in the event of the ramp and stairs being removed. Thereafter the demountable ramp and stairs shall only be removed in accordance with the approved details.
25. On first occupation of the 150th dwelling details of all Sustainable Urban Drainage System components and piped networks shall be submitted to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
26. Prior to the construction above damp proof course, details of on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the foul water drainage works relating to that dwelling have been carried out.
27. No more than 25 of the hereby-approved dwellings shall be commenced until details of the Princes Street connection, forming part of the Bridge Street to Princes Street footpath/cyclepath link, together with any works required within the highway, have been submitted to and approved in writing by the Local Planning Authority. The 75th dwelling hereby approved shall not be first occupied until the connection has been provided in its entirety, in full accordance with any details approved in writing by the Local Planning Authority pursuant to this condition. The connection shall thereafter be made available for use as a publicly accessible route at all times, other than for reasonable maintenance and/or repair.

The reasons for the above condition(s) are as follows:-

1. In the interests of proper planning and to ensure a high standard of development.
2. To identify the approved drawings with regard to layout and scale.
3. To ensure a high standard of development, ensure sustainable modes of travel, public safety, amenity, biodiversity and having regard to flood risk.
4. To ensure safety having regard to flood risk.
5. To ensure a high standard of development, public amenity and to mitigate against the potential for crime and anti-social behaviour.
6. To ensure safety having regard to flood risk.
7. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.
8. In the interests of highway safety and the amenity of the area. These details relate to construction work so cannot be considered after commencement.
9. In the interests of sustainable development and to mitigate the impact on off-site parking.
10. In the interest of sustainable development.
11. & 12. 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.

13. To promote sustainable development.
14. 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.
15. In the interests of highway safety. These aspects of the development are fundamental to the layout and must be considered at an early stage and prior to commencement.
16. 17 & 18. To ensure a high standard of development, in the interests of highway safety and to promote sustainable modes of travel. These aspects of the development are fundamental to the layout and must be considered at an early stage and prior to commencement as without them development would not be sustainable or of a high standard.
19. To safeguard the vitality and viability of existing centres against additional shop floorspace that would exceed 200m².
20. In the interests of amenity and the appearance of the adjacent public realm works.
21. To ensure a high standard of development and to safeguard the key principles of the development that may be eroded by permitted development rights that would be inappropriate for the proposed layout and the need to ensure natural surveillance of communal gardens and other public areas.
22. To ensure a high standard of amenity.
23. To ensure that garages are sufficient for the parking of a car and to ensure appropriate parking across the development. These matters are fundamental to the precise layout of the development and must be considered before commencement.
24. To ensure public and highway safety and visual amenity at all times.
25. To ensure all flood risk assets and their owners are recorded onto the Lead Local Flood Authority statutory flood risk asset register as per Section 21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.
26. In the interests of the environment and public amenity.
27. In the interests of highway safety and to promote sustainable modes of travel.

INFORMATIVES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. This application is the subject of a legal agreement (Section 106) and this decision should only be read in conjunction with this agreement.
3. 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.

4. 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.
5. There is now 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.
6. The Council and Suffolk Fire and Rescue recommend the installation of an appropriate sprinkler system within the development.
7. It is recommended that the submitted scheme of archaeological investigation (conditions 14 and 15) be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.
8. Section 153 of the Highways Act 1980 makes it an OFFENCE to put up doors, windows or gates that open out over the highway.
9. The Highway Authority advise that the applicant must contact the Street Lighting Engineer of Suffolk County Council, in order to agree any necessary alterations/additions to be carried out at the expense of the developer.
10. Hedges and shrubs should be planted far enough away from the public highway so that they can mature without impacting on the public highway. Section 154 Highways Act 1980 empowers the Highway Authority to cut or fell trees, hedges etc that cause danger, obstruction or interference with use of the highway.
11. Suffolk County Council's highway apparatus appears to be affected by this proposal.
12. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The developer will 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 unless they are delivered by the County Council with funded through a S106 obligation. Amongst other things the S278 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.
13. Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.
14. 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)
15. The 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)
16. The employee cycle storage shall be in a lockable facility away from public access to

maximise the uptake in cycling among employees.

17. Please note the advice from Suffolk Fire and Rescue.
18. Advice from Anglian Water:-
 - i. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
 - ii. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter.
 - iii. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
 - iv. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity.
 - v. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
19. The applicant may need an environmental permit for flood risk activities if they want 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'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.
20. The Lead Local Flood Authority advise that:-
 - i. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
 - ii. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
 - iii. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be is subject to payment of a surface water developer contribution
 - iv. Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act 1991
21. For the avoidance of doubt, commencement with regard to the above conditions does not include initial investigative works relating to contaminated land or archaeology.

Summary of Development Plan policies and proposals relevant to this decision: -

1. Ipswich Local Plan, incorporating the Core Strategy and Policies Development Plan Document (DPD) Review, and the Site Allocations and Policies (Incorporating IP-One Area Action Plan (AAP)) DPD Review (2022)

CS1 'Sustainable Development', CS2 'The Location and Nature of Development', CS5 'Improving Accessibility', CS7 'The Amount of Housing Required', CS12 'Affordable Housing', CS17 'Delivering Infrastructure', DM1 'Sustainable Design and Construction', DM3 'Air Quality', DM4 'Development and Flood Risk', DM6 'Provision of New Open Spaces, Sports and Recreation Facilities', DM7 'Provision of Private Outdoor Amenity Space in New and Existing Developments', DM8 'The Natural Environment', DM9 'Protection of Trees and Hedgerows', DM10 'Green and Blue Corridors', DM12 'Design and

Character', DM13 'Built Heritage and Conservation', DM14 'Archaeology', DM18 'Amenity', DM21 'Transport and Access in New Developments', DM22 'Car and Cycle Parking in New Development', DM23 'The Density of Residential Development', DM31 'Town Centre Uses Outside the Central Shopping Area', DM32 'Retail Proposals Outside Defined Centres', DM34 'Delivery and Expansion of Digital Communications Networks'

SP1 'The Protection of Allocated Sites', SP44 'Land at Commercial Road, IP047'

2. Other Planning Guidance

Space and Design Guidelines SPD (2015)

Suffolk Guidance for Parking - Technical Guidance (2019)

DCLG Technical housing standards - nationally described space standard (2015)

Cycling Strategy SPD (2016)

Ipswich Urban Character Study SPD

Development and Archaeology SPD (2018)

Development and Flood Risk SPD (2016)

Recreational Avoidance and Mitigation Strategy (RAMS) SPD (2020)

Public Open Space SPD (2017)

Low Emissions SPD (2022)

Dated:

Signed:

James Mann MRTPI
Head of Planning and Development
Grafton House
15-17 Russell Road
Ipswich IP1 2DE

SEE NOTES BELOW/OVERLEAF

N.B. This is not an approval under the Building Regulations; Approval under those regulations may also be required.

NOTES

1. If you are aggrieved by the decision of your Local Planning Authority to refuse permission or approval 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.
2. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an Enforcement Notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
3. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within; 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
4. Notice of appeal relating to Advertising Consent must be served within 8 weeks of the date of this decision notice. Appeal notices, relating to refusal, for Householder and Minor Commercial applications must be served within 12 weeks. In all other cases, the notice of appeal must be served within 6 months. Definition of a Minor Commercial application can be found here: <https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england>
5. Appeals can be made online at www.gov.uk/planning-inspectorate Alternatively, a paper appeal form can be requested by calling the Planning Inspectorate on 0303 444 5000.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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 I 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 2023.