

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.

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ

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.

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ

THIRD SCHEDULE
The Developer Covenants with the Council

1. DEFINITIONS

"Additional First Homes Contribution"

means in circumstances where a sale of a First Home other than as a First Home has taken place in accordance with clause 16, or 2.21 or 2.22 of this Schedule, the lower of the following two amounts:

- (a) 30% of the proceeds of sale; and
- (b) the proceeds of sale less the amount due and outstanding to any Mortgagee of the relevant First Home under relevant security documentation which for this purpose shall include all accrued principal monies, interest and reasonable costs and expenses that are payable by the First Homes Owner to the Mortgagee under the terms of any mortgage but for the avoidance of doubt shall not include other costs or expenses incurred by the First Homes Owner in connection with the sale of the First Home

and which for the avoidance of doubt shall in each case be paid following the deduction of any SDLT payable by the First Homes Owner as a result of the disposal of the First Home other than as a First Home.

"Affordable Dwellings"

Means 20 Dwellings to be made available as Affordable Housing comprising of:

- i). 10 x Affordable Dwellings for Rent; and
- ii). 5 x Shared Ownership Dwellings; and
- iii). 5x First Homes

the exact number, location, tenure and mix of Affordable Dwellings as set out in the Affordable Housing Table

"Affordable Dwellings for Rent"

Affordable Dwellings let at a monthly or weekly rental figure that does not exceed 80% of the market rent inclusive of service charges or the local housing allowance rate or at such

other rent as may be agreed in writing by the Council with rent increases during the term of any individual tenancy being limited to increases in the Consumer Prices Index from the date of this Deed plus 1% or any subsequent limit placed upon Registered Providers by the HCA or Central Government;

“Affordable Housing”

housing that will be available to eligible households and as defined in Annex 2 of the National Planning Policy Framework (2019) (as amended) whose needs are not met by the market and eligibility is determined with regard to local incomes and local house prices (unless otherwise agreed in writing with the Council);

“Allocation Policy”

Means the policy and procedure adopted by the Council to determine the eligibility and priority for allocation of the Affordable Dwellings

“Armed Services Member”

means a member of the Royal Navy the Royal Marines the British Army or the Royal Air Force or a former member who was a member within the five (5) years prior to the purchase of the First Home, a divorced or separated spouse or civil partner of a member or a spouse or civil partner of a deceased member or former member whose death was caused wholly or partly by their service

“Chargee”

any mortgagee or chargee of the Registered Provider or the successors in title to such mortgagee or chargee or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925;

“Compliance Certificate”

means the certificate issued by the Council confirming that a Dwelling is being disposed of as a First Home to a purchaser meeting the Eligibility Criteria (National) and unless paragraph 2.15 applies the Eligibility Criteria (Local)

“Discount Market Price”

means a sum which is the Market Value discounted by at least 30%.

“Disposal”

means a transfer of the freehold or (in the case of a flat only) the grant or assignment of a leasehold interest in an Affordable Dwelling other than:

- (a) a letting or sub-letting of a First Home in accordance with paragraphs 2.27 to 2.29
- (b) a transfer of the freehold interest in a First Home or land on which a First Home is to be provided before that First Home is made available for occupation except where the transfer is to a First Homes Owner
- (c) an Exempt Disposal

and “Disposed” and “Disposing” shall be construed accordingly

“Eligibility Criteria (Local)”

means local criteria met in respect of a purchase of a First Home if:

- (a) the purchaser meets the criteria in the Local Connections Cascade (or in the case of a joint purchase at least one of the joint purchasers meets the Local Connections Cascade); and
- (b) the purchaser meets any further local criteria in effect at the date of the relevant disposal of a First Home

it being acknowledged that at the date of this Deed the Council has only prescribed Eligibility Criteria (Local) in respect of (a).

“Eligibility Criteria (National)”

means criteria which are met in respect of a purchase of a First Home if:

- (a) the purchaser is a First Time Buyer (or in the case of a joint purchase each joint purchaser is a First Time Buyer); and
- (b) the purchaser’s annual gross income (or in the case of a joint purchase, the joint purchasers’ joint annual gross income) does not exceed £80,000 or such other sum as may be published for this purpose from time to time by the Secretary of State and is in force at

the time of the relevant disposal of the First Home

"Eligible Person"

A person or persons on the housing register maintained by the Council or who is otherwise approved by the Council as being in need of separate or alternative accommodation and unable to buy housing generally available on the open market;

"First Time Buyer"

means a first time buyer as defined by paragraph 6 of Schedule 6ZA to the Finance Act 2003

"Habitat Mitigation Contribution"

to pay the sum of £20,879.30 (Twenty Thousand Eight Hundred and Seventy Nine Pounds and 30 pence) (made up of Three Hundred and Twenty One Pounds and Twenty Two Pence (£321.22) per Dwelling) Index Linked payable to the Council towards the cost of mitigating the impact of additional visitors upon European Protected Sites as a result of the Development to be used in accordance with the RAMS Strategy published evidence July 2019

"Homes England"

the non-departmental public body responsible for creating thriving communities and affordable homes in England and which is the Regulator of Social Housing within the meaning of section 81 of the Housing and Regeneration Act 2008 or such other body that may replace it in either function

"Initial Sale"

the sale of the first share to each and any purchaser of a Shared Ownership Dwelling;

"Local Connections Cascade"

The local connections criteria to be applied to each and every let or sale of an Affordable Dwelling as set out in clause 2.31 of this Schedule

"Management Company"

a company or body who will take over responsibility for the future maintenance of the Open Space and which definition may include a Parish Council, a Residents

| | |
|---|---|
| | Association established for this purpose or a Private Limited Company |
| "Market Value" | means the open market value as assessed by a Valuer of a Dwelling and assessed in accordance with the RICS Valuation Standards (January 2014 or any such replacement guidance issued by RICS) and for the avoidance of doubt shall not take into account any discount pursuant to this Schedule in the valuation |
| "Mortgagee" | means any financial institution or other entity regulated by the Prudential Regulation Authority and the Financial Conduct Authority to provide facilities to a person to enable that person to acquire an Affordable Dwelling including all such regulated entities which provide Shari'ah compliant finance for the purpose of acquiring an Affordable Dwelling. |
| "Nomination Agreement" | Means an agreement in a form provided by the Council entered into by the Council and the Registered Provider in respect of rights for the Council to nominate Eligible Persons for the Affordable Dwellings for Rent in accordance with the Allocation Policy a draft of which is appended to this Deed at the Seventh Schedule; |
| "Open Amenity Space " | the areas of open amenity space and onsite playing areas within the Development shown on the Open Amenity Space Plan. |
| "Open Amenity Space Plan" | Means the plan appended hereto showing the Open Amenity Space. |
| "Open Amenity Space Specification" | a scheme including plans drawings and specifications showing but not limited to the layout and design of the Open Amenity Space Land which may be provided in phases if the Developer so agrees with the Council including details of any proposed play areas and equipment landscaping paths and access arrangements, street furniture and fencing together with details of proposed future management regime for the Open Amenity Space to be agreed in writing by the Council in |

"Price Cap"

means the amount for which the First Home is sold after the application of the Discount Market Price which on its first Disposal shall not exceed Two Hundred and Fifty Thousand Pounds (£250,000) or such other amount as may be set locally or published from time to time by the Secretary of State

"Protected Person"

means any person who:

a) has exercised the right to acquire pursuant to the Housing and Regeneration Act 2008 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular Affordable Housing Unit;

b) has exercised any statutory right to buy or preserved right to buy (or any equivalent contractual right) in respect of a particular Affordable Housing Unit;

c) a100% Staircaser;

d) any successor in title to a chargee or mortgagee of the persons named in a) –c) above;

e) any mortgagee of a Shared Ownership Dwelling lawfully exercising the mortgagee protection provisions within that Shared Ownership Lease;

"Reasonable Consideration"

Offer prices from Registered Providers which give the Owners a reasonable consideration having regard to current market conditions in the disposal of Affordable Housing of a similar type and location by Registered Providers on a grant free basis via Section 106 Agreements;

"Registered Provider"

either-

or "RP"

AREA A:
PUBLICALLY ACCESSIBLE
OPEN SPACE
(excluding existing water tank)
Total Area: 1.36 ha

AREA B:
PUBLICALLY ACCESSIBLE
OPEN SPACE
(excluding water tank)
Total Area: 0.14 ha

AREA C:
PUBLICALLY ACCESSIBLE
OPEN SPACE
Total Area: 0.03 ha

AREA D:
EQUIPPED PLAY AREAS
(including ancillary open space)
Total Area: 0.59 ha

AREA E:
EXISTING TREE BELT
(not publicly accessible)
Total Area: 0.24 ha

*Nudgegreen Slacks LEP
per the Owners and the
Developer*

This drawing is produced as a document for use in this project only and may not be used for any other purpose. The license is granted only to the specified recipients of the drawing and not to any other person. Chaplin Farrant does not accept any liability for the use of this drawing other than the purpose for which it was intended in connection with this project as recorded on the title block and the Status Code and Revision. It also states in digital format, the data with which this may not be used for any purpose other than the information present on the paper copy of the document.

Chaplin Farrant Copyright © 2012. This drawing may not be reproduced in any form without Chaplin Farrant's prior written agreement.

NORTH



SCALE 1:2000



REDATE DESCRIPTION

P1 22.05.21 First Issue

DRAWING J55

BRIEF

CLIENT

CRIPPS DEVELOPMENTS LTD

PROJECT

RESIDENTIAL DEVELOPMENT

ADDRESS

LAND NORTH OF CHAPEL ROAD
WRENTHAM

STATUS

S4 FOR STAGE APPROVAL

DRAWING TITLE

OPEN AMENITY PLAN

SIZE

A4

DRAWING NO

0566

REVISION

P1

CREATED BY

WMC

CHECKED BY

WMC

APPROVED BY

WMC

30 Tannock Road

Wrentham,

NR DT

DT99 0000

Office of the Environment

Also at Gwent and Wrexham

www.chaplinfarrant.com

33 NO.

6428



**Chaplin
Farrant**

Architects, Engineers and Quantity Surveyors

a body registered as a social landlord pursuant to the provisions of the Housing Act 1996 or a housing association within the meaning of the Housing Associations Act 1985 or;

any person or body or entity which is registered as a provider of social housing in accordance with Section 80(2) and Chapter 3 of the Housing and Regeneration Act 2008

any body, organisation or company which is registered charity with the Charity Commissioners for England and Wales and approved by Homes England or any other body organisation or company approved by the Council and which has objects demonstrably similar to or compatible with or promoting those of a registered social landlord;

to be approved in writing by the Council

“Shared Ownership Dwellings”

means those Dwellings purchased on a Shared Ownership Lease;

“Shared Ownership Lease”

means a lease in a form approved by Homes England or where there is no such form in a form approved by the Council such lease to provide for the following:

- not more than 75% and not less than 10% of the equity (or such other percentages the Council may agree) shall be initially sold to the purchaser by the Registered Provider;
- power to the purchaser to increase their ownership up to 100%;
- an initial rent not exceeding 2.75% of the value of the equity retained by the Registered Provider subject to annual increases not exceeding Retail Price Index (All Items) published by the Office for National Statistics (or if such index ceases to be published such other index the Council shall reasonably determine) plus 0.5% or such other rent as complies with the requirements from time to time of Homes England;

| | |
|-----------------------------|---|
| "SDLT" | means Stamp Duty Land Tax as defined by the Finance Act 2003 or any tax replacing it of like effect |
| "Secretary of State" | means the Secretary of State for Levelling Up, Housing and Communities from time to time appointed and includes any successor in function |
| "Valuer" | means a Member or Fellow of the Royal Institution of Chartered Surveyors being a Registered Valuer acting in an independent capacity |
| "100% Staircaser" | Means a lessee of a Shared Ownership Dwelling or a under a Shared Ownership Lease who has exercised their right under that lease to purchase 100% of the equity in the Shared Ownership Dwelling; |

2. AFFORDABLE HOUSING

- 2.1 The Developer covenants that no more than 15 of the Market Housing Units shall be Occupied until the Council has approved the proposed Registered Provider for the Affordable Housing to be provided on the Site (save for any First Homes to be sold directly by the Developer).
- 2.2 The Developer covenants that no more than 15 of the Market Housing Units shall be Occupied until a contract is in place with a Registered Provider for the transfer of Affordable Housing to be provided on the Site (save for any First Homes to be sold directly by the Developer) unless otherwise agreed in writing with the Council.
- 2.3 The Developer covenants that no more than 27 of the Market Housing Units shall be Occupied until all of the Affordable Dwellings have been constructed in accordance with the Planning Permission made ready for residential Occupation and transferred to the Registered Provider or marketed for sale in accordance with the terms of this Deed and written notification of such has been received by the Council.
- 2.4 The Developer will notify the Section 106 Officer within 28 days of the transfer of any Affordable Dwellings to a Registered Provider of the plot number, street address, house type, size and tenure of each dwelling and date of transfer.
- 2.5 The Registered Provider shall enter into a Nominations Agreement with the Council and shall not let dispose or otherwise permit the Occupation of any of the Affordable Dwellings for Rent until such Nominations Agreement has been entered into.
- 2.6 Subject to the provisions of this paragraph 2 from the date of Practical Completion of the Affordable Dwellings they shall not be used other than for the purposes of Affordable Housing in accordance with the tenure and mix set out Affordable Housing Table and thereafter let in accordance with the Nomination Agreement or sold to an Eligible Person or First Time Buyer(s) unless otherwise agreed in writing with the Council;

- 2.7 On the first and any subsequent letting of an Affordable Dwelling for Rent the Council will (unless otherwise agreed in writing) nominate eligible applicants in accordance with the Allocation Policy and Nomination Agreement (Priority will go to applicants who have a Local Connection in accordance with the Local Connections Cascade at paragraph 2.31 of this Schedule).
- 2.8 In the event that a Registered Provider cannot be found for any of the Affordable Dwellings throughout England despite the Developer's reasonable endeavours to do so the Developer will be required to prove to the Council's satisfaction (the Council at all times acting reasonably) that demand from Registered Providers has not been forthcoming for Reasonable Consideration.
- 2.9 If the Council is satisfied that demand from Registered Providers has not been forthcoming for Reasonable Consideration the Council will enter into written negotiations with the Developer to seek an agreed way forward that does not disadvantage the Developer whilst maximising the provision of Affordable Housing.
- 2.10 If after three calendar months of handover of the Affordable Dwellings to the RP there remains any Affordable Dwellings not leased or sold and the RP can provide evidence to the Council's satisfaction there are no prospective occupants the RP shall be free to seek written agreement of the Council to convert those Affordable Dwellings to an alternative form of affordable housing defined within Annex 2 to the National Planning Policy Framework (February 2019) (or any amended or subsequent national planning policy that may be published by the Government from time to time).
- 2.11 Not Used.
- 2.12 Nothing in this paragraph 2 shall be binding on a Protected Person or any mortgagee or chargee of a Protected Person or any receiver appointed by such mortgagee or chargee or any person deriving title from any such person.
- 2.13 In the event that 100% of the Shared Ownership Dwelling is purchased:
- 2.13.1 the proceeds from the final sale of the Shared Ownership Dwelling are to be ringfenced by the RP for 5 years for the provision of Affordable Housing within the East Suffolk District, and should the owner of the Shared Ownership Dwelling wish to sell it he must notify the RP and allow the RP to purchase the Shared Ownership Dwelling back in the first instance at Market Value;
 - 2.13.2 in the event the RP purchases the Shared Ownership Dwelling in accordance with this clause at 2.13, the Shared Ownership Dwelling will be marketed as such subject to the terms of this deed; and
 - 2.13.3 in the event the RP declines to purchase the Shared Ownership Dwelling or fails to notify the owner of the Shared Ownership Dwelling of its intention to make an offer to purchase the dwelling within twenty eight days of the notification as specified in this clause at 2.13, then the owner of the Shared Ownership Dwelling may sell it on the open market free from the terms of this deed
- 2.14. The First Homes shall be marketed for sale and shall only be sold (whether on a first or any subsequent sale) as First Homes to a person or person(s) meeting:
- a. the Eligibility Criteria (National); and
 - b. the Eligibility Criteria (Local).