

(1) Ipswich Borough Council

and

(2) Suffolk County Council

and

(3) Cheltenham Developments Top Site Limited

Deed of Variation to a Section 106 Agreement dated 4th October 2019

under section 106 of the Town and Country Planning Act 1990

relating to the development of land to the west of Sandy Hill Lane, Ipswich

THIS DEED OF VARIATION is made the

15th

day of December 2022

BY

- (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, 4 Russell Road, Ipswich, Suffolk, IP1 2BX ("the **County Council**")
- (3) **CHELTENHAM DEVELOPMENTS TOP SITE LIMITED** a company incorporated in Guernsey of Crossways Centre, Braye Road, Vale, Guernsey, GY3 5PH ("the **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 Property is situated and by whom the obligations contained in this Deed are enforceable.
- (B) The County Council is also the local highway authority for the purposes of the Highways Act 1980 a local education authority under the relevant enactment and local library authority for the area within which the Property is situated who may enforce the planning obligations in this Deed.
- (C) The Owner is the freehold owner of the land registered at the Land Registry with title numbers SK84177 and SK82364 ("the Property").
- (D) On 4 October 2019 the parties hereto entered into an agreement ("the Principal Agreement") pursuant to Section 106 of the 1990 Act and other enabling powers and the Borough Council issued a planning permission with reference number IP/17/00769/OUT (the "Original Planning Permission").
- (E) Pursuant to section 73 of the 1990 Act the Owner submitted an application to the

Borough Council as local planning authority, which was registered by the Borough Council on 02 November 2021 with reference number IP/21/01133/VC ("the Second Planning Application"), for permission to vary conditions 22 and 23 of the Original Planning Permission, to develop the Property in the manner and for the use set out in the Second Planning Application.

- (F) The Council in accordance with powers delegated to officers 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 In this Deed, unless context otherwise requires:

"this Deed"	means this Deed of Variation
"Principal Agreement"	means the agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and all enabling powers relating to the Property dated 4 October 2019 and made between (1) Ipswich Borough Council (2) Suffolk County Council and (3) Cheltenham Developments Top Site Limited

- 1.2 All words and phrases defined in the Principal Agreement shall have the same meaning in this Deed save where the context otherwise requires and for the avoidance of any doubt the Principal Agreement shall remain in full force and effect save as varied by this Deed
- 1.3 All references in this Deed to clauses in the Principal Agreement are to clauses within the Principal Agreement as varied by this Deed
- 1.4 Where in this Deed reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Deed
- 1.5 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not affect the construction of this Deed

1.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa

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

2. ENABLING PROVISIONS

2.1 This Deed is made pursuant to Section 106A of the 1990 Act and all of the statutory and enabling powers

3. CONDITIONALITY

3.1 With the exception of Clauses 6, 7 and 9 of this Deed (which shall come into effect on the completion of this Deed) none of the terms of this Deed shall come into effect until:-

(a) the Borough Council has granted the Second Planning Permission; and

(b) the Owner has Commenced Development pursuant to the Second Planning Permission

4. VARIATIONS

4.1 The parties agree that upon the grant of the Second Planning Permission the Principal Agreement shall be read and construed and shall take effect as follows:

4.1.1 Under Clause 1, General Definitions, of the Principal Agreement the following new definitions shall be inserted:

"the Original Planning Permission"	means the planning permission granted by the Borough Council pursuant to the Original Planning Application with reference number IP/17/00769/OUT
"the Second Planning Application"	means the planning application submitted by the Owner to the Borough Council pursuant to section 73 of the

	1990 Act and registered by the Borough Council on 2 November 2021 with reference number IP/21/01133/VC to vary Conditions 22 and 23 of the Original Planning Permission
"the Second Planning Permission"	means the planning permission subject to conditions that may be granted by the Borough Council pursuant to the Second Planning Application and substantially in the form of the draft annexed at the Fifth Schedule to this Deed

4.1.2 Under Clause 1, General Definitions, of the Principal Agreement the following definitions shall be deleted and new definitions added:

Current definition to be deleted	New definition to be inserted
"the Application" means the planning application given reference IP/17/00769/OUT submitted by the Owner and registered by the Borough Council on 10 th August 2017	"the Original Application" means the planning application given reference IP/17/00769/OUT submitted by the Owner and registered by the Borough Council on 10 th August 2017
"the Permission" means the planning permission granted pursuant to the Application	"the Permission" means (as the context requires) <ul style="list-style-type: none"> a) the Original Planning Permission; b) the Second Planning Permission; or c) such planning permissions granted by the Borough Council pursuant to section 73 of the 1990 Act in accordance with clause 31 of this Deed.
"Viability Assessment" means a viability assessment (to be in the same	"Viability Assessment" means a viability assessment (to be in the same

format as the viability assessment previously submitted with the Application) which shall assess the financial viability of the Development to ascertain whether and what if any Additional Profit is likely to be generated as a result of the Development

format as the viability assessment previously submitted with the Original Application) which shall assess the financial viability of the Development to ascertain whether and what if any Additional Profit is likely to be generated as a result of the Development

4.1.3 Clause 31 of the Principal Agreement shall be deleted and replaced with the following clause:

"31. The Obligations contained in this Deed shall subject to the below only be capable of being varied by a supplemental deed between the parties hereto or their respective successors in title or assigns made under section 106A of the 1990 Act.

31.1 In the event that any new planning permission(s) is granted in respect of the Development pursuant to section 73 of the 1990 Act BUT ONLY in such circumstances as follows and not otherwise:

31.1.1 to amend detail with respect of number of dwellings; and/or

31.1.2 to amend detail with respect to the Financial Contributions;

then subject to an agreement between the parties to this Deed (or their successors) with effect from the date that the new planning permission is granted pursuant to section 73 of the 1990 Act:

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

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

PROVIDED THAT nothing in this clause shall fetter the discretion of the Borough Council in determining any application(s) under section 73 of the 1990 Act or the appropriate nature and/or quantum of section 106 obligations in so far as they are materially different to those contained in this Deed and required pursuant to a determination under section 73 of the 1990 Act whether by way of a new deed or supplemental deed pursuant to section 106 of the 1990 Act or a modification agreement pursuant to section 106A of the 1990 Act."

4.1.4

The draft Second Planning Permission annexed hereto shall be inserted as the Fifth Schedule within the Principal Agreement

5

GENERAL

5.1

No expressed or implied term of this Deed is enforceable pursuant to the Contract (Rights of Third Parties) Act 1999 by any person who is not a party to it

6

REGISTRATION AS LOCAL LAND CHARGE

6.1

The covenants in the Principal Agreement as varied are planning obligations for the purposes of Section 106 and Section 106A of the Act and as such this Deed shall be registered in the Borough Council's register of Local Land Charges

7

CONTINUATION OF THE AGREEMENT

7.1

The terms of the Principal Agreement shall continue in full force and effect as amended by this Deed and are binding subject to the provisions of this Deed and such terms as so supplemented and varied shall for all purposes (including but without limitation for the purposes of Section 2 of the Law of Property (Miscellaneous Provisions) Act 1989) be deemed to be incorporated into the Principal Agreement

8

INVALIDITY OF CERTAIN PROVISIONS

8.1

If any term of this Deed or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable the same shall be severable and the remainder of this Deed as to the application of such term to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and each term and provision of this Deed shall be valid and enforced to the fullest extent permitted by law

9

LEGAL FEES

9.1

The Owner covenants to pay to the Borough Council and to the County Council prior to completion of this Deed each their reasonable legal costs incurred in the negotiation, preparation and execution of this Deed

to **JURISDICTION**

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

IN WITNESS whereof this Deed was duly executed and delivered the day and year first before written

SCHEDULE
DRAFT SECOND PLANNING PERMISSION

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



To: Lawson Planning Partnership Ltd
FAO Mr Michael Pingram
The Coach House
East Hill House, 76 High Street
Colchester
Essex
CO1 1UF

Agent for: Mr Leslie Aldis

Application Reference: IP/21/01133/VC

GRANT OF FULL PLANNING PERMISSION

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

Variation of Conditions 22 and 23 to planning permission IP/ 17/00769/OUT to allow for the drainage works to be phased by separating details required under the housing redevelopment stage from the earlier site remediation stage, separately addressed by Condition 27.

at: Norsk Hydro Ltd Sandyhill Lane Ipswich Suffolk

in accordance with your application reference: IP/21/01133/VC received 02.11.2021.

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. Approval of the details of the appearance, landscaping, layout and scale (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. The development in terms of access shall be carried out in accordance with the details shown on the following submitted drawing: 2016-255-008 Rev.K and the requirements of any succeeding conditions.
3. The maximum number of dwellings to be contained in the development shall be 85 and dwellings shall be erected only within the residential area shown upon drawing no. 2016-255-008 Rev.K.
4. Prior to the commencement of development, a plan showing details of the existing and proposed

site levels to include proposed ground floor and upper floor levels, and ridge height relative to Sandyhill Lane and identifying any areas of cut or fill, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved plan.

5. In conjunction with the submission of the first of the reserved matters a Strategic Phasing Plan identifying the elements of the development as listed below and the timing of their provision shall be submitted to and approved in writing by the local planning authority. The Strategic Phasing Plan shall include details of the following:

i. The physical extent of each proposed phase of residential development, its height and density (to be delivered in accordance with HSE safeguarding criteria and consultation zones);

ii. Timing and delivery of all elements of highways infrastructure related to the development;

iii. Timing for delivery of any open space & play areas as agreed in accordance with condition 9 of this consent;

iv. The order in which each phase / component of development specified above will be delivered;

The development shall be carried out in accordance with the details of the Strategic Phasing Plan as approved, and submission of discharge of conditions applications can be made on a phased basis subject to the agreed phasing plan and schedule. Subsequent submissions for discharge of conditions would have to accord with the agreed phasing plan.

6. No phase of residential development shall commence until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of that phase have been submitted to and approved, in writing, by the local planning authority. Such materials so approved shall be those used in that particular phase of development.

7. No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

8. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

9. Prior to development commencing on site, full details and location of any proposed play areas and public open spaces to be provided on the site shall be submitted to the Local Planning

Authority for approval in writing. The approved details are to be implemented in full and made available for use prior to occupation of the 50th unit on the site and retained and maintained in an appropriate and safe condition and available for use in perpetuity.

10. Prior to first occupation, details of a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas adjacent to any highway (other than for any domestic gardens which front onto an adopted estate road) and areas of public open space and play space has been submitted to and approved, in writing, by the local planning authority. The landscape management plan so approved shall be carried out in accordance with the details and timescales to be contained in that document.
11. Before any development commences, and concurrently with the submission of reserved matters specified above, a detailed ecological management scheme and mitigation plan shall be submitted to and approved in writing by the local planning authority. The scheme, which shall include a timetable for its implementation, shall include the details set out under the recommendations/measures set out in the Ecological Assessment by Adonis Ecology. The recommendations/measures approved shall be implemented in accordance with the approved works before occupation of the hereby approved development.
12. No development shall take place until precise details of the provision, siting, height, design and materials of all boundary walls and fences which face into public spaces/highways or private drives have been submitted to and approved in writing by the local planning authority. The boundary walls and fences so approved shall be erected prior to the dwellings to which they relate being first occupied and shall thereafter be retained in their approved form.
13. Prior to commencement of any phase of residential development, details of all refuse/recycling storage and collection points required to serve that phase of development shall be submitted to and approved in writing by the local planning authority. Each refuse/recycling storage and collection point so approved shall be provided prior to first occupation of any dwelling to which it relates and shall be retained thereafter as approved.
14. The hereby-approved dwellings shall be constructed so that a minimum energy/CO2 standard of 19% below the Target Emission Rate (TER), as determined by the 2013 Edition of the 2010 Building Regulations (Part L) and meet water efficiency standards of 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) are met. Prior to any occupation of the development certification of compliance with these standards shall be submitted to and approved by the Local Planning Authority.
15. The development shall be undertaken in accordance with the details approved under application IP/21/00103/CON in relation to the archaeology of the site.
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18. The development shall be undertaken in accordance with the details approved under

application IP/21/00103/CON in relation to the archaeology of the site.

The development shall be undertaken in accordance with the details approved under application IP/21/00103/CON in relation to the archaeology of the site.

Other than for external lighting within the curtilage of a dwellinghouse, within any permitted phase of development and any lighting within the public highway, details of a strategy for any external lighting shall be submitted to and approved in writing by the local planning authority. The external lighting strategy shall consider how the use of such lighting will avoid, or minimise, harm caused by light pollution and the development shall be carried out in accordance with the scheme so approved.

At least 10% of the gross area of the site shall be laid out for use as play space and other amenity open space in accordance with a scheme submitted to and approved, in writing, by the local planning authority before any development within the site area commences and such spaces shall subsequently be provided as specified in the scheme so approved under condition 5 of this consent, and unless otherwise agreed in the approved scheme, shall be made available for use within 12 months of the occupation of any dwelling within that phase of development and thereafter retained for public use in perpetuity.

No development in relation to drainage works, other than in relation to remediation of the land as covered within Condition 27, shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority.

No development in relation to drainage works, other than in relation to remediation of the land as covered within Condition 27, shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented prior to first occupation and thereafter managed and maintained in accordance with the approved details.

No residential development shall commence until details of a foul water strategy have been submitted to and approved in writing by the local planning authority. None of the dwellings permitted within any phase shall be first occupied until the works required to serve that phase have been carried out in accordance with the foul water drainage system.

No hereby approved dwelling shall be occupied until a noise mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The agreed measures identified within the noise mitigation strategy shall thereafter be implemented in their entirety prior to first occupation, and thereafter maintained in the approved form.

The development shall be undertaken in accordance with the details of the slope stability strategy approved under application IP/21/00103/CON. The agreed measures shall be

implemented in their entirety prior to first occupation, and thereafter maintained in the approved form.

The development shall be undertaken in accordance with the details approved under application IP/21/00103/CON in relation to the contamination of the site. Any changes to the approved details requires the express written consent of the local planning authority. The scheme shall be implemented as approved.

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.

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

10. 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.

11. No drainage systems for the infiltration of surface water drainage into the ground is 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 controlled waters. The development shall be carried out in accordance with the approved details.

12. 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.

13. Prior to any construction above ground floor level of any dwelling, details of a crossing improvement scheme for pedestrians and associated measures at the junction of Landseer Road / Sandyhill Lane shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority. Prior to the occupation of any dwellings on the site, the approved scheme shall be implemented in full incorporating any

requirements arising under stage 3 of the Road Safety Audit.

Before the development is occupied a footway with uncontrolled crossing points shall be provided onto Sandyhill Lane across the entire frontage of the development site. Details of which shall previously have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority prior to any works commencing on site.

The development access shall be completed in accordance with Drawing No. 0795-SK-001 revision A provided within the Transport Assessment and constructed in accordance with the County Council's current standards and be available for use before occupation of the first dwelling. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Before the access is first used visibility splays shall be provided as shown on submitted Drawing No. 0795-SK-002 A provided within the Transport Assessment and thereafter retained in the specified form.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Before the development is commenced, details of the proposed estate roads, footways, cycle routes (including layout, levels, gradients, lighting, traffic calming, signage, surfacing, private vehicular accesses off the new estate roads and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Prior to each dwelling hereby permitted being first occupied, the individual vehicular accesses onto the new roads shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Before the development is commenced details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage and electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Prior to the occupation of any part of the development, details of the proposed tree planting and landscaping including root management measures shall be submitted to and approved in

...ing by the Local Planning Authority in consultation with the Local Highway Authority and shall be carried out as approved.

Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives, and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works (including measures for traffic management and operating hours)
- e) provision of boundary hoarding and lighting
- f) details of proposed means of dust suppression
- g) details of measures to prevent mud from vehicles leaving the site during construction
- h) haul routes for construction traffic on the highway network
- i) monitoring and review mechanisms
- j) details of deliveries times to the site during construction phase

No dwelling shall be occupied until the carriageways including turning areas 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.

Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack as set out in the Transport Assessment. Not less than 3 months prior to the first occupation of any dwelling, the contents of the Residents Travel Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and 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.

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

1. & 2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the functional needs of the development are met within the application site and to ensure occupants of new residences are protected in accordance with HSE safeguarding criteria.

4 For the avoidance of doubt and in the interests of the character and amenity of the area.

5 To ensure a satisfactory development programme in the interests of the occupiers of the development and in terms of their amenity and to ensure site workers and occupants of new residences are protected in accordance with HSE safeguarding criteria.

6 To ensure a satisfactory development in relation to external appearance.

7 In order to ensure that there is a sufficient landscaping scheme for this development where there are public areas to be laid out but there is insufficient detail within the

submitted application.

In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

To ensure that appropriate provision for play space and public open space within the site is provided at an appropriate time in the site's development and retained and made available for use in the future.

To ensure the proper planning, management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity.

To ensure a satisfactory development in terms of appearance and functionality, in the interests of amenity.

To ensure a satisfactory development in terms of appearance and functionality in the interests of amenity.

To ensure that the development achieves a high standard of sustainable design.

To assist in identifying the extent to which the proper recording of archaeological artefacts is necessary - to reflect the fact that, in areas already disturbed by previous remediation activities, archaeological deposits are unlikely to be encountered at a depth above 3.5m below existing ground levels.

To ensure the proper recording of archaeological artefacts in the areas of the site which have "previously not been disturbed" and are proposed to be disturbed.

To ensure the proper recording of archaeological artefacts in the areas of the site where ground disturbance has not previously occurred and is proposed to occur.

To ensure the proper recording of archaeological artefacts in the areas of the site which have "previously been disturbed" and where deeper Palaeolithic archaeological remains may have survived at a soil depth exceeding 3.5m.

To ensure the proper recording of archaeological artefacts in the areas of the site which have "previously been disturbed" and where deeper Palaeolithic archaeological remains may have survived at a soil depth exceeding 3.5m.

To ensure that new external lighting of the development is not harmful to biodiversity or local amenity.

To ensure a satisfactory development in terms of public play space and open space in the interests of local amenity.

To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

To ensure a satisfactory development and to prevent environmental and amenity problems arising from flooding.

to order to safeguard the residential amenities of future occupants. The application as submitted did not contain sufficient information in this regard.

to order to safeguard the site for future occupants. The application as submitted did not contain sufficient information in this regard.

to 30. To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection: Principles and practice (GP3:2013) position statements.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Infiltration through contaminated land has the potential to impact on groundwater quality.

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. The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

To assist and provide facilities for the crossing of Landseer Road in the interests of highway safety and to promote sustainable transport, in accordance with the Local Plan Policy DM17 and the National Planning Policy Framework.

To provide a safe route for pedestrians in the interests of highway safety and to promote sustainable transport, in accordance with the Local Plan Policy DM17 and the National Planning Policy Framework. The footway proposals should be approved prior to commencement to ensure the layout is appropriate as it may not be possible to rectify this at a later time.

In the interests of highway safety to ensure the new access is laid out to an acceptable standard, to avoid multiple accesses, to provide a convenient route for pedestrians and in accordance with the Local Plan Policy DM17.

To ensure vehicles exiting the access would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action and in accordance with the Local Plan Policy DM17.

To prevent hazards caused by flowing water or ice on the highway and in accordance with the Local Plan Policy DM17.

To ensure that the development is laid out and constructed to an acceptable standard in the interests of public safety and sustainable development and at an appropriate time and

in accordance with the Local Plan Policy DM17.

To prevent hazards caused by loose materials being carried out into the roads and in accordance with the Local Plan Policy DM17.

To ensure the provision of parking is provided in accordance with adopted standards and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles is provided and in accordance with the Local Plan Policies DM17 & DM18.

In the Interests of highway safety to prevent damage to the roads, to ensure that visibility splays and street lighting remain unobstructed by proposed planting, to ensure adequate areas are provided for the successful establishment of suitable trees and in accordance with the Local Plan Policy DM17.

In the interest of highway safety to ensure minimum adverse impact on the public highway during the construction phase and in accordance with the Local Plan Policy DM17.

To ensure that satisfactory access is provided for the safety of residents and the public and in accordance with the Local Plan Policy DM17.

In the interests of sustainable development and to promote sustainable transport, in accordance with the Local Plan Policy DM17 and the National Planning Policy Framework.

INFORMATIVES

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. ****This is of critical importance***. If you do not comply with the condition precedent you may invalidate this planning permission. ****Please pay particular attention to these requirements****.

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.

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.

There is now a planning fee payable for applications in writing to discharge planning permission conditions. The rates as prescribed by Central Government are £116 for each written request.

This permission is subject to a related agreement under Section 106 of the Town and Country Planning Act, 1990.

Ipswich Borough Council supports the use of emergency sprinkler systems in all new buildings.

Note: 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 that 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 Suffolk County Council at the applicant's expense.

Note: The works within the public highway will be required to be designed and constructed in accordance with the Highway Authority'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 and inspection of the highway works, safety audit and construction procedures, bonding arrangements, indemnity of the Highway Authority regarding noise insulation and land compensation claims, commuted sums for features requiring extraordinary maintenance costs and the provision of new electrical equipment, energy, and changes to the existing street lighting and signing.

Note: The Advance Payment Code 'Payments to be made by owners of new buildings in respect of street works' (Section 219 Highways Act 1980) may apply. 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. Commuted sums will be required for areas not necessary for highway purposes and 'extra over' costs of exceptional items and specialist materials.

Note: Section 141 Highways Act restricts planting of trees etc., in or within 15 feet from the centre of a made-up carriageway (being part of a highway). The Highway Authority recommends new trees have an approved root management design to prevent damage to the highway, buried apparatus and encourage healthy trees.

Note: Hedges should be planted far enough away from the roads so that they can mature without growing over the roads. 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.

Note: The existing street lighting system may be affected by this proposal. The applicant must contact the Street Lighting Engineer of Suffolk County Council, telephone 01284 758859, in order to agree any necessary alterations/additions to be carried out at the expense of the developer.

Note: 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.

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

Core Strategy and Policies DPD (2017)

Policy CS2 (The Location and Nature of Development); Policy CS4 (Protecting our Assets); Policy CS7 (The Amount of New Housing Required); Policy CS8 (Housing Type and Tenure); Policy CS12 (Affordable Housing); Policy CS13 (Planning for Jobs Growth); Policy CS17 (Delivering Infrastructure); Policy DM1 (Sustainable Design and Construction); Policy DM2 (Decentralised Renewable or Low Carbon Energy); Policy DM3 (Provision of Private Outdoor Amenity Space in New and Existing Developments); Policy DM4 (Development and Flood Risk); Policy DM5 (Design and Character);

Policy DM17 (Transport and Access in New Developments); Policy DM18 (Car and Cycle Parking); Policy DM24 (Affordable Housing); Policy DM25 (Protection of Employment Land); Policy DM29 (Provision of New Open Spaces, Sport and Recreation Facilities); Policy DM30 (The Density of Residential Development); Policy DM33 (Green Corridors); Policy DM34 (Countryside).

Site Allocations and Policies (Incorporating IP-One AAP) DPD (2017)

SP1 (The protection of allocated sites); SP5 (Land allocated for employment use)

Other planning guidance

Space and Design Guidelines SPD (2015)

Suffolk Guidance for Parking - Technical Guidance (2015)

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

Cycling Strategy SPD (2016)

Signed:

Dated:

Russell Williams BSc (Hons) DipTP DMS MRTPI
Chief Executive
Grafton House
15-17 Russell Road
Ipswich IP1 2DE

SEE NOTES BELOW/OVERLEAF

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

NOTES

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.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an Enforcement Notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

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.

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.

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.gov.uk/topic/planning-development/planning-permission-appeals

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.

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.

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.

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.

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 2021.

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THE COMMON SEAL of IPSWICH
BOROUGH COUNCIL was affixed
in the presence of:-



Authorised Officer



THE COMMON SEAL of SUFFOLK
COUNTY COUNCIL was affixed
in the presence of:-



Authorised Officer



65638

EXECUTED as a DEED by
CHELTENHAM DEVELOPMENTS TOP SITE LIMITED
A company incorporated in Guernsey,
acting by Leslie Frederick Aldis and Linda Irene Aldis
who, in accordance with the laws of that territory,
are acting under the authority of the company.



Signature in the name of the company

Cheltenham Developments Top Site Limited

Signature of Leslie Frederick Aldis

—



Signature of Linda Irene Aldis

—

Authorised Signatories