

**THIS UNDERTAKING** is made by Deed the 17<sup>th</sup> day of December 2007

BY

**ANTHONY SOLOMON and CAROL SOLOMON** ("the Owners") of Leylandii, Weston  
Green Road Weston Longville Norwich NR9 5LB

TO

**BROADLAND DISTRICT COUNCIL** ("the Council") of Thorpe Lodge Yarmouth  
Road Thorpe St Andrew Norwich Norfolk NR7 0DU

**WHEREAS**

1. In this Undertaking unless the context otherwise requires the following expressions shall have the following meanings:-

|                          |                                                                                                                  |
|--------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>"the Act"</b>         | means the Town and Country Planning Act<br>1990 (as amended)                                                     |
| <b>"the Application"</b> | means the application registered by the Council<br>under reference 20071394                                      |
| <b>"the Development"</b> | means the construction of a new garage and<br>access from road on the Site                                       |
| <b>"the Revocation"</b>  | means the revoking of that part of planning<br>permission reference, 20070931 that relates to a<br>double garage |
| <b>"the Permission"</b>  | means a valid planning permission for the<br>Development granted pursuant to the<br>Application                  |

**“the Plan”**

means the plan annexed hereto

**“the Site”**

means the area of land shown edged red on the Plan attached hereto

2. The Council is the local planning authority for the purposes of the Act for the area within the Site is situated
3. The Owners are the freehold owners of the Site
4. The Council has resolved to grant the Permission for planning reference 20071394 subject to the prior conclusion of this Undertaking and the revocation of that part of planning permission reference 20070931 that relates to a double garage

## **OPERATIVE PROVISIONS**

### **1. PLANNING OBLIGATIONS**

- 1.1 This Undertaking is made pursuant to Section 106 of the Act and the covenants on behalf of the Owners contained herein create planning obligations for the purposes of the Act to the intent that the covenants shall bind the Owner and his successors in title to each and every part of the Site and his assigns
- 1.2 The Council is the local planning authority by which the planning obligations are enforceable
- 1.3 No party shall be liable for any breach of the covenants contained herein occurring after they have parted with the whole of their interest in the Site and or any part or parts in respect of which such breach occurs but without

prejudice to liability for any subsisting breach of the covenants prior to parting with such interest

**2. The Owners hereby covenants with the Council as follows:-**

2.1 that the Development will only be carried out and completed in accordance with the Application.

2.2 the Owners hereby jointly and severally covenant with the Council as follows:-

not to implement or permit the implementation of the Development by that part of the planning permission reference 20070931 relating to a double garage and only implement or permit the implementation of the development as outlined in planning permission reference 20071394

2.3 not to make any claim against the Council including a claim for compensation arising out of the non-implementation of the planning permission reference 20070931 or any part thereof or any provision of this Agreement

**3. DECLARATIONS**

3.1 That unless otherwise proposed by the Owners this Undertaking shall be revoked and will be of no further effect if the Permission shall lapse without having been implemented or shall be revoked or modified other than at the request of the Owner

3.2 The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Undertaking and save for the Council no person or persons other than the parties named in this Undertaking shall have any rights under it, nor shall it be enforceable by any person other than the parties to it under the Act

3.3 This Undertaking shall be registerable as a Local Land Charge under the provisions of the Local Land Charges Act 1975

**IN WITNESS WHEREOF** the Owners have signed this Undertaking as a Deed on  
the date hereof

SIGNED as a DEED

By ANTHONY SOLOMON

*A. Solomon*

CAROL SOLOMON

*C.R. Solomon*

*Alan which  
were mentioned*

*23 TOWBLAND*

*Worcester MS 1A*

