

Dated 12 November 2015

BROADLAND DISTRICT COUNCIL

-and-

M A PROPERTY (NORFOLK) LIMITED

-and-

HAINFORD PARISH COUNCIL

-and-

SAFFRON HOUSING TRUST LIMITED

**DEED OF VARIATION OF PLANNING OBLIGATION
UNDER SECTION 106
OF THE TOWN AND COUNTRY PLANNING
ACT 1990**
relating to land at Stratton Road,
Hainford, Norfolk

THIS DEED OF VARIATION is dated 12 November 2015

PARTIES:

- (1) BROADLAND DISTRICT COUNCIL of Thorpe Lodge 1 Yarmouth Road
Thorpe St Andrew Norwich Norfolk NR7 0DU (referred to as "the Council")
- (2) M A PROPERTY (NORFOLK) LIMITED (Company number 07851018) whose
registered office is at Lakeside Roman Drive Brundall Norwich NR13 5LU
(referred to as "the Owner") and
- (3) HAINFORD PARISH COUNCIL of Oak House 8 The Turn Hevingham Norfolk
NR10 5QP ("the Parish Council") and
- (4) SAFFRON HOUSING TRUST LIMITED (registered society number 32427R)
whose registered office is at Saffron Barn Swan Lane Long Stratton Norfolk
NR15 2XP ("the Applicant")

together referred to as 'the Parties'

INTRODUCTION

- (A) The Council is a local planning authority for the area within which the Site is
located
- (B) The Applicant has applied for the New Permission and the Council has
resolved to grant the New Permission provided the Parties enter into this
Deed to ensure that the Original Agreement binds the New Permission
- (C) The Owner owns the freehold of the Site which is registered at the Land
Registry under title number NK249714
- (D) The Parish Council has agreed to be a party in respect of the obligations
relating to Public Open Space
- (D) The expressions in this Deed have the meaning ascribed to them in the
Original Agreement save as expressly provided in this Deed

1. DEFINITIONS

In this Deed the following expressions have the following meanings:

Original Agreement	An agreement dated 11 th February 2015 made under Section 106 of the Act between the Council (1) and the Owner (2) the Parish Council (3) and the Applicant (4) containing planning obligations enforceable by the Council
New Permission	The planning permission to be granted by the Council under reference number 20151212 (Variation of Condition 2 of Planning Permission 20140329 - Development of 14 No Dwellings Comprising 6 No Market Value & 8 No Affordable & Associated Works - Revised Plans)

2. LEGAL BASIS

- 2.1 This Deed is supplemental to the Original Agreement and is made pursuant to Section 106 of the Act and Section 111 of the Local Government Act 1972 and all other enabling powers and the covenants and obligations contained in this Deed are planning obligations for the purposes of section 106 of the Act enforceable by the Council
- 2.2 The terms and conditions of the Original Agreement shall remain in full force and effect except as varied by this Deed

3. VARIATION

- 3.1 With effect from the date of this Deed the Parties agree to vary the Original Agreement so that the definition of "Application" in the Original Agreement reads:

“Application”

the application for planning permission validated on 25 February 2014 for the construction of 14 Dwellings on the Site and associated works under reference number 20140329 together with the application validated on 23 July 2015 for the variation of Condition 2 of Planning Permission 20140329 - Development of 14 No Dwellings Comprising 6 No Market Value & 8 No Affordable & Associated Works - Revised Plans under reference 20151212

- 3.2 In all other respects the contents of the Original Agreement are confirmed and agreed and shall continue to bind the Site and the Parties as varied by this Deed

4. OTHER PROVISIONS

- 4.1 On completion the Owner will pay the Council's reasonable legal costs in connection with this Deed limited to £500.00.
- 4.2 The Owner warrants that it has full power to enter into this Deed and (other than the Parties) there is no other person whose consent is necessary to make this Deed binding on the Site

IN WITNESS whereof the parties hereto have executed this document as a Deed on the day and year first before written.

THE COMMON SEAL of)
BROADLAND DISTRICT COUNCIL)
was affixed in the presence of:)

Head of Democratic Services
and Monitoring Officer

Executed as a Deed by
M A PROPERTY (NORFOLK) LIMITED
Acting by one director
In the presences of

) *Hyndes* (DIRECTOR)
)
) *Anita Jayne Goodson*
) *SQUIRRELS NEST 17 THE GREEN*
) *FREETHORPE NORWICH NORFOLK*
NR13 3NY
ADMINISTRATOR.

Signed as a Deed for and on behalf)
Of HAINFORD PARISH COUNCIL)
pursuant to a duly passed resolution)
in the presence of:-)

THE COMMON SEAL of)
SAFFRON HOUSING TRUST LIMITED)
Was affixed in the presence of:)

THE COMMON SEAL of)
BROADLAND DISTRICT COUNCIL)
was affixed in the presence of:)

Head of Democratic Services
and Monitoring Officer

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Acting by one director)
In the presences of)

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pursuant to a duly passed resolution)
in the presence of:-)

J.R. GRAVES
CHARTERED ENGINEER
3, LAWN CLOSE
HORSFORD
NORWICH NR103DT




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Was affixed in the presence of:)

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THE COMMON SEAL of
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Was affixed in the presence of:

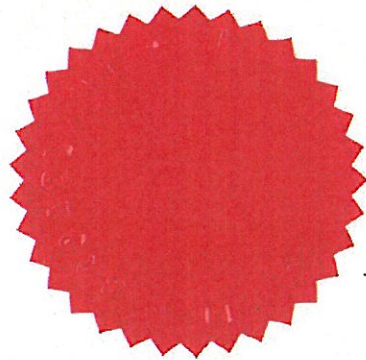
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THE COMMON SEAL of
BROADLAND DISTRICT COUNCIL
was affixed in the presence of:

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Head of Democratic Services
and Monitoring Officer

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