

THIS AGREEMENT is made the 24<sup>th</sup> day of October One Thousand Nine Hundred and Ninety-One BETWEEN BROADLAND DISTRICT COUNCIL of Thorpe Lodge Yarmouth Road Thorpe St. Andrew in the County of Norfolk (hereinafter called "the Council") of the first part MERVYN CHARLES LAYBOURNE HOY and GEORGINA HOY both of 43 Nutwood Close Thorpe Marriott Taverham in the said County of Norfolk (hereinafter together called "the Owners") of the second part and TSB BANK PLC (Company Registration Number 1089268) of 60 Lombard Street London EC4V 9EA (hereinafter called "the Mortgagee") of the third part

WHEREAS:-

- (1) The Council is the Local Planning Authority for the purpose of this Agreement
- (2) The Owners are seised in fee simple absolute in possession of the property known as Brook Cottage 1 Norwich Road Horsham St. Faith in the said County shown edged red on the plan annexed hereto ("the said Land") subject to the Legal Charge hereinafter recited and the covenants exceptions and reservations contained in the Charges Register of Title No. NK98805
- (3) By virtue of a Legal Charge dated the Twelfth day of December One Thousand Nine Hundred and Ninety and made between the Owners of the one part and the Mortgagee of the other part the said Land is charged to the Mortgagee to secure the repayment of the principal monies and interest mentioned in the said Legal Charge
- (4) The Owners have applied to the Council under reference number 90.1757 for planning permission for development to be



carried out on the said Land

(5) The Council and the Owners have agreed subject to planning permission being granted in consequence of that application to enter into this Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 NOW THIS DEED WITNESSETH as follows:-

1. SUBJECT to planning permission being granted in consequence of application number 90.1757 and pursuant to Section 106 and Section 33 respectively the Owners and the Mortgagee hereby jointly and severally AGREE DECLARE AND COVENANT with the Council that from the date on which the aforesaid planning permission shall be granted the said Land shall be permanently subject to the conditions restricting or regulating the development or use of it specified in the Schedule hereto PROVIDED THAT the Mortgagee shall only be personally liable hereunder when it is Mortgagee in possession of the said Land

2. THIS document is executed as a Deed and is delivered on the date stated at the beginning of this Deed

3. THE expressions "the Council" "the Owners" and "the Mortgagee" shall where the context so admits include their respective successors in title and assigns

IN WITNESS whereof the Council and the Mortgagee have caused their respective Common Seals to be hereunto affixed and the Owners have executed this document as a Deed the day and year



6500  
7.904ha  
19.53

1.22m RH

16.6m

MANOR CLOSE

El Sub Sta

Shelter

MANOR ROAD

Horsham St Faith Voluntary  
Controlled First School

Pond  
6069  
0.53ha  
13

7562  
1.239ha  
3.06

1.22m RH

Ward Bay

Pond

6348  
5.750ha  
14.21

Horsham St Faith

Pond

Surgery

MS

Russell House

Black Swan (PH)

SWAN STREET

14.7m

Shelter

Willow End

Swan Cottage

Marmora

WATERLOO CLOSE

El Sub Sta



first before written

THE SCHEDULE referred to:-

No further building or structures of any kind whatsoever shall be constructed on the said Land

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

  
Director of Administration



SIGNED AS A DEED by the said )  
MERVYN CHARLES LAYBOURNE HOY )  
and GEORGINA HOY in the )  
presence of:- )

X MCL Hoy

Sign Robinson )  
Address 3. BONIFACE CHOSE. )  
NORWICH N.R. 46. DD. )

X Citty

Occupation Retired.  
SIGNED AND DELIVERED AS A DEED  
by ALAN POWER  
as Attorney for TSB Bank plc  
in the presence of

\*A.P. [Signature]

Christie Currie.

Name: CHRISTIE CURRIE  
TSB Homeloans Limited  
29 Cadogan Street, Glasgow  
Securities Officer



DATED 24<sup>th</sup> October 1991

BROADLAND DISTRICT COUNCIL

and

MR. AND MRS. M.C.L. HOY

and

TSB BANK PLC

SECTION 106 AGREEMENT

Relating to Brook Cottage,  
1 Norwich Road, Horsham St.  
Faith, Norfolk

B.A.Yates,  
Director of Administration,  
Broadland District Council,  
Thorpe Lodge, Yarmouth Road,  
Thorpe St. Andrew,  
Norwich, NR7 ODU.