

DATED

28th March

1994

BROADLAND DISTRICT COUNCIL

and

MR. R. SNOWLING

and

BARCLAYS BANK PLC

PLANNING OBLIGATIONS

Under Section 106 of the Town & Country Planning Act 1990 as amended by Section 12 of the Planning and Land Compensation Act, 1991 relating to Land to the North and East of the Property known as "Aeolan", The Street, Taverham, Norfolk

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

A:0103BPOB.DEL

THIS PLANNING OBLIGATION is made the *Twenty-seventh* day of *March*
One Thousand Nine Hundred and Ninety-Four 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 RALPH SNOWLING of "Firbanks" Chapel
Road Hainford in the said County (hereinafter called "the
Owner") of the second part and BARCLAYS BANK PLC whose
Registered Office is situate at

(hereinafter called "the Bank") of the third part

WHEREAS:-

(1) The obligations imposed by this Deed are planning obligations for the purposes of Section 106 of the Town & Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act 1991

(2) The Council is the Local Planning Authority by whom these obligations are enforceable

(3) The Owner is seised in fee simple absolute in possession of land to the north and east of the property known as "Aeolan" The Street Taverham Norfolk (hereinafter called "the Property") shown as to part edged red and as to the remainder edged green on the Plan annexed hereto (hereinafter referred to as "the Plan") subject only to the Legal Charge next herein recited

(4) By a Legal Charge made the First day of December One Thousand Nine Hundred and Eighty-Seven the Property was charged by way of legal mortgage to the Bank to secure the monies therein mentioned



41.7m + MAPLE DRIVE

45/94/134

THE COMMON SEAL OF
BARCLAYS BANK PLC WAS
HEREUNTO AFFIXED IN
EXECUTION OF THIS DEED
IN THE PRESENCE OF

[Signature]
Authorized Sealing Officer

4604

(5) The Owner applied to the Council under reference number 91.1566 for planning permission for development to be carried out on the Property

(6) The Council the Owner and the Bank have agreed subject to planning permission being granted in consequence of the aforesaid application to enter into this planning obligation pursuant to the said Section 106 as amended

NOW THIS DEED WITNESSETH as follows:-

1. SUBJECT to planning permission being granted in consequence of application number 91.1566 and pursuant to the said Section 106 the Owner and the Bank hereby jointly and severally AGREE DECLARE AND COVENANT for themselves and their successors in title with the Council that from the date on which the aforesaid planning permission shall be granted the Property shall be permanently subject to the obligations specified in the First Schedule hereto PROVIDED THAT the Bank shall only be personally liable hereunder when it is Mortgagee in Possession of the Property

2. SUBJECT to the aforesaid planning permission being granted the Owner and the Bank hereby jointly and severally AGREE DECLARE AND COVENANT for themselves and their successors in Title with the Council that from the date on which the aforesaid planning permission shall be granted the Owner and the Bank shall perform the obligations specified in the Second Schedule hereto PROVIDED THAT the Bank shall only be personally liable hereunder when it is Mortgagee in Possession of the Property

3. THE expressions "the Council" "the Owner" and "the Bank" shall where the context so admits include their respective successors in Title and assigns

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

IN WITNESS whereof the Council and the Bank have caused their respective Common Seals to be hereunto affixed and the Owner has executed this document as a Deed the day and year first before written

THE FIRST SCHEDULE

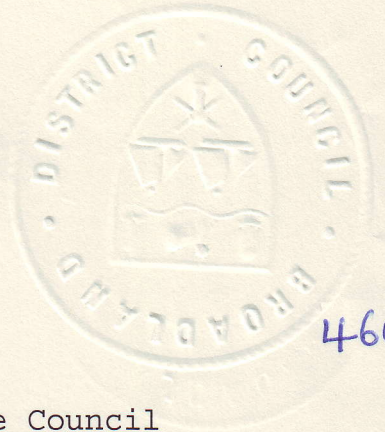
1. No structure or building is to be constructed on the green land (hereinafter referred to as "the Woodland") save as specifically provided in Clause 2 hereof including structures or buildings normally permitted under the Town & Country Planning General Development Order 1988 or any re-enactment thereof
2. To erect 1.5 m. high oak post-and-wire fences in positions to be approved by the Director of Development and Planning of the Council or such other Officer of the Council as the Council may from time to time designate to discharge the functions currently discharged by the Director of Development and Planning (hereinafter called "the Proper Officer") and for ever thereafter maintain
3. To bring to the attention of all persons carrying out any work on the Property that the Woodland is covered by a Tree Preservation Order
4. To notify the Proper Officer on each and every occasion when works are to be undertaken with regard to the Woodland and to advise the Proper Officer of the nature of those works

THE SECOND SCHEDULE

1. Within twelve months of the date hereof:-
 - (a) identify and make safe any hazardous trees under the guidance of an arboricultural consultant approved by the Proper Officer such approval not to be unreasonably withheld
 - (b) dispose of all dead and/or dying timber either by removal or by burning on site exercising due care to prevent damage to the remaining woodland and in particular all fires should be lit only in cleared areas away from the canopy spread of adjoining trees and never left unguarded
 - (c) clear and at all times keep cleared from any obstruction the strip of land seven metres in width shown coloured orange on the Plan
 - (d) plant trees in accordance with a planting scheme approved by the Proper Officer (to include replacements for any trees lost or removed as a result of (a) and (b) above)
2. Engage the services of an arboricultural consultant approved as before to prepare on-going three-yearly management plans to commence on the first anniversary of the date hereof to ensure the proper distribution of species and age mix to take into account:-
 - (i) natural regeneration
 - (ii) removal of over-mature/dying trees
 - (iii) replanting
3. To cause to be made an annual maintenance inspection by an arboricultural consultant approved as before and to carry

out or cause to be carried out all works found to be
necessary as a result of such inspection

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



4604

Assistant Chief Executive and Solicitor to the Council

SIGNED AS A DEED by the said)
RALPH SNOWLING in the)
presence of:-)

R. Snowling

BANK ROWE *B. Rowe*

BARCLAYS BANK PLC
P.O. BOX 36
BANK PLAIN
NORWICH NR2 4SP



45/94/135

THE COMMON SEAL of BARCLAYS)
BANK PLC was hereunto)
affixed in the presence of:-)

Authorised Sealing Officer