

THIS AGREEMENT dated *25th April* 2001 is made **BETWEEN**
BROADLAND DISTRICT COUNCIL of Thorpe Lodge Yarmouth Road Thorpe St
Andrew Norwich Norfolk ("the Council") of the one part and **ANTHONY RUSSELL**
BROOKS ("the Owner") of Shangri La Aylsham Road Tuttington Norfolk NR11 6TQ
("the Owner") of the other part

WHEREAS:-

1. The Owner has applied to the Council under reference 99.0287 for planning permission to construct eleven houses ("the Development") on the Land.
2. The Council has resolved to grant conditional planning consent in the form annexed ("the Draft Consent") subject to the Owner entering into this agreement.

NOW THIS DEED WITNESSETH as follows:-

1. The obligations imposed by this agreement are planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 ("the 1990 Act").
2. The Council is the local planning authority by whom these obligations are enforceable.
3. The Owner is the registered proprietor with absolute title of freehold land at Chapel Farm Tuttington Norfolk which is registered at HM Land Registry under Title Number NK255208 and the Owner is the registered proprietor with possessory title of freehold land lying to the south of Aylsham Road Tuttington registered at HM Land Registry under Title Number NK254986 ("the Land") all of which land is shown for the purpose of identification only edged red upon the plan annexed ("the Plan").

huk

EXISTING BUILDINGS
AND SURVEY PIT
REMOVED EXCEPT FOR
ONE HIGHLIGHTED.

UNITS 3/4 AND
2 BED HOUSES FOR
SOCIAL HOUSING

REMOVE ALL SHEETS
PIG PENS ETC. FROM
SITE.

EXISTING CHAPEL TO
BE CONVERTED TO
SINGLE DWELLING

EXISTING FARM
ENTRANCE RETAINED FOR
ACCESS TO NORTH BUILDINGS.

BROADLAND
DISTRICT COUNCIL
23 OCT 2000

PLANNING CONTROL

AMENDED
PLAN

D. OCT 00. PARKING UNIT 4 KEY
BOUNDARY RE PLOTTED AS MEASURED

C. JULY 00. UNITS 3/4 GARAGE ADDED &
TURNING HEAD.

B. DEC 99. UNITS 3/4 REVISED GARAGE
OMITTED. UNITS 7/8
PORTION REVISED.

A. SEP. 99. 2 NO AFFORDABLE HOUSES
INCLUDED WITHIN SCHEME.
CHAPEL REPRODUCED INTO
SCHEME.

ARCHITECTS & PLANNERS
80, St. Georges Street,
Norwich
NR3 1DA
Tel 01603 666151
Fax 01603 621476
email cam@architects6.freeserve.co.uk



Client
Mr A. Brooks.

Drawing Title

Residential Redevelopment.
Chapel Farm,
Tuttington.

11no. Dwellings.

Date	Scale	Ref
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Job No. 716.	Drawing No. 02.	Rev A B C D
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Site Layout. 1:500

BASED UPON OS ENLARGEMENT
SURVEY TO DETAILED SURVEY.

4. The provisions of Clause 5 are conditional upon:-
 - a) the grant of planning permission for the Development in the form of the Draft Consent and
 - b) the implementation of the planning permission granted in the form of the Draft Consent by the carrying out of a material operation as defined in Section 56 of the Act (“Commencement of the Development”)
5. The Owner hereby agrees declares and covenants for himself and his successors in title owner or owners from time to time of the Land or any part or parts thereof with the Council not to allow commencement of the Development:-
 - a) Until the Owner shall have entered into:-
 - i) an agreement with Norfolk County Council (or its successors as highway authority) providing for the carrying out of works of improvement to the existing public highway between Points A and B as shown on the Plan so that at the conclusion of these works that highway and any additional land together constitute a kerbed carriageway of a minimum width of five and one half (5.5) metres constructed to such standard as is then applicable for newly constructed public highways and
 - ii) an agreement with Norfolk County Council (or its successors as highway authority) providing for the dedication of any additional land as public highway
 - b) Without having first paid to the Council a sum for the maintenance of children’s informal play space in the Parish of Tuttington which sum shall be the total of £971 plus the product of the percentage increase in the Index of Retail Prices Inflation (all items) published by H. M. Stationary Office from April 1999 to the month of payment

c) Until the Owner shall have entered into:-

- i) an agreement (“the Housing Agreement”) in a form approved by the Council (such approval not to be unreasonably withheld) with a registered social landlord or such other body as shall be approved by the Council (“the Association”) to provide for the construction of not less than two dwellings (“the Allocated Housing”) on part of the land (“the Allocated Housing Land”) as shown coloured green on the Plan the cost of entering into such agreement shall be for and at the cost of the Association and
- ii) an agreement with the Association agreeing tenure management and ownership of the completed Allocated Housing (“the Occupation Agreement”)

PROVIDED THAT if despite all reasonable endeavours having been used by the Owner the Housing Agreement and the Occupation Agreement shall not have been entered into within 3 years from the date of commencement of the Development the Owner shall be released from the obligations contained in this clause 5(c).

d) That the Allocated Housing Land shall be used for no other purpose than the provision of socially rented accommodation

6. The Owner hereby requests the Chief Land Registrar to register the terms of this agreement at HM Land Registry against Title number NK255208 and Title number NK254986.

7. Notwithstanding the provisions of this deed the undertakings and obligations herein contained on the part of the Owner shall not be enforceable against the Association or its successors in title or any statutory undertakers in relation to any parts of the Land acquired for electricity sub stations gas governor stations pumping stations or similar installations **PROVIDED THAT** for the avoidance of doubt this clause shall

not take effect to release or reduce in any way the liability of the Owner pursuant to this deed

8. The expressions "the Owner" and "the Council" shall include their respective successors in title and assigns and where appropriate the plural shall include the singular and vice versa.

The Schedule

Draft Planning Consent

CAM PARTNERSHIP
80 ST GEORGES STREET
NORWICH
NR3 1DA

Application Number:

990287

Date of Decision:

Description: ERECTION OF 11 DWELLINGS (OUTLINE)

Location: CHAPEL FARM, AYLSHAM ROAD, TUTTINGTON.

Applicant: MR A BROOKS

Town and Country Planning Act 1990

The Council in pursuance of powers under this Act GRANTS OUTLINE PLANNING PERMISSION for the development referred to above in accordance with the submitted plans and application forms subject to the following conditions.

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority, before the expiration of 3 years from the date of this permission.
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site hereinafter called 'the reserved matters' shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. The development hereby permitted shall not be carried out otherwise than in accordance with the amended layout plan, drawing No. 716.02 Rev D.
4. Full details of all external materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
5. Before development commences on the site a plan should be submitted to the Local Planning Authority indicating details of the position, height and construction of boundary (fences/walls/hedges) for their approval. Following written approval the work shall be carried out before the dwellings are occupied or within such other period as may be specified in writing by the Local Planning Authority.

6. Development shall not be commenced on the site to the south of Aylsham Road until (1) development has commenced on all those dwellings on the site to the north and (2) until all the buildings identified on drawing 716.02 Rev D and any slurry lagoons within and adjacent to this southern site have been demolished and the site reinstated in accordance with a scheme which has previously been submitted to and approved by the Local Planning Authority.
7. Development shall not be commenced on the northern site until the redundant agricultural buildings and slurry lagoons, on and adjacent to the northern site, identified on drawing No. 716.02 Rev D and referred to in the agent's letter of 24 September 1999 and fax of 28 September 1999, have been removed and the site reinstated in accordance with a scheme which has previously been submitted to and approved by the Local Planning Authority.

8. None of the units, 6 to 10, shall be occupied until the existing barns adjacent to Unit 10 have been demolished and the informal play area been laid out in accordance with a scheme which has previously been submitted to and approved by the Local Planning Authority.

9. The scheme required under condition 8 above must include:

- (i) A detailed ground survey of the site, including the results obtained from the sinking of trial holes, in order to determine the content of the former pit on this part of the site.
- (ii) A scheme of remediation works for this area taking account of its prior use and of the location of underground services.
- (iii) Details of the proposed surfacings, planting, boundary treatments and play facilities to be provided on the site.

The reasons for the conditions are:-

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act, 1990.
2. To ensure the satisfactory development of the site.
3. To ensure the permission relates to the correct documents.
4. To ensure the satisfactory development of the site.
5. To ensure the proper development of the site without prejudice to the amenities of the area.
6. To ensure the proper development of the site without prejudice to the amenities of the area.
7. To ensure the proper development of the site without prejudice to the amenities of the area.
8. To ensure the satisfactory development of the site.
9. To ensure the proper development of the site without prejudice to the amenities of the area or those of the future occupiers of the site.

INFORMATIVE

This decision is being granted contrary to the provisions of the Development Plan in view of the weight afforded to the other material considerations.

There is an agreement under Section 106 of the Town and Country Planning Act 1990 which relates to the development of this site.

NOTES

1. If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice on this point can be obtained from the Building Control Section of the Planning and Community Services Directorate.

Signed

P. C. KIRBY

Director of Planning & Community Services

Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU

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SIGNED as a Deed by)
ANTHONY RUSSELL)
BROOKS in the)
presence of:)

A.R. Brooks.

*Cheryl A. Parkes.
3 Ethel Tipple Drive
Aylsham
Secretary*

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

[Signature]



Strategic Director (Community Services)