

DATED 27th May 2005

JASON FREDERICK CRANE

- and -

BROADLAND DISTRICT COUNCIL

**PLANNING OBLIGATION BY WAY OF
UNILATERAL UNDERTAKING**

Under Section 106 of the Town and Country Planning Act 1990
relating to land at 1 Foxburrow Road
Sprowston Norwich Norfolk

Head of Law
Norfolk County Council
County Hall
Martineau Lane
Norwich
NR1 2DH

THIS UNDERTAKING is made by Deed the 27th day of May 2005

BY

JASON FREDERICK CRANE ("the Owner") of 1 Foxburrow Road Sprowston
Norwich Norfolk NR7 8QU

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:-

"the Act" means the Town and Country Planning Act 1990
(as amended)

"the Adjoining Development" means the construction of a two storey rear extension to the property at 3 Foxburrow Road Sprowston Norwich Norfolk in accordance with the plan approved under the planning application registered by the Council on 18 November 2004 under reference 2004 1811.

"the Application" means the application registered by the Council on 18 November 2004 under reference 20041816 seeking permission for the construction of a rear extension to the property on the Site in accordance with the plan submitted with the Application

"the Development" means the construction of a two storey rear extension to the property on the Site.

"the Permission"

means a valid planning permission for the Development granted pursuant to the 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 which the Site is situated.
3. The Owner is the freehold owner of the Site.
4. The Council has resolved to grant the Permission subject to the prior conclusion of this Undertaking.

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 Owner 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 whom 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



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Application No: 20041816
1 Foxburrow Road, Sprowston, NR7 8QU

Scale:
1:1250
Date:
18-Nov-04



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

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

- 2.1 that the Development will only be constructed and completed simultaneously with the construction and completion of the Adjoining Development
- 2.2 to instruct the same building contractor carrying out the Adjoining Development to construct the Development
- 2.3 that the Development will only be carried out and completed in accordance with the plan number 04.0310 forming part of the Application and will thereafter not be demolished or altered without the Council's consent

3. DECLARATIONS

IT IS HEREBY DECLARED AS FOLLOWS

- 3.1 That unless otherwise proposed by the Owner 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 Owner has signed this Undertaking as a Deed on the date hereof

27/05/2005 . *AF Crane*

SIGNED as a DEED
By JASON FREDERICK CRANE
in the presence of:-

27/05/2005 - Mrs CJ Wellon.