

DATED 11th March **2002**

BROADLAND DISTRICT COUNCIL

AND

BASIL CHARLES TODD

AND

**THE GOVERNOR AND COMPANY OF
THE BANK OF SCOTLAND**

AGREEMENT

relating to the development of land at
Wensum Valley Golf and Country Club
Beech Avenue Taverham made pursuant to
Section 106 of the Town and Country Planning Act 1990
and any other enabling power

Steele & Co Solicitors
2 The Norwich Business Park
Whiting Road
Norwich
Norfolk NR7 0DU

Ref: EP/4349.379.0


THIS AGREEMENT dated 11th March 2002 is made between

BROADLAND DISTRICT COUNCIL of Thorpe Lodge 1 Yarmouth Road Thorpe St Andrew Norwich NR7 0DU ("the Council") of the first part **BASIL CHARLES TODD trading as Wensum Valley Golf and Country Club** of Wensum Valley Golf Club of Beech Avenue Taverham Norwich ("Mr Todd") of the second part and **THE GOVERNOR AND COMPANY OF THE BANK OF SCOTLAND** of The Mound Edinburgh EH1 1YZ ("the Mortgagee") of the third part

WHEREAS

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 for the purposes of the 1990 Act by whom these obligations are enforceable.
3. Mr Todd is the registered proprietor with absolute title of the land (hereinafter called "the Land") shown for the purposes of identification only edged red on the plan annexed hereto ("the Plan") as the same is registered with Title Number NK265167 subject to the matters contained in the Charges Register for that Title Number but otherwise free from encumbrances.
4. The Mortgagee is the registered proprietor of a Registered Charge dated the 6th August 1998 and registered on the 10th July 2001.
5. Since the 26th April 1989 Mr Todd has used and occupied the two small triangular areas of land cross-hatched green on the Plan as vision splays ("the Vision Splays") in conjunction with the access road to the Wensum Valley Golf and Country Club Beech Road Taverham Norwich as of right without the licence or



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Date 20 Sep 01	Location Hotel Golf & Country Club	
Scale 1:5000	OS Reference TG1523014800	

permission of any third party and without objection being raised to his use of the Vision Splays in conjunction with the said access road.

6. By a Statutory Declaration dated 30th November 2001 Mr Todd declared that he has used and occupied the Land and has been in full and undisturbed possession and enjoyment of the Vision Splays continuously since the 26th April 1989 without any claim adverse to his title.
7. Mr Todd has applied to the Council in the name of Wensum Valley Golf and Country Club under reference 99.0362 for permission to erect a two storey side extension to provide extra bedrooms at the Wensum Valley Golf and Country Club Beech Avenue Taverham as comprised within the area shown edged red and cross-hatched green upon the plan annexed ("the Development").
8. The Council has resolved to grant conditional planning consent for the Development in the form annexed ("the Draft Consent") subject to Mr Todd entering this agreement.

NOW THIS DEED WITNESSETH as follows:-

1. This Agreement is made pursuant to Section 106 of the 1990 Act and is a planning obligation for the purposes of that section enforceable by the Council.
2. The provisions of Clauses 3 and 4 of this Agreement are conditional upon the grant of planning permission for the Development in the form of the Draft Consent ("the Permission").
3. Mr Todd hereby agrees declares and covenants for himself and his successors in title with the Council not to undertake any further development pursuant to planning permission 94.0299.

4. The Mortgagee hereby acknowledges the terms of this Agreement and agrees not to develop pursuant to the Permission any part of the Land or the Vision Splays in which they have an interest otherwise than in accordance with the terms of this Agreement.
5. This agreement is a local land charge and upon completion shall be registered by the Council as such.
6. The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement and no person who is not a party to this Agreement (other than a successor in title to one of the original parties) shall be entitled in that person's own right to enforce any provisions of this Agreement pursuant to the provisions of the said Act.

SCHEDULE

Draft Planning Consent Attached

Ask for : Mrs J Carpenter
Direct Dial: (01603) 703253
Fax : (01603) 700339
Date : 19 December 2001

Application Number:
990362

SKETCHER PARTNERSHIP LTD
FIRST HOUSE
QUEBEC STREET
DEREHAM
NORFOLK NR19 2DJ

Date of Decision:	19 DECEMBER 2001
Description:	TWO STOREY SIDE EXTENSION TO PROVIDE EXTRA BEDROOMS
Location:	WENSUM VALLEY GOLF & COUNTRY CLUB, BEECH AVENUE, TAVERHAM.
Applicant:	WENSUM VALLEY GOLF & COUNTRY CLUB

Town & Country Planning General Regulations, 1992. Regulation 4.

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. This permission shall be constructed as an alternative to that development permitted under planning permission 94.0299 and upon implementation of the development hereby permitted no further works shall be undertaken in respect of that consent.
3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development and arrangements to be made for the permanent maintenance of the landscaped areas.
4. The landscaping scheme, including surfacing and boundary treatments, as submitted and approved shall be carried out prior to the building hereby approved being brought into use unless otherwise specified in writing by the Local Planning Authority.

Application Number:
990362

- Any tree or shrub which dies within five years of the planting of the first tree or shrub shown in that position on the approved landscaping scheme shall be replaced to the satisfaction of the Local Planning Authority.

The reasons for the conditions are:

- Required to be imposed pursuant to Section 91 of the Town and Country Planning Act, 1990.
- To ensure an orderly and well designed development.
- In the interests of highway safety.
- To ensure the satisfactory development of the site.
- To ensure the satisfactory development of the site.

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NOTES

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- 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
Miss N George
Head of Planning
Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU

IN WITNESS whereof this Agreement has been executed and delivered as a Deed on
the day and year first before written 26th January 2002

SIGNED as a Deed by the said
BASIL CHARLES TODD in the
presence of:

) *B. Todd*
)
) *SARA BELENOMIA Belenomia*
44 THE WARREN
HORSHAM ST FAITHS
NORWICH
NR10 3JT
HOTEL RECEPTIONIST

SIGNED as a DEED for and on behalf)
of the GOVERNOR AND COMPANY)
OF THE BANK OF SCOTLAND)

[Signature] Authorised Signatory

[Signature] Witness

Signed as a deed for and on
behalf of the Governor and Company of the
Bank of Scotland.
[Signature] (Authorised Signatory)
[Signature] (Witness)

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



5312

[Signature]
Head of Corporate Services and Monitoring Officer