

Dated 14 July 2017

BROADLAND DISTRICT COUNCIL

-and-

SERRUYS PROPERTY COMPANY LIMITED

DEED OF RELEASE

relating to Tawny Lodge,
4 Pound Lane, Thorpe St Andrew

 **HOWES
PERCIVAL**

Flint Buildings
1 Bedding Lane
Norwich
Norfolk
NR3 1RG
Tel: 01603 762103
Fax: 01603 762104
(JZC/209647.15)

THIS DEED OF RELEASE is dated

14 July

2017

PARTIES:

(1) **BROADLAND DISTRICT COUNCIL** Thorpe Lodge 1 Yarmouth Road Thorpe St Andrew Norwich NR7 0DU (referred to as "the Council")

(2) **SERRUYS PROPERTY COMPANY LIMITED** (Company Registration Number 01137245) whose registered office is at Spc House Atlas Works Norwich Road Lenwade Norfolk NR9 5SN (referred to as "the Owner")

together referred to as 'the Parties'

INTRODUCTION

- (A) The Council is a local planning authority for the area within which the Site is located.
- (B) The Owner owns the freehold of the Site which is the land registered at the Land Registry under title number NK239364.
- (C) The Site is held subject to the Original Agreement entered into pursuant to Section 52 of the Town and Country Planning Act 1971.
- (D) The Council has agreed to the Owner's request to release and discharge the Site from the Original Agreement.

1. DEFINITIONS

In this Deed the following expressions have the following meanings:

"Original Agreement" an agreement dated 5th November 1985 between (1) the Council (2) John James Miller as varied by a Deed of Variation dated 14th July 1995 between (1) the Council (2) Honor Ann Serruys

"Site" the land which is subject to the planning obligations

contained in the Third Schedule to the Original Agreement

2. CONSTRUCTION OF THIS AGREEMENT

- 2.1 References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the Council the successors to their respective statutory functions.
- 2.2 A reference to an act of Parliament includes any later modification or re-enactment, including any statutory instruments made under that act, and reference to a gender or person includes all genders or classes or person.

3. LEGAL BASIS

This Deed is supplementary to the Original Agreement and is made in pursuance of the Council's powers under Section 111 of the Local Government Act 1972, section 1 of the Localism Act 2011 and all other enabling powers.

4. LEGAL EFFECT

This Deed shall take effect from the date hereof.

5. THE OPERATIVE PROVISIONS

- 5.1 The Council hereby discharges the Original Agreement and releases the Site from all of the planning obligations contained in the Original Agreement.
- 5.2 The Parties hereby agree that the Original Agreement ceases to bind the Site from the date of this Deed and the Owner shall no longer be bound by any of the provisions within the Original Agreement which shall cease to be of any effect.
- 5.3 The Council shall as soon as practicable remove all entries relating to the Original Agreement from its Local Land Charges Register.

6. JURISDICTION

- 6.1 This Deed is governed by and interpreted in accordance with the law of England and the Parties submit to the non-exclusive jurisdiction of the courts of England.

7. DELIVERY

7.1 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed as a deed on the day and year first before written.

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

)
)
)



Head of Finance and
Revenue Services



7739

Executed as a deed by **SERRUYS
PROPERTY COMPANY LIMITED**
acting by a director In the presence of:

Director: ANDRE PAUL SERRUYS

)



Signature of Director:

)

Name of Witness (in BLOCK CAPITALS):

)

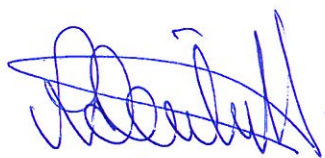
Signature of witness

)

Address of Witness:

)

)



RICHARD CUBITT
SPC House Arlees Works.
Norwich Road
LENWADE
Norwich NR9 5SN