

DATED

10TH March

2000

BROADLAND DISTRICT COUNCIL

AND

SERRUYS PROPERTY CO LIMITED

Agreement relating to
Drayton Wood Care Home
Drayton Wood
Drayton High road
Drayton

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

Ref: RPH/4349.427.7

THIS AGREEMENT dated 10TH March 2000 is made BETWEEN

BROADLAND DISTRICT COUNCIL of Thorpe Lodge Yarmouth Road Thorpe St

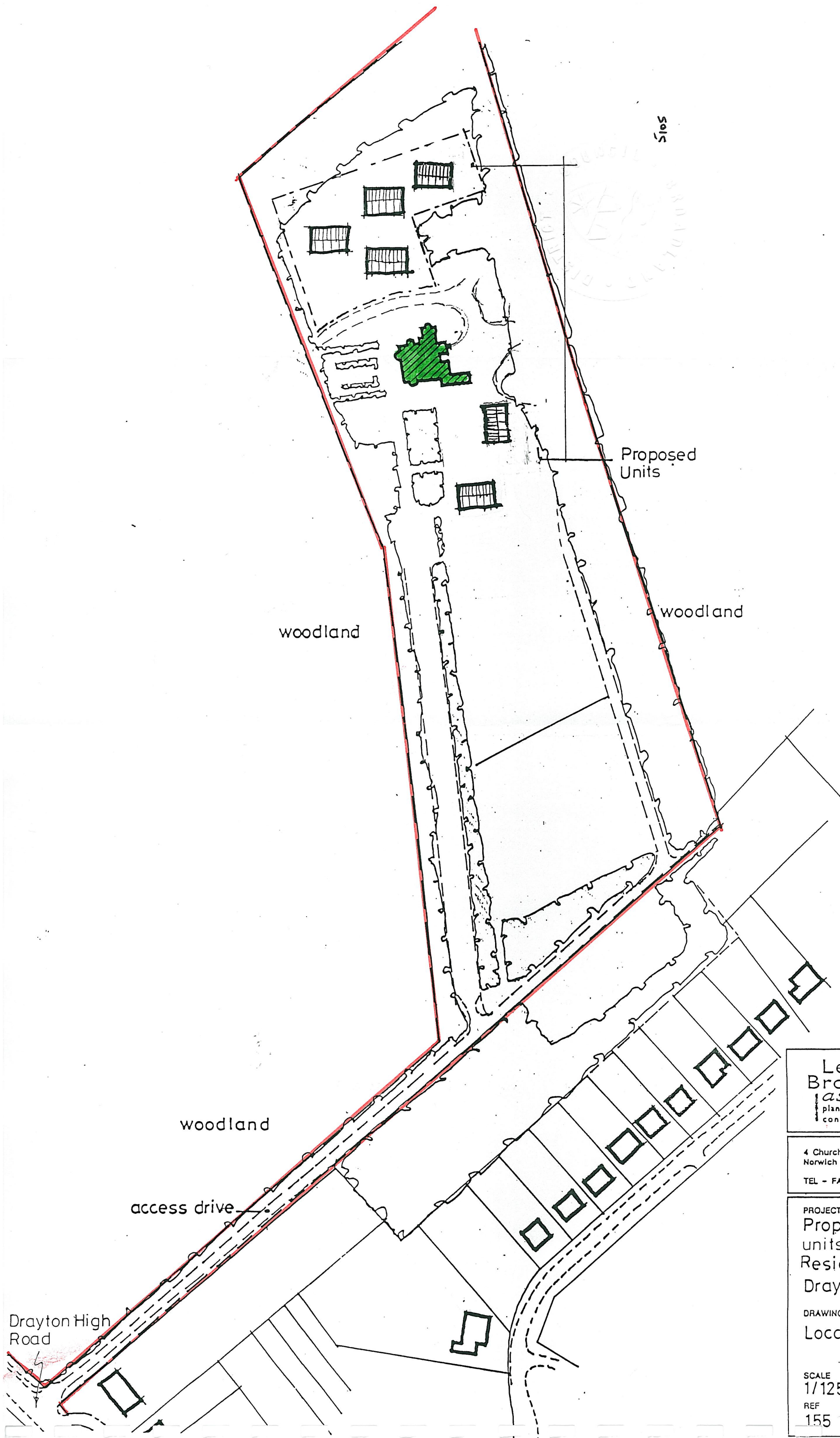
Andrew Norwich Norfolk ("the Council")(1)

SERRUYS PROPERTY CO LTD (1137245)("the Owners") of SPC Atlas Works

Norwich Road Lenwade Norfolk NR6 5SN(2)

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") and are pursuant to the powers contained in section 111 of the Local Government Act 1972 ("the 1972 Act").
2. The Council is the local planning authority by whom these obligations are enforceable.
3. The Owners are registered proprietors with absolute title of freehold land ("the Land") Drayton Wood Drayton High Road Drayton as the same is registered at HM Land Registry under Title Number NK150029 and shown for the purpose of identification only edged red upon the plan annexed ("the Plan").
4. The Owners have applied to the Council under reference 99.1012 for planning permission to erect 6 dwellings as home care unit ("the Development") to be carried out on the Land.
5. The Council has resolved to grant conditional planning consent in the form annexed ("the Draft Consent") subject to the Owners entering this agreement.
6. The Owners recognise the concerns of the Council and accept the need for the covenants on the part of the Owners as hereinafter provided.



Les
Brown
associates
planning & development
consultancy

4 Church Street Old Catton
Norwich NR6 7DS.
TEL - FAX 01603 403186

PROJECT
Proposed home care
units
Residential care home
Drayton Wood

DRAWING
Location plan

SCALE	DATE	DRAWN
1/1250		
REF	DRAWING NUMBER	
155	02	

NOW THIS DEED WITNESSETH as follows:-

1. The provisions of clause 2 are conditional upon
 - (i) the grant of the planning permission for the Development in the form of the Draft Consent annexed and
 - (ii) Implementation of the planning permission by commencement of the Development as defined in clause 5 below.
2. The Owners hereby agree declare and covenant for themselves and their successors in title to the Land and each and every part thereof with the Council as follows:
 - (i) In recognition of the fact that the planning permission to be granted in the form of the Draft Consent is an alternative to and replacement of planning consent reference 96.0969 (“the existing consent”), not to implement or in due course renew the existing planning consent or seek planning consent for development similar to the existing planning consent.
 - (ii) In order to ensure that the use and occupation of the Development is restricted to reflect the Development to be granted in the form of the Draft Consent, not to allow temporary or permanent occupation of any part of the Development other than by persons with learning difficulties and staff ancillary thereto.
 - (iii) In order to properly restrict the range of alternative uses, not to use the Development for any other purpose within Class C2 of the Town and Country Planning (Use Classes) Order 1987).
 - (iv) In order to maintain the relationship between the adjacent Drayton Wood Care Home shown shaded green on the attached plan, (“the Home”) and the Development, and to reflect 2(i) above, not to allow he Development or any

part thereof to be used or operated other than as a facility integrated with and forming part or a single enterprise in all respects with the Home and for the avoidance of doubt no part of the Development shall operate or be occupied at any time independently of the Home.

3. The Owners hereby requests the Chief Land Registrar to register the terms of this agreement at HM Land Registry against title number NK150029.

4. The expression “the Owners” and “the Council” shall include their respective successors in title and assigns and where appropriate the plural shall include the singular and vice versa.

5. Commencement of the Development or any part thereof shall be deemed to have occurred upon the undertaking of any “material operation” as defined in Section 56 of the 1990 Act.

Ask for : Mrs J Carpenter
Direct dial : (01603) 703253
Fax : (01603) 700339
Date : 28 February 2000

LES BROWN ASSOCIATES
4 CHURCH STREET
OLD CATTON
NORWICH
NR6 7DS

Application Number:

991012

Date of Decision: 22 SEP 1999

Description: ERECTION OF SIX DWELLINGS AS HOME CARE UNITS

Location: DRAYTON WOOD CARE HOME, DRAYTON HIGH ROAD, DRAYTON.

Applicant: S P C LTD

Town and Country Planning Act 1990

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 5 years from the decision date of this permission.
2. 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.
3. Prior to the development commencing on the site a two metre high close boarded fence shall be erected on the eastern boundary where the access road abuts the gardens of properties on Westwood Drive, the precise position to be agreed by the Local Planning Authority.
4. The home care units hereby approved shall be occupied in association with the adjacent Drayton Wood Care Home and at no time as separate unassociated dwelling units.
5. The home care units shall be restricted to accommodate people with learning difficulties and for no other use within Class C2 of the Town and Country Planning (Use Classes) Order 1995.
6. Prior to the commencement of the development or the placing of huts, plant or machinery on the site the existing trees shall be enclosed by chestnut pale fencing at least 1.5 metres high erected in accordance with the requirements specified in the attached Policy Note No.3. Such fencing shall remain in place for the duration of the building works and the areas enclosed shall remain free of all obstructions, building materials, machinery, equipment and excavations.

7. Where service runs are within close proximity to, or under the canopies of existing trees, then the trenches required shall be hand dug unless previously agreed in writing with the Local Planning Authority.

The reasons for the conditions are:-

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act, 1990.
2. To ensure the satisfactory development of the site.
3. To protect the amenities of adjacent residential properties.
4. To ensure development appropriate for the area.
5. To ensure development appropriate for the area.
6. To ensure that the existing trees on the site are not adversely affected by the proposed development.
7. To ensure that the existing trees on the site are not adversely affected by the proposed development.

===== INFORMATIVE =====

1. The hereby approved development is a more acceptable scheme than the previously approved extension to the care home and therefore provides sufficient justification to override any policy objections.
2. The applicant's attention is drawn to the agreement under Section 106 of the Town and Country Planning Act 1990 relating to 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


THE COMMON SEAL of SERRUYS)
PROPERTY COMPANY LIMITED)
was hereunto affixed in the presence of:-)



Director 

Director/Secretary 

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


Director of Resources



5/10/5