

DATED th 14 September 9 2000

BROADLAND DISTRICT COUNCIL

and

WILCON HOMES ANGLIA LTD

AGREEMENT

Relating to:-
Littlewood House
School Road
Drayton

Steele & Co
2 The Norwich Business Park
Whiting Road
Norwich
NR4 6DJ
Ref: RAM.MR.4349-356-9

THIS AGREEMENT dated 14/9 2000 is made **BETWEEN BROADLAND DISTRICT COUNCIL** of Thorpe Lodge 1 Yarmouth Road Thorpe St Andrew Norwich Norfolk (“the Council”) (1)

WILCON HOMES ANGLIA LTD (“Wilcon”) of Wilcon House Falmouth Avenue Newmarket Suffolk CB8 0NB (2)

WHEREAS:-

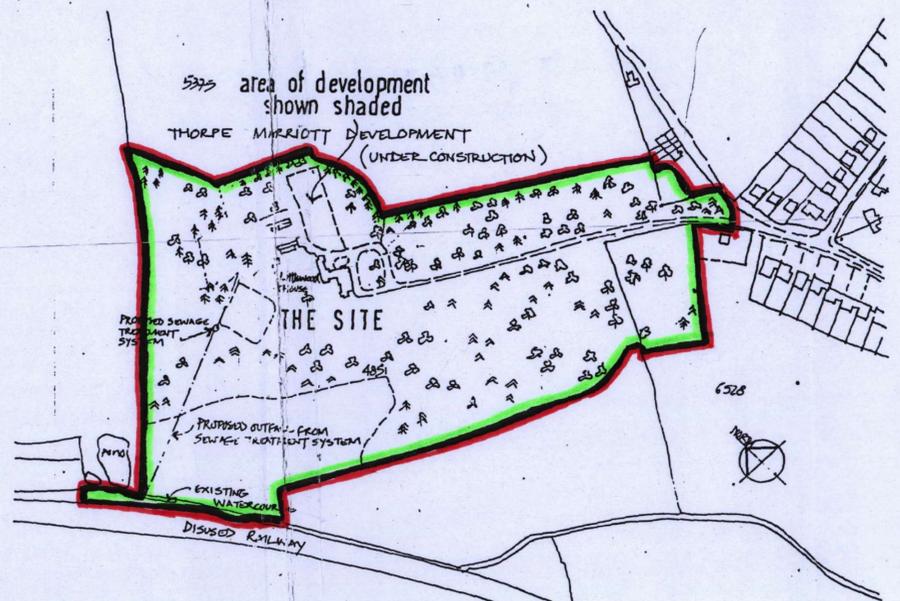
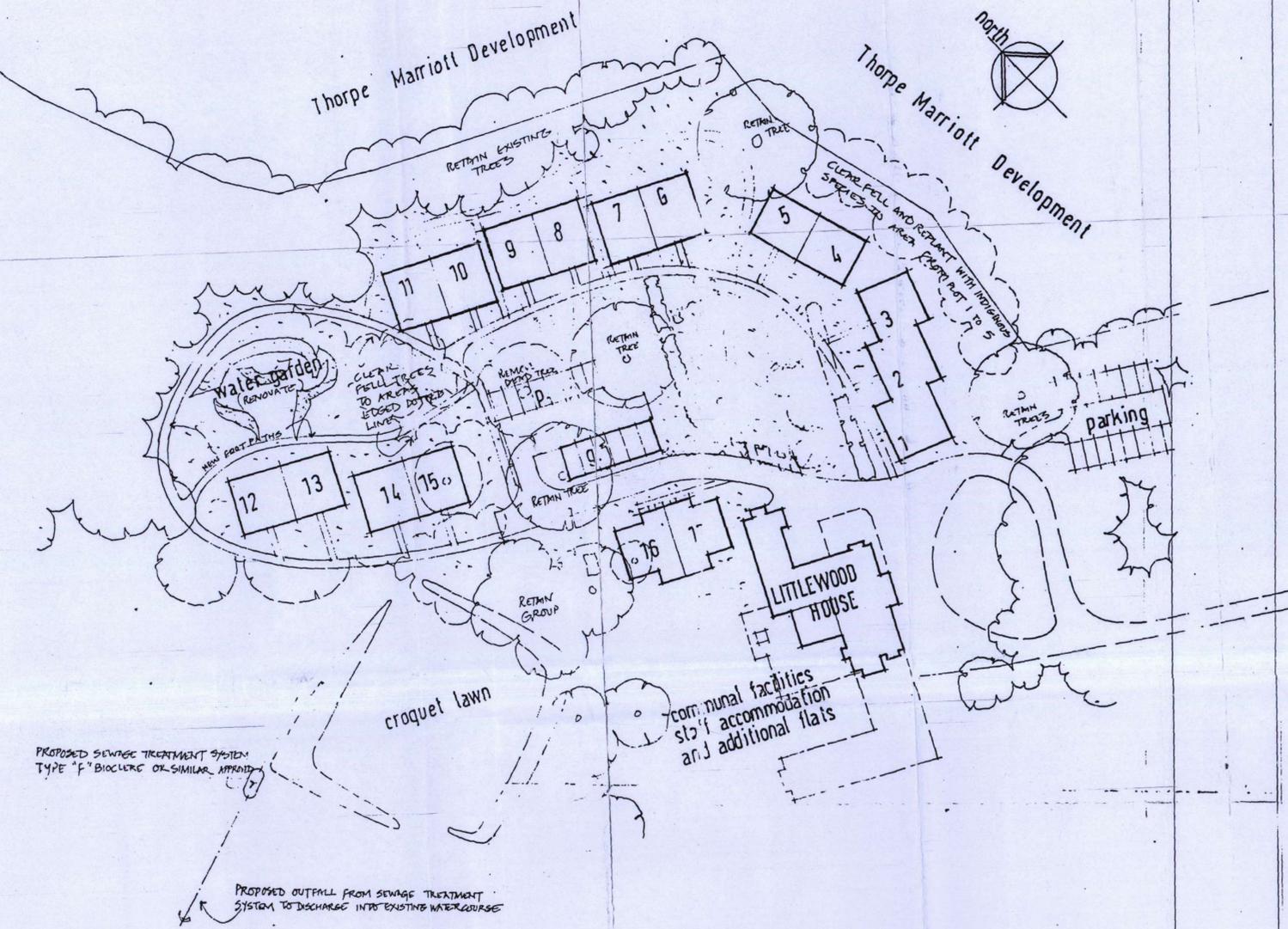
1. The obligations imposed by this agreement are planning obligations pursuant to section 106 of the Town and Country Planning Act 1990 (“the 1990 Act”)
2. The Council is the local planning authority by whom these obligations are enforceable
3. Wilcon is the registered proprietor with absolute title of freehold land (“the Land”) at Littlewood House School Road Drayton NR3 6EW as the same is registered at HM Land Registry under Title Number NK229443 and shown for the purpose of identification only edged red upon the plan annexed (“the Plan”)
4. Wilcon has applied through agents to the Council under reference 99.0240 for planning permission to renew planning permission 96.0066 which in turn renewed planning permission 92.1358 which in turn renewed planning permission 89.0235 for the erection of 17 retirement dwellings and 5 flats (together referred to as “the Units”) and community facilities in Littlewood House School Road Drayton (together referred to as “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 Wilcon entering this agreement.

N. Paul

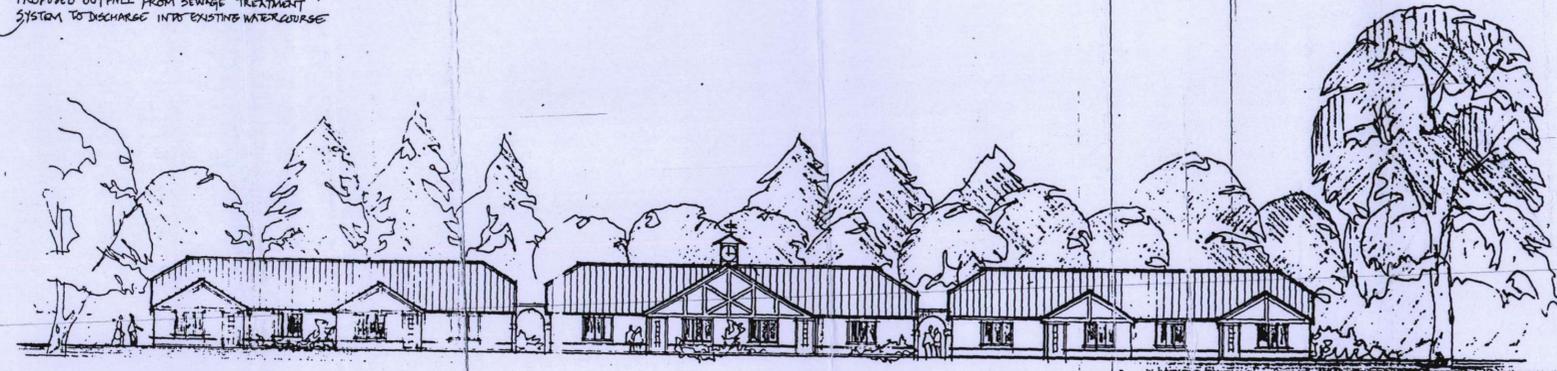
512
CBA

99.0240

N. Paul



location plan 1:2500



sketch elevation plots 6-11

BROADLAND DISTRICT COUNCIL
- 9 MAR 1999
PLANNING CONTROL

C' 28/5/89 REVISIONS TO PLANNERS REQTS.
B' 12/5/89 REDRAWN & REISED LAYOUT
DO NOT SCALE - ALL DIMENSIONS TO BE CHECKED PRIOR TO SETTING OUT AND THE ARCHITECT NOTIFIED OF ANY DISCREPANCY

CLIENT
COMDORAN PROPERTIES LTD
LITTLEWOOD HOUSE DRAYTON
PROPOSED RETIREMENT PARK

TITLE
PROPOSALS

Ross Powlesland Dipl. Arch. R.I.B.A.
Chartered Architect,
63 The Close,
Norwich NR1 4DL.
NORWICH (0603) 667125.

SCALE 1:200 1:500 1:2500 DATE May 89 DRAWN BY R. Powlesland

DRAWING NO. 715 / 16 'c'

NOW THIS DEED is made pursuant to s106 of the 1990 Act and is a planning obligation for the purposes of that section enforceable by the Council and

WITNESSES as follows:-

1. The provisions of the second schedule are conditional upon:-
 - (a) The grant of planning permission for the Development in the form of the Draft Consent; and
 - (b) The commencement of the Development by the carrying out of a material operation as defined by section 56 of the 1990 Act (but not including any operation relating to the demolition of any existing buildings or clearance of the Land) (“the Commencement Date”)
2. Wilcon hereby agrees declares and covenants for itself and its successors in title with the Council to observe the restrictions and carry out the obligations and responsibilities specified in the second schedule.
3. The expression “Wilcon” and “the Council” shall include their respective successors in title and assigns and where appropriate the plural shall include the singular and vice versa.
4. No person should be liable for any breach of the covenants restrictions or obligations contained in this agreement occurring after he has parted with his interest in the Land or the part of the Land in respect of which the breach occurs PROVIDED THAT the reservation of any rights or the inclusion of any covenants or restrictions over the Land in any transfer shall not constitute an interest for the purposes of this clause
5. This agreement shall cease to have effect if:
 - 5.1 the planning permission shall be quashed revoked or otherwise withdrawn or modified (save as to any minor modifications to the Development as shall be agreed from time to time by the Council and Wilcon) prior to the Commencement Date; or
 - 5.2 the permission shall expire prior to the Commencement Date
6. This agreement is a local land charge and shall be registered as such

Schedules

First Schedule

Draft Planning Consent

Second Schedule-Obligations of Wilcon

1. Not to initiate within the meaning of section 56(4) of the 1990 Act planning consent reference 96.0066.
2. Not to permit the occupation of more than Five (5) Units until such time as any planning permission which may have been granted by the Council in respect of the change of use of Littlewood House has been fully implemented and completed to the Council's reasonable satisfaction.
3. Not to sell transfer lease license to or allow occupation of a Unit or Units or any part or parts thereof by any person or persons aged under fifty-five years PROVIDED THAT in the event that a Unit is occupied by more than one person it shall be sufficient for the purposes of this clause that at least one of the permanent occupants is over fifty-five years of age and PROVIDED FURTHER THAT in the event that the only occupier of a Unit is the widow or widower of an occupier who was occupying in accordance with this clause such continued occupation by the widow or widower will be permitted irrespective of the age of such remaining occupier.
4. All the Development carried out on any part of the Land shall be in accordance with the approved layout drawing reference 715/16C of May 1989 together with any amendment approved subsequent to the date hereof by the Council (which approval shall not be unreasonably withheld or delayed).
5. Not to commence development of any part of the Land without having obtained the approval of the Council (such approval not to be unreasonably withheld or delayed) to a comprehensive scheme for the landscaping and maintenance of the areas shown edged green on the Plan.
6. Not to permit occupation of more than 5 Units without having implemented the scheme referred to in paragraph 5 to the reasonable satisfaction of the Council

FPDSAVILLS (REF:G HANLON)
24 HILLS ROAD
CAMBRIDGE
CB2 1JW

Application Number:

990240

Date of Decision: 28 Jul 1999

Description: RENEWAL OF PP 960066 (ERECTION OF 17 RETIREMENT DWELLINGS)

Location: LITTLEWOOD HOUSE, SCHOOL ROAD, DRAYTON.

Applicant: FPDSAVILLS (REF:G HANLON)

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(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 be carried out in conformity with a scheme for landscaping, surface and boundary treatments within the site which shall include:-
 - (i) a detailed survey of all trees, shrubs and hedges on the application site giving details of all trees having a trunk diameter of 75mm or more which shall include nature of species, area of spread, height, diameter of trunk and an assessment of condition;
 - (ii) a detailed survey of levels on the site, indicating specific features such as retaining walls, cuttings, embankments, pits, ponds, etc.
 - (iii) details of which the existing trees, shrubs and hedges are to be retained;

(iv) details of what new trees, shrubs, hedges and grassed areas are to be planted, together with details of the species and method of planting to be adopted;

(v) details of what earthworks are to be carried out on the site;

(vi) details of what treatment is proposed for all hardened surfaces;

(vii) details of what walls, fences or other means of enclosure are proposed;

(viii) details of the measures that are to be taken to protect existing trees, shrubs and hedges and new landscaping work which shall, in the case of trees, mean adequate staking and guarding, (see policy note no.3 attached);

(ix) details of the arrangements to be made for the permanent maintenance of the landscaped areas;

(x) details of the proposed line of service trenches to the buildings.

(the details of which shall be submitted concurrently with those matters reserved above).

4. The landscaping scheme, including surfacing and boundary treatments as submitted and approved shall be carried out in so far as it affects individual plots before the dwellings on those plots are first occupied unless otherwise agreed in writing by the Local Planning Authority.

5 Other than the area referred to in Condition 4 above, the landscaping scheme shall be carried out in accordance with a programme of implementation which shall be submitted concurrently with the details required by Condition 2 above.

6 Save with the prior consent of the Local Planning Authority none of the trees, shrubs or hedges on the application site, to which this permission relates, shall be felled, cut down, uprooted or in any other manner destroyed or removed, and steps shall be taken by means of adequate staking and guarding to ensure the protection of the existing trees and hedges on the site during site works.

7 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.

8 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.

9. Unless otherwise specified in writing by the Local Planning authority all foul water drainage shall take place via the private treatment plant hereby approved and no connection shall be made to the mains drainage system without the prior consent in writing by the Local Planning Authority.

10. The access to be formed into School Road shall be constructed in accordance with the attached 1:500 scale plan to the satisfaction of the Local Planning Authority prior to the commencement of the development unless otherwise 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 ensure the satisfactory development of the site.
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 maintain as far as possible the appearance of the site and the retention of its natural features.
8. To ensure the satisfactory development of the site.
9. The existing mains foul drainage system is inadequate to cope with the proposed development and the condition is imposed to prevent connection to the system until such time as necessary improvements have been taken.
10. In the interests of highway safety.

===== INFORMATIVE =====

The Development Plan policies are being set aside in view of the planning history on the site and the benefits to be gained from securing a scheme for the maintenance and management of the trees within the 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 Development Directorate.

Signed
P. C. KIRBY
Director of Planning & Community Services
Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU

including any subsequent amendments thereto approved by the Council (such approval not to be unreasonably withheld or delayed).

IN WITNESS whereof the parties have hereunto affixed their respective common seals
the day and year first before written

**THE COMMON SEAL of WILCON
HOMES ANGLIA LTD** was hereunto
affixed in the presence of:-



Director

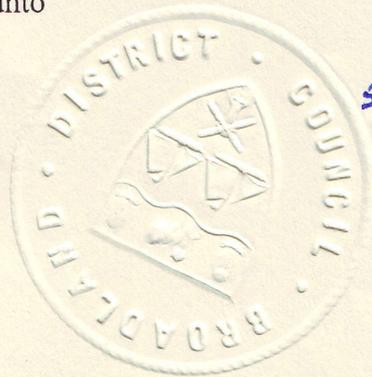
M. Lane

AUTHORISED SIGNATORY

Secretary

[Signature]
AUTHORISED SIGNATORY

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



[Signature]
Director of Resources

Solicitor to the Council