

Dated 13 September 2016

BROADLAND DISTRICT COUNCIL

-and-

SERRUYS PROPERTY COMPANY LIMITED

**DEED OF RELEASE OF PLANNING OBLIGATION
UNDER SECTION 106A
OF THE TOWN AND COUNTRY PLANNING ACT
1990**

relating to land at Drayton Wood, Drayton High
Road, lying to the north-west of Westwood Drive,
Drayton, Norfolk



Flint Buildings
1 Bedding Lane
Norwich
Norfolk
NR3 1RG
Tel: 01603 762103
Fax: 01603 762104
(JZC/209647.16)

THIS DEED OF RELEASE is dated

13 SEPTEMBER

2016

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 part of the land registered at the Land Registry under title numbers NK150029 and NK184440.
- (C) The Council granted planning permission for the Development on 9th June 2016.
- (D) On 9th June 2016 the Parties entered into the Original Agreement pursuant to Section 106 of the Act relating to the Site.
- (E) The Owner has applied to the Council for the Site to be released from the Original Agreement and the Council has agreed to discharge the Original Agreement as a result of a written ministerial statement from the Secretary of State for Communities and Local Government dated 28 November 2014 and a change in National Planning Practice Guidance which states the circumstances in which contributions towards Affordable Housing should not be sought is in respect of developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000sqm.

- (F) The expressions in this Deed have the meaning given to them in the Original Agreement save as expressly provided in this Deed.
- (G) Site for the purpose of this Agreement is as defined in the Original Agreement.

1. DEFINITIONS

In this Deed the following expressions have the following meanings:

"Original Agreement" an agreement dated 9th June 2016 between (1) Broadland District Council; (2) Serruys Property Company Limited; and (3) Santander UK PLC

2. CONSTRUCTION OF THIS AGREEMENT

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.

3. LEGAL BASIS

This Deed is supplementary to the Original Agreement and is made pursuant to Section 106A of the Act and to the extent that it does not contain planning obligations Section 111 of the Local Government Act 1972 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 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 remove the Original Agreement from the 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.

8. LEGAL COSTS

- 8.1 On completion the Owner will pay the Council's reasonable legal costs in connection with this Deed.

9. TITLE

- 9.1 The Owner warrants that it has full power to enter into this Deed and there is no other person or entity whose consent is necessary to make this Deed binding on the Site.

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 hereunto affixed

Authorised Signatory:



Executed as a deed by **SERRUYS**
PROPERTY COMPANY LIMITED

M. Mue
Head of Democratic Services and
Monitoring Officer

acting by a director In the presence of:

Director:

) *ANDREW SERRUYS*

Signature of Director:

) *[Signature]*

Name of Witness (in BLOCK CAPITALS):

) *[Signature]*

Signature of witness

) *RICHARD CUBITT*

Address of Witness:

) *Atlas Works*
Norwich Road
LENWADE NR9 5SN.