

THIS AGREEMENT is made the 5th day of OCTOBER Two thousand
BETWEEN BROADLAND DISTRICT COUNCIL of Thorpe Lodge Yarmouth Road
 Thorpe St Andrew Norwich in the County of Norfolk (hereinafter called "The
 Council") of the first part and HARNSER HOMES LIMITED whose registered office
 is situate at 6 Causeway Drive Horstead Norwich NR12 7ES (hereinafter called "The
 Owner") of the second part and BROADLAND HOUSING ASSOCIATION
 LIMITED of 100 St. Benedicts Norwich NR2 4AB (hereinafter called "Broadland")
 of the third part and Barclays Bank PLC whose registered office is situate at
 Birmingham Loan Servicing Centre PO Box 299 Birmingham B1 3PF(hereinafter
 called "the Mortgagee") of the fourth part

WHEREAS:-

- (1) The obligations imposed by this Agreement are planning obligations for the purpose of section 106 of the Town & Country Planning Act 1990 (hereinafter called "The 1990 Act") as amended by Section 12 of the Planning and Compensation Act 1991.
- (2) The Council is the Local Planning Authority by whom these obligations are enforceable.
- (3) The Owner is registered as Proprietor with absolute title of the land (hereinafter called "the Land") shown for the purpose of identification only edged red and green on the plan annexed hereto as the same is registered with Title Number NK 237043 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 fifth day of May 2000 and registered on the seventeenth day of May 2000

Boundaries to be Ranch rail to front of properties and 1.8m high close board to rear.

Gardens generally shingle drives with lawns and shrub borders

- Copper Beech, Green Beech and Holly mixed @ 600mm centres as hedging to be planted to site frontage inside line of visibility splays and to North East boundary

100x100mm posts to be provide as highway boundary markers to be provided to visibility splays

Proposed Sewer treatment plant
Entec SSP or similar
sutable for max 55
persons expected
occupancy
 $9 \times 4.5 + 2 \times 3.5 = 47.5$
expected flow
 $47.5 \times 180 = 8550 \text{ ltr/day}$

Package Pump
System Entec as
similar to pump
treated water to
Stone Beck via
drainage ditch
sytem as approved
by the Environment
Agency.

Affordable
Housing
2 x 3 bed 5
person semi
detached
houses for
Broadland
Housing
Association

AMENDED PLAN

BROADLAND
DISTRICT COUNCIL
20 FEB 2000
9911465 AP
PLANNING CONTROL

Layout

Stratton Lodge
Stratton Strawless

Scale 1:500

February 2000

50mm DD pump
sealed delivery pipe

BROADLANDS LOAN SERVICING CENTRE
PO BOX 299, LITTLE MARSH, ST 3PF

- (5) The Owner has applied to The Council under reference number 991465 for planning permission for development (hereinafter called "The Development") to be carried out on the Land.
- (6) The Council has agreed in principle to grant outline planning permission for The Development in the form of the draft planning permission annexed hereto subject to The Owner entering into a planning obligation on the terms and conditions hereinafter appearing.
- (7) Broadland has agreed to enter into this agreement in manner hereinafter appearing
- (8) The Mortgagee hereby consents to the giving of the obligations on the part of the Owner herein contained but without liability; the Mortgagee hereby agrees to be bound by the said obligations only in the event that it becomes a mortgagee in possession and that such liability will cease once the Mortgagee has parted with its interest in the land

NOW THIS DEED WITNESSES as follows:-

1. SUBJECT to planning permission being granted in consequence of application number 991465 in the terms of the annexed draft planning permission (hereinafter such permission is called "the Permission") and pursuant to the said Section 106 as amended the Owners and Broadland hereby AGREE DECLARE AND COVENANT for themselves and their successors in title with The Council with the intention of binding the Land and each and every part of it into whosoever's hands the same may come
- (1) Within two months of the date hereof the Owner will convey to Broadland the area of land shown edged green on the said Plan for the provision of affordable housing which shall be taken to mean housing of a type which (having regard

HARNSER HOMES LTD
6 CAUSEWAY DRIVE
HORSTEAD
NORWICH
NR12 7ES

Application Number:

991465

Date of Decision: 08 MAR 2000

Description: ERECTION OF 11 DWELLINGS

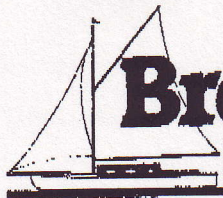
Location: STRATTON LODGE, 55, SHORT THORN ROAD, STRATTON STRAWLESS.

Applicant: HARNSER HOMES 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. Before development commences on the site full details of the proposed windows shall be submitted to and approved in writing by the Local Planning Authority.
4. Before development commences on the site a plan should be submitted to the Local Planning Authority indicating details of the position, height and construction of boundary (fences/walls/hedges) for their approval. Following written approval the work shall be carried out before the (dwellings/buildings/extension) is/are occupied or within such other period as may be specified in writing by the Local Planning Authority.
5. 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.
6. 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.



7. 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.
8. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order with or without modification, no buildings, walls, fences or other structure shall be erected within the hatched area at the rear of the 3 northernmost dwellings, as shown on the site layout plan.
9. No work shall commence on site until such time as detailed plans of roads, footways, foul and 'on site' surface water drainage have been submitted to and approved by the Local Planning Authority. The details of the surface treatment of all hard surfaced areas should be specified for approval in the said plans.
10. No dwellings shall be occupied until such time as a road and footway have been constructed from the dwelling to the adjoining county road to a standard to be agreed in writing with the Local Planning Authority.
11. 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.
12. Prior to the commencement of development, full details, including siting, of all treatment plants which will serve the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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 proper development of the site without prejudice to the amenities of the area.
5. In the interests of visual amenity and to enhance the amenity of the locality.
6. To ensure the satisfactory development of the site.
7. To ensure the satisfactory development of the site.
8. In accordance with article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995, the condition is imposed to enable the Local Planning Authority to retain control over the siting and external appearance of the buildings and means of access in the interests of amenity and the retention of the site's natural features.

9. To ensure the satisfactory development of the site without prejudice to the amenity of the site or to road safety.
10. To ensure the satisfactory development of the site without prejudice to the amenity of the site or to road safety.
11. In the interests of visual amenity and to enhance the amenity of the locality.
12. To ensure the satisfactory development of the site.

INFORMATIVE

The provision of two affordable housing units as part of the approved residential development, in accordance with Policy (FPM)HOU3 of the Broadland District Local Plan (Deposit Version Incorporating Proposed, Further and Third Modifications) will help address the housing need in Stratton Strawless and as a result it is considered reasonable to grant planning permission contrary to the requirements of Policies (PM) GS1, (PM)GS4, ENV1, ENV2, ENV7, TRA4 and (PM)STR2 of the Broadland District Local Plan (Deposit Version Incorporating Proposed, Further and Third Modifications).

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

to its rent or other consideration) is suitable for occupation by people who are in need of such housing because of their limited means

- (2) The Owner shall implement the Woodland Management Scheme which is set out in the Schedule in accordance with the provisions of that scheme.
- (3) It is hereby agreed and declared that the provisions of Clauses 1(1) and (4) of this agreement do not bind
- (a) any present or future mortgagee or chargee of the land shown edged green on the said plan under a mortgage or charge created by Broadland;
- (b) any receiver appointed by such a mortgagee or chargee; or
- (c) any person deriving title from such a mortgagee, chargee or receiver
- (4) Neither the Owner nor Broadland shall use the land identified for affordable housing for any purpose other than affordable housing

2. This agreement is a local land charge and shall be registered as such.
3. The Contracts (Rights of Third Parties) Act 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.
4. This document is executed as a Deed and is delivered on the date stated at the beginning of this document

IN WITNESS whereof The Council the Owner Broadland and the Mortgagee have affixed their respective Common Seals to this document

THE SCHEDULE

Woodland Management Agreement

1. Within two months of the date hereof the Owner will appoint an arboricultural consultant who shall be approved in writing by the Director of Planning and Community Services (hereinafter called "the Director").

2. Within six months the owner shall ensure that the arboricultural consultant has submitted to the Council for approval a woodland management scheme (hereinafter called “the Scheme”) which shall cover the following matters:-
- (a) To identify and make safe any hazardous trees
 - (b) To dispose of all dead and or dying timber either by removal or by burning on site exercising due care and to prevent damage to the remaining woodland and in particular to ensure that all fires are lit only in cleared areas away from the canopy spread of adjoining trees and never left unguarded
 - (c) The implementation of a planting scheme (to include replacements for any trees lost or removed as a result of (a) and (b) above

And upon approval the Scheme shall be deemed to be incorporated into the terms of this agreement.


3. Following the approval of the Scheme as often as may be necessary to appoint an arboricultural consultant who shall be approved in writing by the Director to
- (a) prepare ongoing management plans at the expiry of the previous management plan to ensure the proper distribution of species and age mix to take into account :-
 - (i) natural regeneration
 - (ii) removal of over mature/dying trees
 - (iii) replanting
 - (iv) to undertake maintenance inspections as recommended
 - (b) to undertake the maintenance inspections identified in Paragraph 3 (a) (iv) of this Schedule and to identify all works that are necessary to ensure that the

Scheme is implemented successfully together with a timetable for their implementation.

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


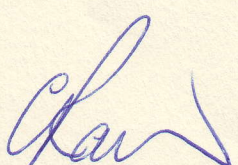
)
)
)




Director of Resources

Signed as a Deed by
HARNSER HOMES LIMITED
Acting by a Director and
Its Secretary

)
)
)

SEAL REGISTER

00 95 64

THE COMMON SEAL of)
BROADLAND HOUSING ASSOCIATION)
LIMITED)
was hereunto affixed in)
the presence of)



Board Member

G. Sheppard

Chief Executive

[Signature]

Signed as a Deed by

M.A. KELLY

AS ATTORNEY OF BARCLAYS BANK PLC)

In the presence of)

APLANT
Udet

MA Kelly

BARCLAYS LOAN SERVICING CENTRE
PO BOX 299, BIRMINGHAM B1 3PF