

THIS AGREEMENT is made the 15<sup>th</sup> day of March Two thousand and one 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 Roy Richard Barber and Otilie Magdalena Barber both of Pinewood View The Street Brundall Norfolk NR13 5LZ(hereinafter called "The Owners") of the second 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 Owners are registered as Proprietors with absolute title of the land (hereinafter called "the Land") shown for the purpose of identification only edged red on the plan annexed hereto as the same is registered with Title Number NK 218875 subject to the matters contained in the Charges Register for that Title Number but otherwise free from encumbrances
- (4) The Owners have applied to The Council under reference number 991324 for planning permission for development (hereinafter called "The Development") to be carried out on the Land.
- (5) The Council has agreed in principle to grant full planning permission for The Development in the form of the draft planning permission annexed hereto subject to The Owners entering into a planning obligation on the terms and conditions hereinafter appearing.



991324



The site

BROADLAND  
DISTRICT COUNCIL  
09 NOV 1999  
PLANNING CONTROL

SITE LOCATION PLAN - SCALE 1:1250  
LAND OFF OF LONGMEADOW. BRUNDALL

Brundall  
Broad

Brundall



- (6) The Council has agreed to enter into this agreement in manner hereinafter appearing

NOW THIS DEED WITNESSES as follows:-

1. SUBJECT to planning permission being granted in consequence of application number 991324 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 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 as follows

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

*from date hereof*  
(B) Within six months the Owners 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:-

- (i) To identify and make safe any hazardous trees
- (ii) To dispose of all dead and or dying timber either by removal or by chipping using an appropriate chipping machine on site exercising due care and to prevent damage to the remaining woodland
- (iii) The implementation of a planting scheme (to include replacements for any trees lost or removed as a result of (i) and (ii) above

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



(C) Following the approval of the Scheme the Owners will as often as may be necessary 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 Sub clause (a) (iv) of this clause and to identify all works that are necessary to ensure that the Scheme is implemented successfully and to prepare a timetable for their implementation.

2. This agreement is a local land charge and shall be registered as such.

3. The Contracts (Rights of Third Parties ) Act 1999 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 and the Owners have executed this deed the day and year first before written



ALAN RAWLINGS  
TANGLEWOOD  
RECTORY ROAD  
WOOD NORTON  
NORFOLK NR20 5BA

Application Number:

991324

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**Date of Decision: 11 JAN 2001**

**Description: ERECTION OF SPLIT LEVEL DWELLING HOUSE**

**Location: LAND OFF, LONG MEADOW, BRUNDALL.**

**Applicant: MR & MRS BARBER**

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### **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. The development hereby permitted shall not be carried out otherwise than in accordance with the following drawings:
  - Site location plan scale 1:1250 received 9 November 1999;
  - Site layout plan/levels/sections Drawing No. 43/21 Revision B received 31 March 2000;
  - Elevations/floor plans Drawing No. 43/20 received 9 November 1999.
3. Notwithstanding the submitted materials schedule all external materials to be used in the dwelling shall be submitted and approved in writing by the Local Planning Authority before the development is commenced.
4. Prior to development commencing details of the slab level of the dwelling and finished levels in relation to existing levels shall be submitted to the Local Planning Authority for approval and shall be carried out as approved.



5. Notwithstanding the provisions 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 alterations or extensions shall be made to the dwelling or any buildings, walls, fences or other structures erected within the site curtilage outside of the development boundary as indicated on inset map 8 (a) of the adopted Broadland District Local Plan, without the prior written approval of the Local Planning Authority.
6. Prior to the commencement of any development a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme as approved shall be carried out and available for use prior to the first occupation of the dwelling.
7. 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; details of surfacing of the driveway leading from the public highway and boundary treatments.
8. The landscaping scheme including surfacing and boundary treatments as submitted and approved shall be carried out prior to the dwelling hereby approved being brought into use unless otherwise specified in writing by the Local Planning Authority.
9. 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.
10. 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.
11. Prior to the commencement of the development on site, details of the proposed line of service trenches to the dwelling shall be submitted for approval to the Local Planning Authority and shall be carried out as approved.

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 permission relates to the correct documents.
3. To ensure the proper development of the site without prejudice to the amenities of the area.
4. To ensure the satisfactory development of the site.
5. 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 road safety.



6. To prevent pollution of the water environment.
7. In the interests of visual amenity and to enhance the amenity of the locality.
8. To ensure the proper development of the site without prejudice to the amenities of the area.
9. To ensure the satisfactory development of the site.
10. To maintain as far as possible the appearance of the site and the retention of its natural features.
11. To ensure a satisfactory development in the interests of the future health of trees of amenity value on site.

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## INFORMATIVE

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Whilst the siting of the dwelling lies outside the development boundary of Brundall and is contrary to the adopted Broadland District Local Plan, the Council considers that given the site history, sustainable design principles and the opportunity to secure a management agreement in respect of the woodland represented significant material consideration and it is considered that permission should be issued subject to a legal agreement.

The applicant/agents/developers attention is drawn to the comments of both Anglian Water and the Environment Agency in their respective letters of 17 November 1999 and 25 November 1999.

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## NOTES

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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

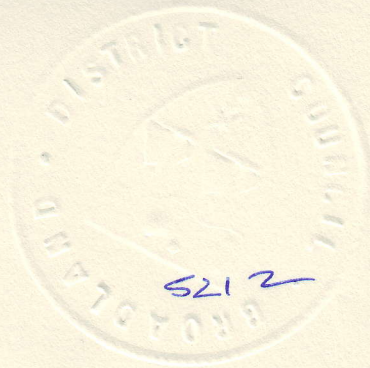
Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU



THE COMMON SEAL of

BROADLAND DISTRICT COUNCIL

was hereunto affixed in the presence of:



*[Handwritten signature]*

Signed as a Deed by

ROY RICHARD BARBER

In the presence of

*Carmel Blackburn*

*18, Chancel Close,  
Brundall, Norwich NR13 5NA  
Housewife*

Signed as a Deed by

OTILIE MAGDELENA BARBER

In the presence of

*Carmel Blackburn*

*18, Chancel Close*

*Brundall*

*Notwich NR13 5NA*

*Housewife*

*[Handwritten signature]*

*[Handwritten signature: Otilie Barber]*