

DATED 5th January 1998⁹

THE BROADS AUTHORITY

-and-

SEAN TERENCE O'FARRELL

AGREEMENT
under Section 106 of the Town
and Country Planning Act 1990
relating to land at Halvergate

Solicitor to the Broads Authority
County Hall
Martineau Lane
Norwich
NR1 2DH

THIS AGREEMENT is made the ^{5th} day of *January* One thousand nine hundred and ninety ~~eight~~ ^{nine} BETWEEN THE BROADS AUTHORITY ("the Authority") of 18 Colegate Norwich NR3 1BQ of the first part and SEAN TERENCE O'FARRELL ("the Owner") of Mill Reach Farm Tunstall Dyke Halvergate Norfolk of the second part

WHEREAS :-

- (1) The Authority is the local planning authority for the purposes of the Town and Country Planning Act 1990 ("the Act") for the area within which the land shown edged red on the attached plan No. 1 ("the Land") is situated
- (2) The Owner is the owner in fee simple in possession of the Land
- (3) The Owner has made application (reference 980162) to the Authority in accordance with the Act and the Rules and Orders in force thereunder for planning permission to develop the Land by the removal of a houseboat and caravans the demolition of outbuildings and the erection of a replacement dwelling ("the Development")
- (4) The obligations created by this Deed are planning obligations within the meaning of Section 106 of the Act (as amended)
- (5) The obligations created by this Deed are enforceable by the Authority

NOW THIS DEED WITNESSETH as follows :-

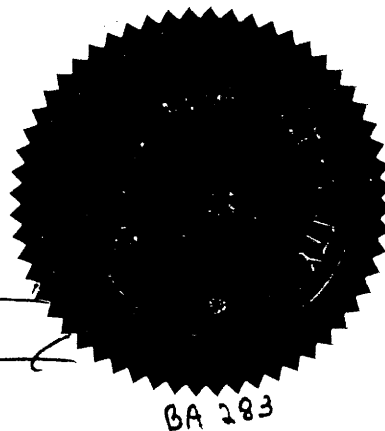
1. This Agreement is made in pursuance of Section 106 of the Act Section 111 of the Local Government Act 1972 and all other enabling powers
2. The Owner hereby covenants with the Authority that in the event of planning permission being granted for the Development he will :-

- (i) within two months from the date of the completion of the dwelling comprised in the Development ("the Dwelling") remove from the Land the houseboat in the position shown coloured yellow on the attached plan No. 2
 - (ii) not cause or permit the land to be used for the purpose of mooring or standing of a houseboat from the date of the completion of the Dwelling
 - (iii) not cause or permit the land shown edged green on the attached plan No. 2 to be used in connection with the residential use of the Dwelling
 - (iv) not cause or permit the Dwelling to be occupied unless the caravans shown coloured blue on the attached plan No. 1 have been removed from the Land
3. For the purpose of Clause 2 above it is hereby agreed that "the date of completion of the Dwelling" shall mean the date on which the Dwelling is ready for human habitation
4. This document is executed as a Deed and is delivered on the day and year first before written
5. The expressions "the Authority" and "the Owner" shall include their respective successors and assigns as appropriate within the terms of Section 106 of the Act

IN WITNESS whereof the Authority has affixed its Common Seal and the Owner has signed this instrument as his Deed the day and year first before written

THE COMMON SEAL of
THE BROADS AUTHORITY
was hereunto affixed
in the presence of :-


Solicitor to the Broads Authority



Plan 1.



Drawn By

Date

+ Date +

Scale

+ Scale + 1:750

Reference

+ Reference +

Location

+ Location +

OS Reference

+ OS Reference +

to extent of
'the land' as
indicated on
Plan 1.

Plan 2.
Scale: 1-400 approx.

SECTION THROUGH FLOODW

RIVER BURE

line of houseboat
to be removed

existing
morning cut

XC

5.0 m from base of
Floodwall to dwelling

line of outbuildings
to be removed

new mixed species hedge to define domestic curtilage

timber sleepers to retain
ground level change
against dwelling

X DWELLING MAIN
FLOOR LEVEL 1.75 AOD

REPLACEMENT DWELLING

COURTYARD

GARDEN AREA

domestic curtilage on west side
of dwelling to be defined by
grassed bank at approx 40°
gradient

GARAGE

GARDEN AREA

existing access road

existing dyke defines
south west boundary

existing trees & screen
vegetation along boundary
to be retained

FLOODWALL LEVELS (ALL AOD)

Position Existing level (as advised
by Finner, N.E.A.)

Position	Existing level (as advised by Finner, N.E.A.)	Proposed
A	1.600	1.600
B		2.600
C	1.606	2.600
D		2.600
E	1.831	1.831

Note - Floodwall level increased between positions
and E & D at 1:10 gradient

1:20
1:40
1:60

AM

BARNES : HARLEY & WILSON
ARCHITECTS · PLANNERS · SURVEYORS · INTERIORS
STUDIO HOUSE 83 POTTERGATE, NORWICH NR4 1EQ TEL 01603 740000

PROJECT: PROPOSED REPLACEMENT DWELLING
WILL ROACH FARM, HALVERGATE
FOR MR & MRS O'PARRELL

SCALE: 1:200 DATE: AUGUST 98 DRAWN: KPH

SITE: 42

SIGNED as a DEED by

the said SEAN TERENCE O'FARRELL

in the presence of :-

Seán Terence O'Farrell

Jackie Anne Gillett

Jackie Anne GILLETT
40 Bosted avenue
Clacton-on-sea
ESSEX
CO16 7AE