

THIS AGREEMENT is made the *2nd* day of *July* 1991 BETWEEN

BROADLAND DISTRICT COUNCIL of Thorpe Lodge Yarmouth Road Norwich in the County of Norfolk (hereinafter called "the Council") of the one part and GRAHAM STANLEY NEVE and BEVERLEY ANN NEVE both of 163 Thunder Lane Thorpe St. Andrew in the said County (hereinafter called "the Owners") of the other part

WHEREAS

1. The Council is the Local Planning Authority for the purposes of this Agreement

2. The Owners are seised in fee simple absolute in possession of the piece or parcel of land situated at Cuttons Corner Hemblington aforesaid (hereinafter called "the Property") which is for the purpose of identification only

delineated on the plan marked "A" annexed hereto and shown edged red thereon and

for the purpose of identification only
which is also shown in rather more detail on the plan marked "GSN/BAN" annexed

hereto and thereon edged red free from incumbrances as Personal Representatives of the late Stanley George Neve late of Lilac Farm Hemblington in the said

County who died on the 15th day of September 1990 and whose Will was proved in the Ipswich District Probate Registry on the *eight* day of *January* 1990

3. The late Mr.S.G.Neve applied to the Council under reference number 88.2793 for planning permission for development to be carried out on the Property

4. The Council and the Owners have agreed subject to planning permission being granted in consequence of that application to enter into this Agreement pursuant to Section 106 of the Town and Country Planning Act 1990

NOW THIS DEED WITNESSETH as follows:

1. Subject to planning permission being granted in consequence of application number 88.2793 in accordance with the draft annexed hereto and pursuant to the said Section 106 the Owners hereby agree declare and covenant with the Council that from the date on which that planning permission shall be granted the Property shall be permanently subject to the conditions restricting or regulating development or use of the Property specified in the Schedule hereto

2. The expressions "the Council" and "the Owners" shall where the context so admits include their respective successors in title and assigns

3. This document is executed as a Deed and is delivered on the date stated at the beginning of this Deed

IN WITNESS whereof the Council has caused its Common Seal to be affixed hereunto and this instrument has been executed and delivered by the Owners as a deed the day and year first above written

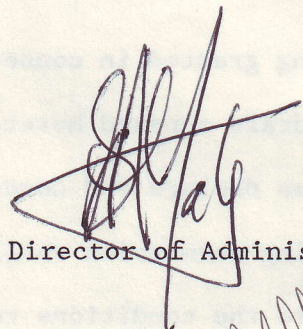
THE SCHEDULE

1. The development authorised by the planning permission mentioned hereinbefore shall not be commenced before the earlier of the expiry of one year from the date hereof or the substantial completion of the residential development currently in progress on the land delineated on and shown edged blue on the plan annexed hereto

2. No more than 15 dwellings shall be constructed on the property and the construction of no more than 5 of those dwellings shall be completed in any period of twelve months

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

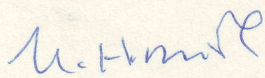


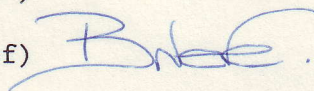

Director of Administration

SIGNED AND DELIVERED by the said)

GRAHAM STANLEY NEVE and BEVERLEY ANN)

NEVE as their deed in the presence of)


Solicitor
Amid.



OUTLINE PLANNING PERMISSION

Agent Name

WEARING HASTINGS AND NORTON
14 PRINCES STREET
NORWICH
NR3 1AL

Date of Receipt

06 OCT 88

Applicant's Name

S NEVE

Application No.

882793

Date

21 NOV 90

Description and Location of Development

RESIDENTIAL DEVELOPMENT (15 DWELLINGS) (OUTLINE)

AT:- CUTTONS CORNER, HEMBLINGTON.

TOWN AND COUNTRY PLANNING ACT 1971

OUTLINE PERMISSION FOR DEVELOPMENT

Broadland District Council in pursuance of powers under the above-mentioned Act hereby permit

RESIDENTIAL DEVELOPMENT (15 DWELLINGS) (OUTLINE)

AT:- CUTTONS CORNER, HEMBLINGTON.

in accordance with and subject to the following conditions:-

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:-

- (a) the expiration of five years from the date of this permission; or
- (b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development whatsoever shall take place until full details of the landscaping, siting, design, external appearance and means of access of that development have been submitted to and approved by the Local Planning Authority and the development shall be carried out strictly in accordance with such details once they have been approved.

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 three inches 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) which of the existing trees, shrubs and hedges are to be retained;
- (iv) 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) what earthworks are to be carried out on the site;

- (vi) what treatment is proposed for all hardened surfaces;
- (vii) what walls, fences or other means of enclosure are proposed, together with full details thereof;
- (viii) 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;
- (ix) the arrangements to be made for the permanent maintenance of the landscaped areas;

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

4. The landscaping scheme, including surfacing and boundary treatments, as submitted, shall be carried out insofar 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. 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.

6. No works shall commence on the site until such time as detailed plans of the roads, footways, foul and "on-site" surface water drainage have been submitted and approved by the Local Planning Authority.

7. No works shall be carried out on roads, footways, foul and surface water sewers, otherwise than in accordance with the specifications of the Local Planning Authority.

8. No dwelling 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.

9. The details referred to in condition 2 above shall provide for the erection of bungalows on those plots which back onto existing dwellings and where overlooking is likely to occur and notwithstanding the provisions of the Town and Country Planning General Development Order 1988, no dormer windows or other openings in the roofspace shall be provided unless otherwise specified in writing.

NOTE: INFORMATION REGARDING BUILDING REGULATIONS (SEE BELOW).

The reasons for the imposition of the conditions specified herein are :-

1. Required to be imposed pursuant to Section 42 of the Town and Country Planning Act, 1971.

2. In accordance with article 7 (1) of the Town and Country Planning General Development order 1988, 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.

3. To ensure the proper development of the site without prejudice to the amenities of the area.

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5. To safeguard the satisfactory visual amenities of the area.

6. the interests of highway safety.

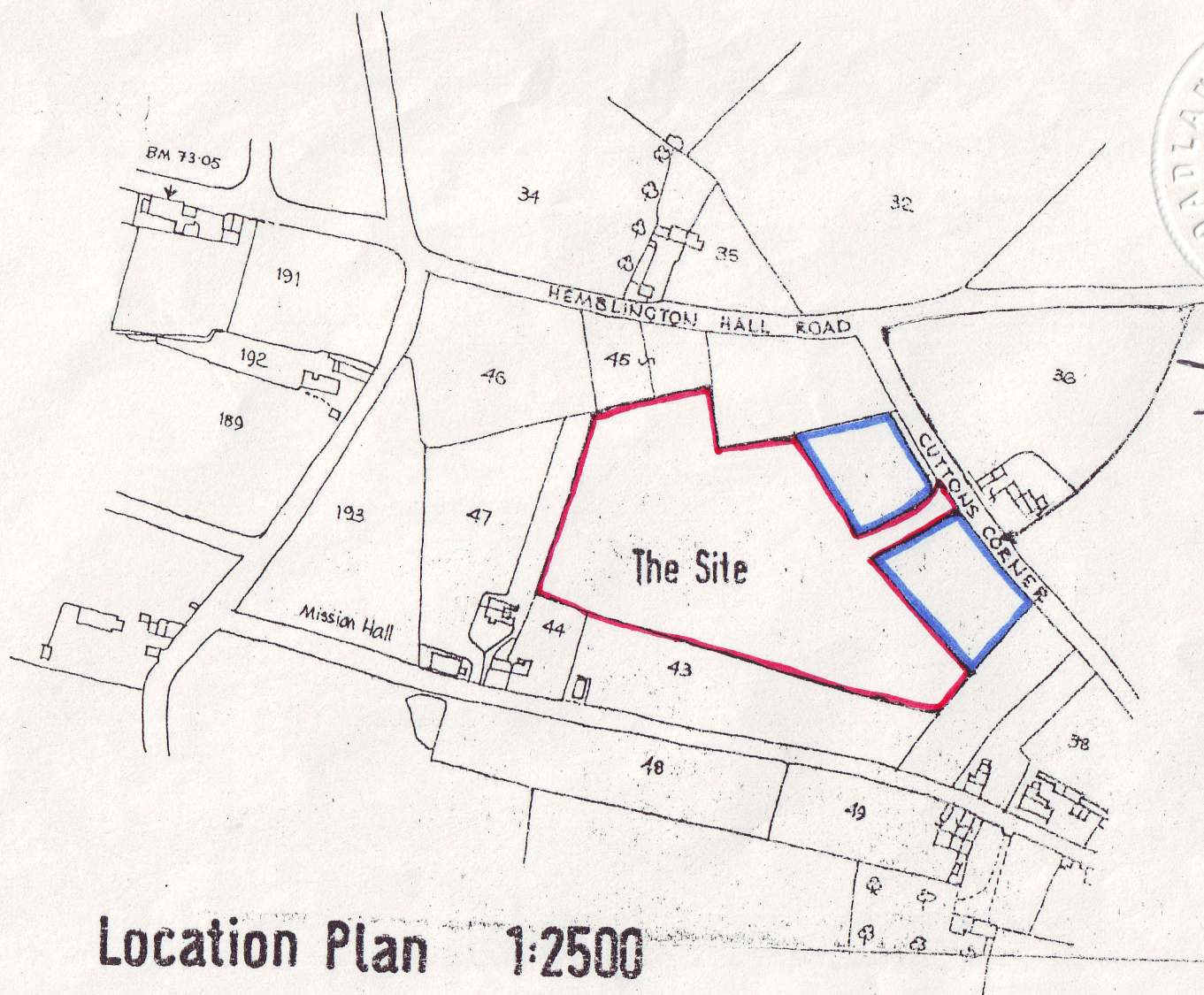
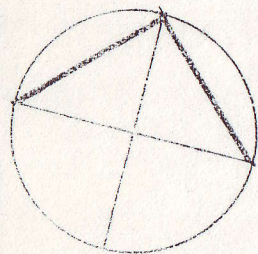
7. In the interests of highway safety.

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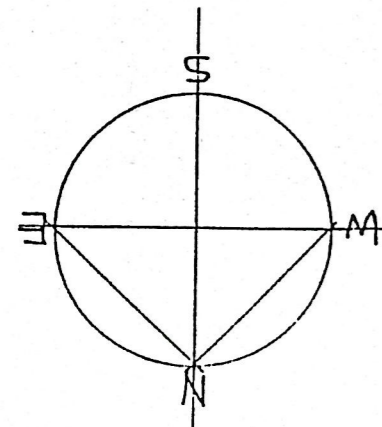
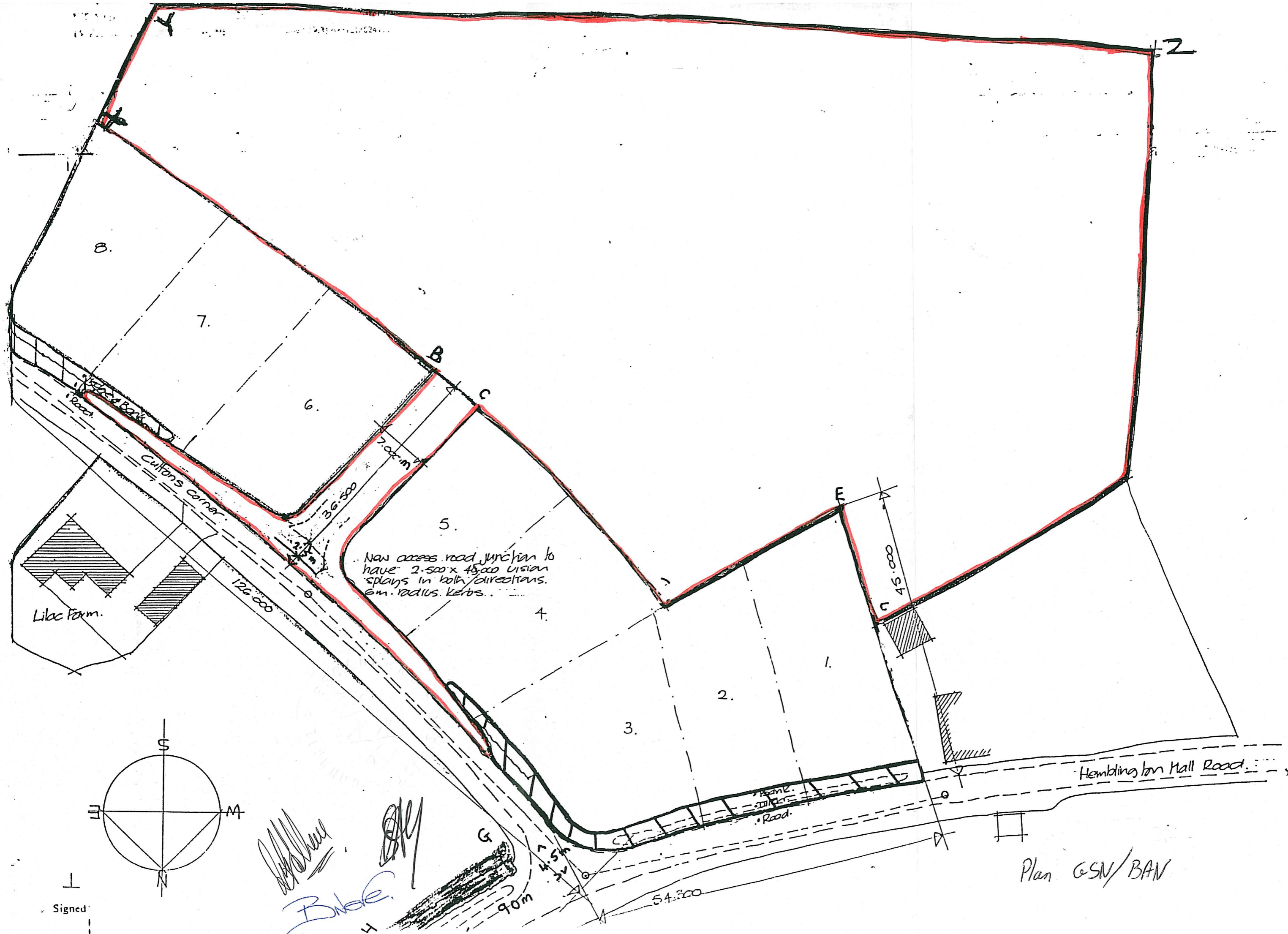
9. To safeguard the amenities of the adjoining residential properties.

DRAFT

IF THE ABOVE-MENTIONED 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 THIS DIRECTORATE.



Location Plan 1:2500



Signed

[Handwritten signatures and initials]

Plan GSN/BAN

DATED

2nd July

1990

BROADLAND DISTRICT COUNCIL

and

G.S.NEVE AND B.A.NEVE

SECTION 106 AGREEMENT

relating to land at Cuttons
Corner, Hemblington

B.A. Yates,
Director of Administration,
Broadland District Council,
Thorpe Lodge,
Yarmouth Road,
Norwich, NR7 0DU.

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