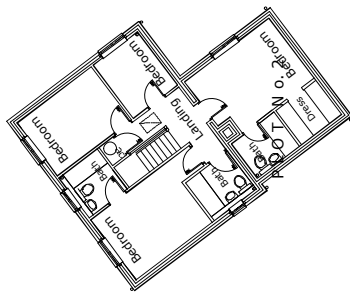
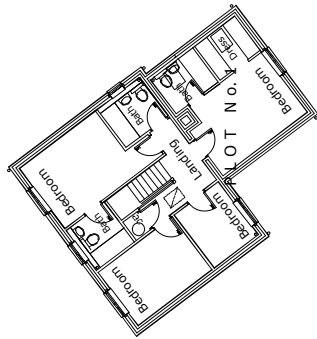


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FIRST

REPRODUCED FROM THE 1:2500 ORDNANCE SURVEY MAP WITH THE PERMISSION OF ORDNANCE
SURVEY ON BEHALF OF THE CONTROLLER OF HER MAJESTY'S STATIONARY OFFICE.
THESE PLANS ARE FOR INFORMATION ONLY AND DO NOT CONSTITUTE AN OFFER.
CAMBRIDGE RESIDENTIAL DEVELOPMENT LTD.
LICENCE No. AR 30033946



LOCATION

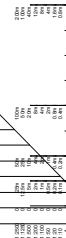
Scale : 1 : 1250

PLOT No.1

PLOT No.2

GROUND

BITTERN GROVE



DATED 17 JANUARY. 2013

ALAN ROY CLARK AND PETER TREVOR CLARK
to

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

and

CAMBRIDGESHIRE COUNTY COUNCIL

Unilateral Planning Obligation
under Section 106 of the Town and Country Planning Act 1990
as amended by the Planning and Compensation Act 1991
relating to land to the rear of 126 Mereside, Soham, Cambridgeshire

Taylor Vinters
Merlin Place
Milton Road
Cambridge
CB4 0DP

Tel: 01223 423444
Fax: 01223 426114

email: amy.richardson@taylorvinters.com

Our Ref: AR/409181.2

Doc 9674121_Alan Clark and Peter Clark - Section 106 Agreement -
Land to the rear of 126 Mereside Soham_1

THIS DEED is a Unilateral Planning Obligation for the purposes of Section 106 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 is made the 17 day of January Two thousand and Thirteen and is by **ALAN ROY CLARK** of 1 Angle Common, Soham, Cambridgeshire CB7 5HX and **PETER TREVOR CLARK** of 11 Angle Common, Soham, Cambridgeshire CB7 5HX (together "the Owners")

WHEREAS :-

- (1) East Cambridgeshire District Council ("the Council") is the local planning authority for the purposes of the Town and Country Planning Act 1990 (as amended) for the area within which the land described in the First Schedule hereto ("the Land") is situated.
- (2) Cambridgeshire County Council ("the County Council") is (inter alia) the relevant local education authority for the purposes of the Education Act 1996 as defined therein for the area and also a local planning authority.
- (3) The Owners are the freehold owners of the Land.
- (4) The Owners have by written application applied to the Council for full planning permission to develop the Land in the manner set out in the application form plans and particulars submitted to the Council which has been allocated the reference number 11/00624/OUT ("the Application").
- (5) The Owners have entered into this Deed pursuant to the legislation hereinafter referred to with the intent that it shall be binding upon them and upon their respective successors in title and assigns and any persons companies or bodies claiming through under or in trust for them so that in the event that planning permission is granted pursuant to the Application the following matters are secured:
 - (i) Financial contributions towards educational infrastructure, community infrastructure, emergency services, strategic waste services, transport and sports facilities in accordance with the advice in Circular 05/05 Planning Obligations; and
 - (ii) A payment in lieu of provision of public open space.

NOW THIS DEED is made pursuant of Section 106 of the Town and Country Planning Act 1990 and is a planning obligation for the purposes of that section and witnesseth as follows:

-

1 The Owners **HEREBY COVENANT** with the Council that in the event that Planning Permission is granted pursuant to the Application and the Development is Commenced the Land and each and every part thereof shall be subject to the planning obligations set out in the Second Schedule hereto:

2 In this Deed the following expressions shall have the meanings hereby respectively assigned to them:

2.1 "**the 1990 Act**" means the Town and Country Planning Act 1990 and includes any regulation made there under and any Act amending re-enacting or replacing the same.

2.2 The term "**the Owners**" shall include their respective successors in title and assigns and any person companies or bodies claiming through under or in trust for them.

2.3 "**Commencement**" means the commencement of the Development by the carrying out of a material operation comprised in the Development pursuant to the Planning Permission within the meaning of Section 56(4) of the 1990 Act which is not a Preparatory Operation and "Commence" and "Commenced" shall also be construed accordingly.

2.4 "**Community Facilities Contribution**" means the sum of £1,304 (ONE THOUSAND THREE HUNDRED AND FOUR POUNDS) Index-Linked to be paid by the Owners to the Council for the provision of community facilities to Soham or the District.

2.5 "**the Council**" and "**the County Council**" shall include any local authority or other successor to the functions now carried out by them or either of them.

2.6 "**the Development**" means the implementation of Planning Permission reference 12/00624/OUT subject to its conditions.

2.7 "**the Dwelling**" means any unit of residential accommodation constructed pursuant to the Planning Permission.

- 2.8 **"the District"** means the District of East Cambridgeshire.
- 2.9 **"Education Contribution"** means the sum of £3,712 (THREE THOUSAND SEVEN HUNDRED AND TWELVE POUNDS) Index Linked to be paid by the Owners to the County Council to be used for the provision of pre-school education, primary education and secondary education in Soham or the District.
- 2.10 **"the Emergency Services Contribution"** means the sum of £138 (ONE HUNDRED AND THIRTY EIGHT POUNDS) Index-linked to be paid by the Owners to the Council to be used for the provision of emergency services within the District.
- 2.11 **"Index"** means the Royal Institution of Chartered Surveyors Building Costs Information Service All In Tender Price Index or any successor organisation.
- 2.12 **"Index-linked"** means (in relation to any payment to be made by the Owners by virtue of this deed that the actual amount to be paid shall be the amount of the relevant payment as set out in this Deed divided by the Index figure published by the Royal Institution of Chartered Surveyors in its last quarterly publication prior to the date of this Deed multiplied by the figure for the Index as last forecast by the Royal Institution of Chartered Surveyors in its last quarterly publication to be in force at the due date for payment.
- 2.13 **"the Land"** means the land described in the First Schedule hereto.
- 2.14 **"Open Space Contribution"** means the sum of £3,822 (THREE THOUSAND EIGHT HUNDRED AND TWENTY TWO POUNDS) made payable to the Council for the provision of new public open space or maintenance of existing public open space in Soham or the District.
- 2.15 **"Occupation"** and **"Occupied"** means occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations.
- 2.16 **"Planning Permission"** means the full Planning Permission subject to conditions granted by the Council pursuant to the Application.
- 2.17 **"Preparatory Operation"** any operation or item of work of (or connected with or ancillary to):

- (a) site clearance;
- (b) archaeological investigation;
- (c) demolition;
- (d) site or soil investigation;
- (e) site remediation works;
- (f) diversion capping or laying of services; or
- (g) temporary works including the erection of temporary fencing and hoardings.

2.18 **"Sports Facilities Contribution"** means the sum of £2,180 (TWO THOUAND ONE HUNDRED AND EIGHTY POUNDS) Index Linked made payable to the Council for the provision of new sports facilities and upkeep of existing facilities in Soham or the District.

2.19 **"Strategic Waste Contribution"** means the sum of Three Hundred and Fifty Pounds (THREE HUNDRED AND FIFTY POUNDS) Index Linked made payable to the Council to be used by the provision of Household Recycling Centres serving or capable of serving the Development.

2.20 **"Transport Infrastructure"** means the sum of £500 (FIVE HUNDRED POUNDS) Index-linked to be used by the Council for the provision of highway related services in the District.

2.21 Words importing the masculine shall include the feminine gender and the neuter and words importing the singular shall include the plural.

3 **IT IS HEREBY AGREED AND DECLARED** as follows:-

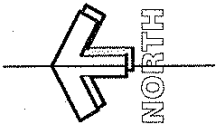
3.1 The planning obligations contained in the Second Schedule shall commence and take effect only if the Planning Permission pursuant to the Application is Commenced. The remainder of this Deed shall take effect upon the grant of the Planning Permission.

3.2 If the Planning Permission is at any time revoked or shall lapse without being Commenced this Deed shall forthwith cease to have effect.

- 3.3 Representatives of the Council and County Council may enter upon the Land at any reasonable time upon reasonable prior notice to ascertain whether the terms of this Deed are being or have been complied with.
- 3.4 Any moneys from time to time held by the Council or the County Council under the provisions of this Deed shall in any event become the absolute property of the Council or the County Council (as the case may be) and shall not be subject to return by the Council or County Council in the event that the Owners become bankrupt or has a winding-up petition or a petition for an administration order presented against him or it or the Owners pass a winding-up resolution or an Administrative Receiver or a Receiver or a Receiver and Manager is appointed in respect of the Land or any part thereof of the Owners or the Owners enter into any arrangement scheme compromise moratorium or composition with his creditors or any of them, but shall continue to be held by the Council or the County Council under the terms of this Deed.
- 3.5 No person shall be liable for any breach of a covenant contained in this Deed occurring after he shall have parted with all interest in the Land.
- 3.6 The Council is the enforcement authority in respect of paragraphs 1-6 of the Second Schedule in relation to the obligations in this Deed and the County Council is the enforcement authority in respect of paragraph 7 of the Second Schedule in accordance with Section 106 (3) of the 1990 Act.
- 3.7 This Deed is a Local Land Charge and shall be registered as such by the Council.
- 3.8 For the purpose of such parts of this Deed as may be subject to the law against perpetuities the perpetuity period applicable thereto shall be a period of 80 years from the date of this Deed.
- 3.9 The Council and the County Council shall be entitled to use all interest accrued on the payments referred to in the Second Schedule from the date of actual payment thereof until the date when such monies are spent.
- 3.10 In the event of any delay in making any payment referred to in the Second Schedule to the Council or the County Council it shall:
- 3.10.1 thenceforth be a debt due to the Council or the County Council recoverable by action; and

NOTES:

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REPRODUCED FROM THE 1:2500 ORDNANCE SURVEY MAP WITH THE
PERMISSION OF ORDNANCE SURVEY ON BEHALF OF THE CONTROLLER
OF HER MAJESTY'S STATIONERY OFFICE.

CROWN COPYRIGHT, ANDREW FLEET MCIAT, 6 REGENT PLACE,
SOHAM,
CAMBRIDGESHIRE, CB7 5RL
LICENCE No. AR 100033546

Revision	Notes	Date	Drawn	Chkd
Client PETER AND ALAN CLARK				
Project RESIDENTIAL DEVELOPMENT				
Address LAND TO REAR 126 MERESIDE SOHAM CAMBRIDGESHIRE				
Drawing LOCATION PLAN				
Drawing No.	Revision			
06:087 - 1000	-			
Scale	Paper Size	Drawn	Checked	
1 : 1250	A4	APF		

andrewfleetmciat
charteredarchitecturaltechnologist

6 Regent Place, Soham, Ely, Cambridgeshire, CB7 5RL
Tel: (01353) 720651 w: www.andrewfleet.co.uk e: mail@andrewfleet.co.uk

THE FIRST SCHEDULE

The Land

ALL THAT piece or parcel of land known as land to the rear of 126 Mereside, Soham, Cambridgeshire being shown for identification only edged red on the plan annexed hereto and contained in Title Numbers CB 331882, CB352409, CBCB 298028 and CB353325.

THE SECOND SCHEDULE

The Planning Obligations

1 TRANSPORT INFRASTRUCTURE CONTRIBUTION

Prior to Occupation of the Second Dwelling the Owner will pay to the Council the Transport Infrastructure Contribution.

2 COMMUNITY FACILITIES CONTRIBUTION

Prior to Occupation of the Second Dwelling the Owners will pay to the Council the Community Facilities Contribution.

3 EMERGENCY SERVICES CONTRIBUTION

Prior to Occupation of the Second Dwelling the Owner shall pay to the Council the Emergency Services Contribution.

4 OPEN SPACE CONTRIBUTION

Prior to Occupation of the Second Dwelling the Owner will pay to the Council the Open Space Contribution.

5 SPORTS FACILITIES CONTRIBUTION

Prior to Occupation of the Second Dwelling the Owner will pay to the Council the Sports Facilities Contribution.

6. STRATEGIC WASTE CONTRIBUTION

Prior to Occupation of the Second Dwelling the Owners will pay to the Council the Strategic Waste Contribution.

- 3.10.2 thereafter be liable to interest thereon calculated on a daily basis at a daily rate of $\frac{1}{365}$ th of the annual rate of interest of four per cent per annum greater than the Bank of England base rate in force from time to time from the due date as specified in the Second Schedule until the date of payment thereof.
- 3.11 The Owners shall pay the Council's reasonable legal costs incurred in connection with the negotiation and preparation of this Deed.
- 3.12 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 3.13 No waiver (whether expressed or implied) by the Council or the County Council or the Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or the County Council or the Owners from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.
- 3.14 Nothing in this Deed shall prohibit limit or otherwise affect the right to develop any part of the land in accordance with a planning permission (other than the Planning Permission) granted (whether or not approved) after the date of this Deed.
- 3.15 The provisions of the Contracts (Rights of Third Parties) Act 1999 and any benefits or rights which would arise therefrom are expressly excluded to the intent that the third party within the meaning of the Act shall have any rights of enforcement in respect of any matter herein contained.

IN WITNESS whereof the Owners have hereto duly executed this Deed the day and year first before written.


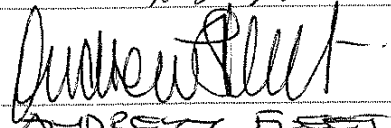
7 EDUCATION CONTRIBUTION

Prior to Occupation of the Second Dwelling the Owner will pay to the County Council the Education Contribution.

EXECUTED AS A DEED by:
ALAN ROY CLARK
In the presence of:

Witness signature:
Witness name:
Witness address:



Witness occupation:



ANDREW FLEET
6 REGENT PLACE
SOLIHAM CAMBS
CHARTERED ARCHITECTURAL
TECHNOLOGIST

EXECUTED AS A DEED by:
PETER TREVOR CLARK
In the presence of:

Witness signature:
Witness name:
Witness address:

Witness occupation:



JAMIE PALMER
131A BROOK STREET, SOLIHAM,
CAMBS.
ARCHITECTURAL TECHNICIAN.



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555
DX41001 ELY Fax: (01353) 665240
www.eastcambs.gov.uk

Peter & Alan Clark
C/O Andrew Fleet
6 Regent Place
Soham
Ely
Cambs, CB7 5RL

This matter is being dealt with by:

Ann Caffall

Telephone: 01353 665555
E-mail: ann.caffall@eastcambs.gov.uk
My Ref: 11/00624/OUT

Your ref

**THIS NOTICE SUPERSEDES THE ORIGINAL
NOTICE ISSUED OF THE SAME DATE**

24th January 2013

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following development:

Proposal: Erection of two detached four bedroom houses, garaging, access, parking
and associated site works
Location: 126 Mereside Soham Ely Cambridgeshire CB7 5EG
Applicant: Peter & Alan Clark

This consent for outline planning permission is granted in accordance with the application reference
11/00624/OUT registered 13th April 2012 and the plans, drawings and documents, as listed below;

Plan Reference	Version No	Date Received
06:087-2		30th June 2011
06:087-1	A	6th December 2012
06:087-0		14th November 2012

Subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

- 1 Approval of the details of the landscaping, boundary treatments and materials; (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.



INVESTORS
IN PEOPLE

- 1 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 2 Prior to first occupation of either of the dwellings hereby approved space shall be laid out within the site for 2 cars to park. This area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 2 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.
- 3 Prior to first occupation visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 06:0871-1A.. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 3 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN8 of the East Cambridgeshire Core Strategy 2009.
- 5 The first floor windows to the side elevations shall be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor level of the room in which the windows are installed.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in any elevation.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 7 The roof lights hereby approved shall be set at more than 1.7m above the floor level of the roofspace.

- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.

INFORMATIVES RELATING TO THIS APPLICATION

This decision has been made in accordance with the following policies

East Cambridgeshire Core Strategy 2009

CS1 Spatial Strategy
CS2 Housing
EN3 Sustainable construction and energy efficiency
S4 Developer contribution
S7 Parking provision
EN2 Design
CS7 Infrastructure
CS10 Soham
H1 Housing Mix and Type

Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations

National Planning Policy Framework 2012

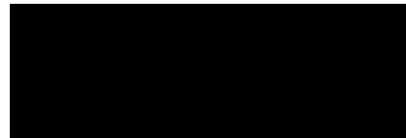
Core Planning Policies

- 2 Approval has been granted because the proposal is broadly in accord with the policies of the current Development Plan. It is considered that it would not raise any adverse issues of either visual or residential amenity, or introduce any elements detrimental to highway safety that cannot be addressed by the imposition of suitable conditions. The design, siting and materials have been assessed as being in accord with the character and appearance of the locality.
- 3 The application has been approved as it is broadly in accord with the policies of the Local Plan, and it represents a high quality of development that can be considered as 'sustainable'. The policies themselves have been sufficiently explicit to guide the submitted application so that acceptable plans and information have been provided, and an approval has been forthcoming. The development is acceptable as it is in conformity with the policies of the Development Plan, and the East Cambridgeshire Design Guide.
The proposal has met and satisfies, the criteria for sustainable development in relation to;
The high quality of design (addressing visual and residential amenity),

In furthering these objectives, the development, if completed in accordance with the plans and conditions (where applicable) will improve the social, economic and environmental conditions of the area.

- 4 This decision notice should be read in conjunction with the Section 106 Obligation dated 17 January 2013 and the development completed in strict accordance with the provisions contained therein, to the satisfaction of the Local Planning Authority.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES **NOT** CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER



Dated: 24th January 2013

Head of Planning & Sustainable Development Services