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DATED

7th November

1984

1

AGREEMENT UNDER SECTION 52

of the

TOWN AND COUNTRY PLANNING ACT, 1971

BETWEEN

SOUTH KESTEVEN DISTRICT COUNCIL

and

BELTON TRUST ESTATE

R. S. Stahel, Esq.,
Solicitor,
South Kesteven District Council,
St. Vincent's,
GRANTHAM,
Lincolnshire.

PARTIES



THIS AGREEMENT is made the *Seventh* day of *November* One thousand nine hundred and eighty-four BETWEEN SOUTH KESTEVEN DISTRICT COUNCIL whose principal office is situate at The Guildhall Grantham Lincolnshire (hereinafter called "the Council") of the one part and THE RIGHT HONOURABLE EDWARD JOHN PEREGRINE BARON BROWNLOW SIR ARTHUR JAMES ROBERT COLLINS K.C.V.O. of 20 Essex Street Strand London WC2 and CYRIL RUSSELL of Hale Court Lincoln's Inn London WC2A 3UL (hereinafter called "the Owner") of the other part

RECITALS

PLANNING AUTHORITY

WHEREAS:

- (1) The Council is the local planning authority for the purposes of Town and Country Planning Act 1971 for the area within which the property described in the First Schedule hereto is situated and is a principal authority for the purposes of the Local Government (Miscellaneous Provisions) Act 1982
- (2) The Owner is the owner in fee simple in possession free from incumbrances of the property described in the First Schedule hereto (hereinafter called "the Property")
- (3) The Owner has by written application dated the 13th January 1983 applied to the Council for permission to develop that part of the property edged red on the plan annexed hereto (hereafter called "the red land") in the manner and for the uses set out in the applications plans specifications and particulars deposited with the Council particulars of which are set out in the Second Schedule hereto

APPLICATION TO DEVELOP

AGREEMENT IN PRINCIPLE

- (4) The Council is satisfied that the development disclosed by the said applications plans specifications correspondence and particulars (herein called "the Development") is such as may be determined by the Council under the Town and Country Planning Act 1971 subject to the provisions hereof

AGREEMENT

NOW THIS DEED WITNESSETH as follows:

APPROVAL

1. Now this Agreement is made in consideration of the premises and in pursuance of Section 52 Town and Country Planning Act 1971 and of Section 33 of the Local Government (Miscellaneous Provisions) Act 1982
2. The Council hereby agree to grant outline planning permission for the Development for the purposes of the Town and Country Planning Act subject to the conditions set out in the Fourth Schedule hereto

COVENANT TO OBSERVE THIRD SCHEDULE

3. The Owner hereby covenants with the Council that in implementing the Development it will observe and perform the restrictions conditions and provisions regulating the same specified in the Third Schedule and in the Fourth Schedule hereto to the intent that this covenant shall bind the Owner of each and every part thereof

COVENANT TO DEVELOP

4. The Owner hereby covenants and agrees to carry out the Development in strict conformity with the applications specifications and particulars set out in the Second Schedule hereto and in accordance with the terms and conditions hereof
5. The expressions "the Council" and "the Owner" shall include their respective successors in title and assigns and all covenants made herein on the part of "the Owner" shall be deemed to be joint

and several if more than one person or entity has a legal estate in the property or part thereof and shall be enforceable accordingly against each and every such person or entity

IN WITNESS whereof the Council has hereunto caused its Common Seal to be affixed and the Owner has set his hand and seal the day and year first before written

FIRST SCHEDULE

ALL THAT land edged in red and blue and shown also by a red line on the plan annexed hereto and known as Harrowby Fields Grantham Lincolnshire

SECOND SCHEDULE

Application No. SK.1315/82/2635 dated 13th January 1983 for permission to develop land for residential development

THIRD SCHEDULE

Covenants relating to the Development
Covenants pursuant to Section 52 of the
Town and Country Planning Act 1971

Actual construction of the dwellings in the Development shall not be started unless and until the owner shall first have provided on and off the site facilities for the disposal of foul and surface water from the Development on the red land with sufficient capacity and provision for the possible future development for residential purposes of the land shown edged blue on the plan annexed hereto

Covenant pursuant to Section 33 of the
Local Government (Miscellaneous Provisions)
Act 1982

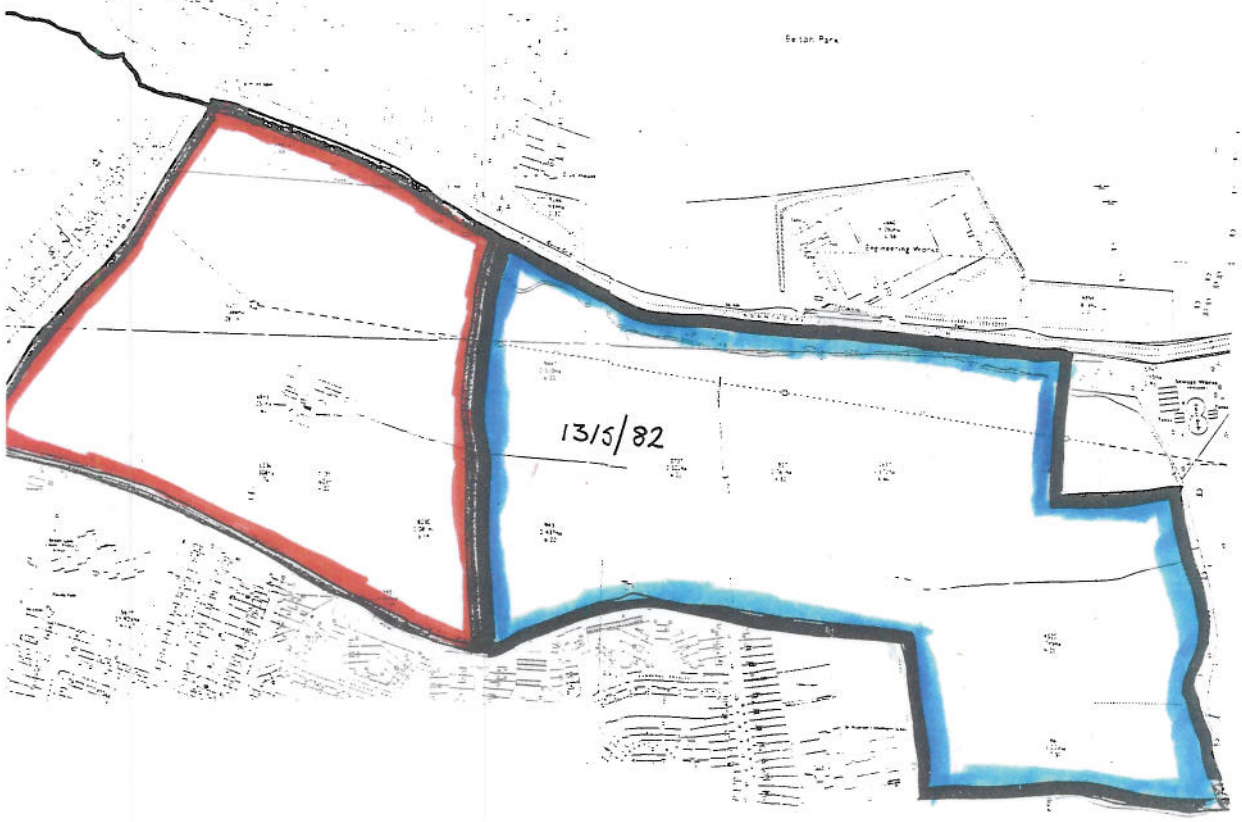
The Owner shall complete the works specified in the Third Schedule hereto before any other Development is commenced and shall construct such works in accordance with details to be submitted to and approved in writing by the District Planning Officer for the time being of the Council

Beaton Park

Beaton Park

Engineering Works

1315/82



Outline planning permission

Name and address of applicant

Belton Trust Estate
Estate Office
Belton
Grantham

Name and address of agent (if any)

Escritt & Barrell
Elmer House
Grantham

Part I—Particulars of application

Date of application:

13 January 1983

Application no.

SK.1315/82/2635

Particulars and location of development:

Residential development
Harrowby Fields
Grantham

Part II—Particulars of decision

The

South Kesteven District

Council

hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1971 that **outline planning permission has been granted** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions: & in accordance with plan received 5 July 1983:-

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. The following matters are reserved for subsequent approval by the district planning authority and no development to which these matters relate shall be carried out until these matters have been approved:-
 - (i) detailed drawings of the estate layout to a scale of not less than 1/500 showing the siting of all buildings and the means of access thereto from an existing or proposed highway;
 - (ii) detailed drawings to a scale of not less than $\frac{1}{8}$ inch to 1 foot (1/100) showing the siting, design and external appearance of the buildings including particulars of the materials to be used for external walls and roofs;
 - (iii) a scheme of landscaping.
3. When application for the "reserved matters" is made a programme plan showing the phases by which the site will be developed shall be submitted to and approved by the district planning authority. Any approved phasing scheme shall ensure that land remains in agricultural use until development is about to commence on each phase.
4. When application is made to the district planning authority for approval of the ~~application~~ "reserved matters", that application shall be accompanied by ~~a scheme of landscaping and tree planting~~ a scheme of landscaping and tree planting (indicating inter alia, the number, species, height on planting and positions of all the trees) in respect of the land to which that application relates and such scheme shall require the approval of the district planning authority before any development is commenced. Such scheme as approved by the district planning authority shall be carried out progressively as the estate is developed or at such time or times as the district planning authority may direct and in any event in ~~its entirety~~ its entirety within the period of two years beginning with the date on which development of each phase is commenced (or within such longer period as ~~may be agreed in writing with the district planning authority~~ may be agreed in writing with the district planning authority). All trees, shrubs and

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bushes shall be adequately maintained for the period of ten years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

5. A plan showing the exact location, species and spread of all trees on the site and those proposed to be felled during building operations and the positions of all hedgerows shall be submitted to and approved by the district planning authority when application is made for reserved matters.

6. No dwelling to which this permission relates shall be commenced unless and until the carriageway base course and kerb foundations of the new estate road onto which it fronts, is adjacent to or gains access has been constructed.

7. Development shall not be commenced unless or until any public footpath which will be affected thereby has been stopped up or diverted in accordance with either (1) an Order made by the Secretary of State for the Environment under the provisions of Section 209 of the Town and Country Planning Act 1971, or (2) an Order made by the district planning authority under the provisions of Section 210 of the said Act 1971.

8. The County Director of Highways and Planning so directs:-

(a) Visibility splays shall be provided at the junction of the main distributor road with Belton Lane from a point 4.5 metres back along the centre line of the new road (from the nearside edge of the carriageway of Belton Lane) for a distance of 210 metre either side of the junction (measured along the nearside edge of the carriageway from its intersection with the new road). These visibility splays shall be maintained as such at all times;

(b) Concurrent with the erection of the dwellings fronting onto Belton Lane, a footway 2 metres wide shall be constructed within the application site and located in such a position that the back edge of the footway forms the visibility splays referred to in condition (a). The footway shall be in accordance with details to be approved by the local planning authority along the whole of that part of the application site fronting Belton Lane;

(c) All properties fronting onto Belton Lane shall have turning features provided before the accesses are commenced to be used;

(d) The junction of the main spine road and Belton Lane shall incorporate 10.5 metre entry radii and shall be 6.75 metres wide at the inner tangent points;

(e) There shall be no vehicular or pedestrian access onto Green Lane.

9. The County Director of Highways and Planning so requests:-

(a) Before any development is commenced the approval of the district planning authority is required to -

(i) a *specification of the type of construction proposed for roads and/or footways;

(ii) a programme for the making up of the roads and footways; including the provision of a hardened emergency vehicle link and footway links from the appropriate proposed estate road over Green Lane to Ash Grove in accordance with details to be subsequently submitted to and approved by the district planning authority;

(iii) details of the method and means of disposal of surface water;

(iv) detailed plans to a scale of 1/500 showing the layout of the roads and footways together with longitudinal sections to a scale of 1/500 horizontal and not less than 1/100 vertical showing the gradients of carriageways and full

applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Tolgate House, 100, Victoria Street, Bristol BS2 9DJ.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be obliged to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to grant an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to the reasons given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on reasons given by him.

When permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the

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details of surface water drainage proposals. (Cross sections taken at not more than 30 metre intervals normal to the proposed carriageway plotted to a scale of 1/100 will also be required where the adjoining ground levels will vary 0.5 metres plus from the proposed finished footway levels of the estate road);

(v) details of all proposed services showing the location within the highway in accordance with the Report of the Joint Committee on the location of underground service published by the Institution of Civil Engineers in 1963;

*This specification shall be such as to enable the local highway authority in due course to take over the roads and/or footways as highways maintainable at the public expense.

(b) Before any development is commenced the approval of the district planning authority is required to the detailed design of the scheme to provide for the satisfactory disposal of surface water run-off from the development; and such scheme as approved shall be carried out before any building is occupied;

(c) The main spine road, as shown on drawing number 599-2 dated 29 December 1982, shall be constructed in accordance with the County Council "specification for development roads" to Local Distributor standards, incorporating a 6.75 metre wide carriageway, two 1.5 metre verges and two 2 metre footways.

The reasons for the conditions are:-

1. Required to be imposed pursuant to Section 42 of the Town and Country Planning Act 1971.
2. The application was submitted in outline only and these details are necessary to enable the district planning authority to assess the standard of the proposed development.
3. To secure in the interests of local amenity and orderly development of the land.
4. To ensure a satisfactory residential environment.
5. To maintain as far as possible the appearance of the area.
6. To enable the positions of the dwellings in the layout to be fixed more accurately in the interests of the proper planning of the area.
7. The proposed development would obstruct a public right of way.
8. The County Director of Highways and Planning so directs -
 - (a) To ensure that the drivers of vehicles have adequate vision distances when emerging from the proposed local distributor road onto Belton Lane in the interests of road safety;
 - (b) To ensure the provision of safe and adequate means of passage on foot for the residents of the application site and their visitors;
 - (c) To enable vehicles to enter and leave the highway in forward gear in the interests of road safety;
 - (d) To ensure satisfactory standards at the junction of the main spine road with Belton Lane in the interests of road safety;
 - (e) Green Lane is inadequate in width and construction to accept further residential development.
9. The County Director of Highways and Planning so requests -
 - (a) To ensure an adequate standard of access to the estate in the interests of local amenity and convenience;
 - (b) To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the amenity of nearby land;
 - (c) To ensure that the main distributor road for the proposed development be designed and constructed to standards commensurate with its intended use.

Date:

Council Offices
St. Vincents
Grantham

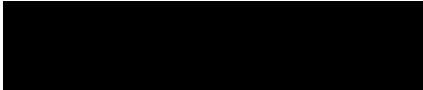
South Kesteven District Council

THE COMMON SEAL OF SOUTH KESTEVEN)
DISTRICT COUNCIL was hereunto)
affixed in the presence of:)



Head of Administration
SOLICITOR

SIGNED SEALED AND DELIVERED by the)
said RIGHT HONOURABLE EDWARD JOHN)
PEREGRINE BARON BROWNLOW in the)
presence of:)

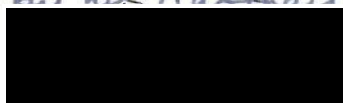


*17 Royal Square
St Helier, Jersey, C.I.
Secretary*

SIGNED SEALED AND DELIVERED by the)
said SIR ARTHUR JAMES ROBERT COLLINS,)
K.C.)

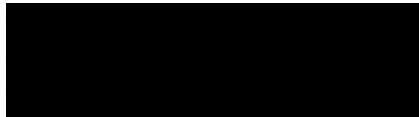


*Sir Arthur Collins
by his Attorneys*



*20 Essex Street
London WC2
Secretary*

SIGNED SEALED AND DELIVERED by the)
said CYRIL RUSSELL in the presence of:)



*Bate Court
Lincoln's Inn
Solicitor*