

## Reg 18 Further Consultation Statement

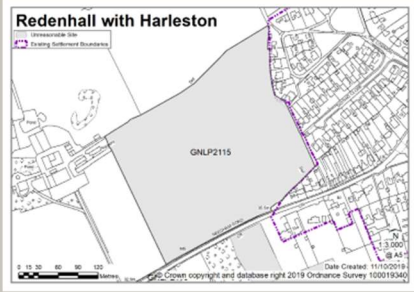
Land to North of Needham Road, Harleston, Norfolk. Site GNLP2115

Local Planning Authority: South Norfolk Council

### 1.0 Introduction

1.1 The new Local Plan (LP) for Great Norwich and will cover a period up-to 2038. The new Local Plan will comprise of Greater Norwich’s strategic and development management policies together with site proposals. The Councils are currently re-consulting on their (Regulation 18 Stage) Consultation draft Local Plan document. The consultation period will close on 16<sup>th</sup> March 2020. This further consultation is in the light of the Draft Local Plan Part 2 Site Allocation review the contents of which in relation to the subject site is reproduced hereunder.

Fig. 1 – Extract from Draft Local Plan Part 2 Site Allocations – Site GNLP2115.

<p>North of Needham Road, Needham</p> <p>(Technically in Needham Parish but considered with Harleston as well related to the built-up area)</p>	<p>GNLP2115</p>	<p>6.00</p>	<p>175 dwellings</p>	<p>This site is not preferred for allocation as it is wholly within the river valley and on grade 2 agricultural land. There is poor connectivity into Harleston and concern about possible coalescence of Needham and Harleston. If developed highway improvements would be required including two satisfactory access points.</p>
				

1.2 This statement is intended for submission as part of the consultation and demonstrates why our client’s site, land to north of Needham Road, Harleston, ought to be established as a preferred or reserve option for inclusion within the settlement boundary of Harleston or housing allocation with Greater Norwich future adopted plan. It is recognised that two other sites with reference GNLP2108

and GNL2136 are currently preferred but the subject site could be phased very simply because of the long road frontage and provide an opportunity to bring forward numbers should other sites fail to deliver the District Council's housing obligation.

1.3 This application has examined the site to be put forward to provide evidence-based documents that inform their preparation (including the HELAA).

1.4 Acknowledging the stage at which the Local Plan preparation has reached, this submission provides contextual information for the benefit of the LPA. If we can be of any assistance in providing any further information, then we would be happy to do so.

## 2.0 Site and Context

2.1 Our client's site is located on the southern side of the market town of Harleston and is a natural continuation of the existing settlement pattern of the town. This is a generally regular shaped land parcel comprising arable land extending to 6.0 hectares in area. The site is bound by existing residential development on the eastern and south eastern sides, the frontage road to the south and arable land to the north and west. To the north west is the former agricultural premises associated with Gunshaw Hall now used as reclamation yard. Gunshaw Hall House is to the west thereof.

Fig. 2 – Aerial image illustrating the position of our client's site in respect of established residential properties.



### 3.0 Designations and Constraints

3.1 The development site is identified by the Environment Agency as being within 'Flood Zone 1' in its entirety and as such the site is at low risk of flooding according to their data.

3.2 The Local Plan classifies the site as being outside but adjoining the Development Boundary and is therefore a natural extension of the town in a westwards direction bounded by the Needham Road.

3.3 Our client's site is not located within a designated area such as Conservation Area, Special Landscape Area (SLA) or Special Area of Conservation (SAC).

3.4 Although there are trees on some boundaries of the site, none are the subject of a TPO.

### 4.0 Character of the Area

4.1 With the exception of some larger housing to the south of the Needham Road this gateway into Harleston is dominated by the presence of 1960 – 1970s housing on the eastern side of the subject site. The site itself and the immediate adjoining arable land is rather open and devoid of significant natural boundary features.

### 5.0 Suitability of the Site for Development

5.1 Sites submitted to Greater Norwich for consideration within the context of their emerging Local Plan (at the formal consultation/call for sites stages or otherwise) will be assessed in accordance with their Housing & Economic Land Availability Assessment (HELAA).

5.2 To assess the suitability of sites for development, the HELAA methodology (intended to accord with both local and national planning policy and guidance considerations) prescribes a red, amber, green (RAG) approach to assessing various types of constraints on site deliverability in addition to potential impacts arising (see below). For a site to be 'taken forward' and included in the HELAA capacity assessment, sites are expected to achieve either an amber or green rating against all suitability criteria and furthermore, meet the availability and achievability 'tests' (see below).

5.3 Recognising the stage of preparation which the draft local plan is at, we have provided an initial assessment of our client's site Land to North of Needham Road against the HELAA constraints and impacts criteria. This assessment has demonstrated that there are no over-riding constraints pertaining to our client's site (i.e. 'reds' in the RAG assessment). Furthermore, our client's site passes both the availability and achievability 'tests' and consequently can be considered suitable for inclusion as a preferred site within the adoption of the Greater Norwich Local Plan. A 'summary' site assessment form has been included at Appendix A of this statement that accords with those presented at Appendix B of HELAA assessment document. (December, 2017).

5.4 We would reiterate that the site is suitable for residential development, it abuts the town development boundary, and with built form continuing to both the east and south-east. We are of the opinion that this is a very realistic and attractive site to come forward. Because of the long road frontage development can be phased.

5.5 The town centre is within walking distance (950m to the Market Place) where there is wide range of shops and other facilities. We believe services are available owing to the adjoining proximity of established housing and a sustainable drainage system would always be part of the development with attenuated water flowing to established existing outfalls. The site therefore represents suitable development, to be considered for inclusion in the emerging plan.

### Suitability Assessment Criteria

5.5 **Access to site** – Our client’s site can provide a satisfactory access in line with Norfolk County Councils highway standards with an appropriate visibility achieved. The road geometry is not challenging on the surrounding road network. Two accesses can be provided onto the Needham Road if deemed necessary because of the long frontage to the site. At this particular point the frontage road is about 5.5m in width and widening to over 7m in the area of the entrance to The Common. It is noted under the Part 2 Site Allocations (see para 1.1) that there is deemed to be poor connectivity into Harleston. We would dispute this as the main Thoroughfare into the town is via the Needham Road. On the eastern boundary of the site there is public footpath FP30. This connects with The Common and also crosses the Needham Road and connects southwards across the Harleston Bypass and over the marshes at Shotford Bridge. The site also has access to Footpath FP28 travelling northwards to Wilderness Farm and giving direct access to Swan Lane at the centre of the main shopping Thoroughfare. In our opinion the RAG assessment should be Green and not amber as we believe is being suggested by South Norfolk.

Fig.3 – Public Rights of Way map.



5.6 **Access to local services and facilities** - The Local Plan currently classifies the site as being outside of the Development Boundary. The site is not 'isolated' in any physical or functional sense, with good access to the town centre (950m) and its many shops and other facilities. This is a sustainable location for new development at the scale proposed and constitutes a green RAG assessment.

5.7 **Utilities capacity** - Given the adjacent land-uses, there is no evidence to suggest that the delivery of utilities will be a constraint on this site. However investigations on the site HAR4 to the north-east indicate there will need to be an upgrading of the foul drainage system in the area of the town centre but this is an obligation on Anglian Water under the new financing of foul drainage arrangements and did not prevent that development from being progressed.

RAG Assessment Outcome = Green

5.8 **Utilities infrastructure** – We anticipate foul drainage and potable water will be accessed from Needham Road. There is an 11kv pole adjoining the site on the Needham Road frontage. We understand houses fronting Needham Road have access to gas. No detailed analysis has been undertaken regarding services but we are not aware of particular constraints and certainly none believed of a legal nature. It is accepted that the site would be SUDS compliant with attenuated surface water outfall.

RAG Assessment Outcome = Green

5.9 **Contamination and ground suitability** – There is no evidence to suggest that our client site has contamination issues, there have been no historical work undertaken on the site that would have resulted in any know ground stability issues. The site has not been previously developed.

RAG Assessment Outcome = Green

5.10 **Flood risk** – The site lies within Flood Zone 1 in its entirety there are a low risk of flooding.

RAG Assessment Outcome = Green

5.11 **Coastal change** – The site is not adjacent to a Coastal Change Management Area or Coastal Flood Hazard Zone.

RAG Assessment Outcome = Green

5.12 **Market attractiveness** - The site is known to be in a location which should prove very attractive to the housing market. Recent substantial developments by Persimmon Homes and others in the area on Mendham Lane provides evidence of this.

5.13 **Nationally and locally significant landscapes** - Development of the site would have either a neutral or positive impact, but importantly not have a detrimental impact, on sensitive landscapes and their setting.

It is recognised under para 1.1 above that there are concerns under the Part 2 site allocation appraisal in relation to connecting the village of Needham with Harleston. On an academic level we can understand the concern but in practice it has to be recognised that Needham village is to the west of the A143 which is a physical corridor break. The subject site is 300m from the Needham

Roundabout and the latter is at a very different physical level around 9m below the proposed development. In essence the break between site GNLP2115 and Needham is naturally stark.

It has also been highlighted that the subject site is Grade 2 agricultural land and that this is a factor. It is recognised that this is the case and the vast majority of development takes place on Grade 3 land in Harleston. In practice however grade 2 and 3 land is treated the same and forms part of the natural arable rotation of the area. The development land forms part of a larger field which is grade 3. The applicants who are rose growers cultivate both grade 2 and 3 land in the immediate area which can be equally productive provided of course there is land drainage. Harleston is surrounded principally by clay based parcels.

Again under para 1.1 there were concerns under the Part 2 Site Allocation appraisal that the subject site was in the River Valley. Our contention would be that from the Local Plan Inset Map 008 all of Harleston is surrounded by the River Valley designation and this encompasses the sites designated for development under the existing Local Plan and the two preferred sites under this Reg 18 consultation. See Appendix E.

RAG assessment outcome = Green.

5.14 **Townscape** – Development of the site would have either a neutral or positive impact, but importantly not have a detrimental impact, on townscapes. This is an opportunity to improve the entrance to Harleston which at present belies the importance and historic past of the town.

RAG assessment outcome = Green.

5.15 **Biodiversity and geodiversity** - Although any future development would be subject to a comprehensive ecological appraisal, it is not considered, at this stage, that development would have a detrimental impact on any designated site, protected species, or ecological networks (or that appropriate mitigation could not be provided). The natural boundary planting is minimal to the site as currently arranged and this would easily be improved under the development proposals.

RAG assessment outcome = Green.

5.16 **Historic environment** – Development of the site would have either a neutral or positive impact, but importantly not have a detrimental impact on any designated or non-designated heritage assets as it currently stands. The nearest listed buildings, to the west is Gunshaw Hall (140m) which is to the west of the reclamation yard referred to under 2.1 above and to the east 26 The Common (120m). The latter importantly is beyond a swathe of existing residential housing and therefore the proposed development will have no influence on this property.

RAG assessment outcome = Green.

5.17 **Open space/Green infrastructure** – Development of the site would not result in the loss of any open space. Our client's site is essentially an extension development abutting existing residential properties to the east and south-east.

RAG assessment outcome = Green.

5.18 **Transport and roads** - Development of the site will not have a detrimental impact on the functioning of trunk roads/and or local roads. The latter Needham Road has a width of 5.5m widening in excess of 7m to both the east and west through to the A143. Importantly those wishing to travel west towards Diss and east towards Lowestoft have a 300m journey to reach the A143. Naturally only those wanting to use the facilities in the town centre would be drawn eastwards along London Road.

RAG assessment outcome = Green.

5.19 **Compatibility with neighbouring/adjoining uses** – Our client’s site would form a natural extension to the town on the eastern side. Land to the south beyond Needham Road currently has some residential development but in the effluxion of time we believe will be developed and has been the subject of the original Reg 18 consultation site GNL2088. To the west there is arable land but this would simply reflect in the site development scenario that which already exists between the subject site and the neighbouring residential development. The difference would be that there is an opportunity to reflect a desired landscaping entrance to the town as opposed to that which currently exists. To the north there is arable land without sensitive uses adversely affected by the proposals. See para 7f in the Greater Norwich Site Submission Form.

RAG assessment outcome = Green.

5.20 The above ‘suitability’ criteria are just one element of the assessment for the HELAA. In addition to establishing whether sites are potentially suitable for development, sites will also be assessed in terms of whether they are ‘available’ for development and whether they are ‘achievable’ and these are discussed below.

## 6.0 Assessment of Availability

6.1 A site will normally be considered available by the GNL2088 or the appropriate LPA if it is in the ownership of a developer or landowner who has expressed an intention to develop or sell land for development.

6.2 We take this opportunity to reiterate that the site is available and owned by our clients and there are no known legal restrictions for bringing the site forward in the short term and indeed that would prevent an immediate delivery of new homes. Our clients are actively promoting within the context of this GNL2088 Reg 18 consultation exercise and will take marketing action should the site feature in the adopted Local Plan.

## 7.0 Assessment of Achievability

7.1 A site will be considered achievable within the context of the HELAA where there is a reasonable prospect that development will occur on the site at a point in time. A key determinant of this will be economic viability of the site. This will be influenced by the market attractiveness of a site, its location in respect of property markets and any abnormal constraints on the site.

7.2 It has been demonstrated above that there are no abnormal constraints pertaining to the site (i.e. ‘reds’ in the context of the RAG assessment – see above). Therefore, we believe that the site is

readily available and deliverable. Furthermore, it is considered that development is economically viable given its location and market conditions.

7.3 We would reiterate that the site is available immediately, in freehold ownership of our client and there are no technical, legal, or viability constraints that would prevent it from being developed within years 1 - 5. This provides for more than adequate flexibility in providing for any necessary improvements to the capacity of any necessary utility infrastructure.

## 8.0 Conclusions

8.1 This report has demonstrated, in line with both national and local planning considerations, that our client's site is available, achievable and suitable for inclusion within the GNLP HELAA capacity assessment and as an inclusion within the new development boundary of Harleston within the context of the Greater Norwich Local Plan, SNC's emerging Local Plan and village clusters housing document. This would allow for Harleston to grow proportionately in the future, in line with Government policy. We would reiterate that there are no fundamental constraints or impacts that cannot be mitigated through the subsequent application and development process. Durrants consider that the site would make a valuable contribution to meeting housing needs and thus assisting the Council's vision for further sustainable growth in the local plan period to 2038 and beyond. It is recognised that this site is not one of the two preferred options for Harleston but could provide possibly in a phased way additional capacity that could be brought forward in an effective way. We would therefore welcome your support for the inclusion of the above site in the emerging Local Plan.

## Appendix A - Site Assessment Form

<b>Site address:</b> Land to North of Needham Road, Harleston	
<b>Current planning status</b>  e.g. with permission, allocated, suggested through the Call for Sites etc.	Bare agricultural land and promoted through the Call for Sites process.
<b>Site Size (hectares)</b>	6.0 Hectares
<b>Greenfield / Brownfield</b>	Greenfield
<b>Ownership (if known)</b> (private/public etc.)	Private, ownership is in control of our clients.
<b>Absolute Constraints "Check</b>	
<b>Is the site in a ...</b>	
<b>SPA, SAC, SSSI or Ramsar</b>	No
<b>National Nature Reserve</b>	No
<b>Ancient Woodland</b>	No



<b>Flood risk zone 3b</b>	No
<b>Scheduled Ancient Monument</b>	No
<b>Statutory Allotments</b>	No
<b>Locally Designated Green Space</b>	No
<b>At risk from Coastal Erosion</b>	No
<i>If yes to any of the above, site will be excluded from further assessment.</i>	
<b>Development Potential</b>  (number of dwellings, hectares of employment land or town centre use floorspace):	
<b>Density calculator</b>	On the basis of 25 dwellings per hectare our site can offer a minimum of 150 dwellings. We note under para 1.1 that the Council consider the site may have capacity for 175 dwellings. This will be a matter for detailed design.

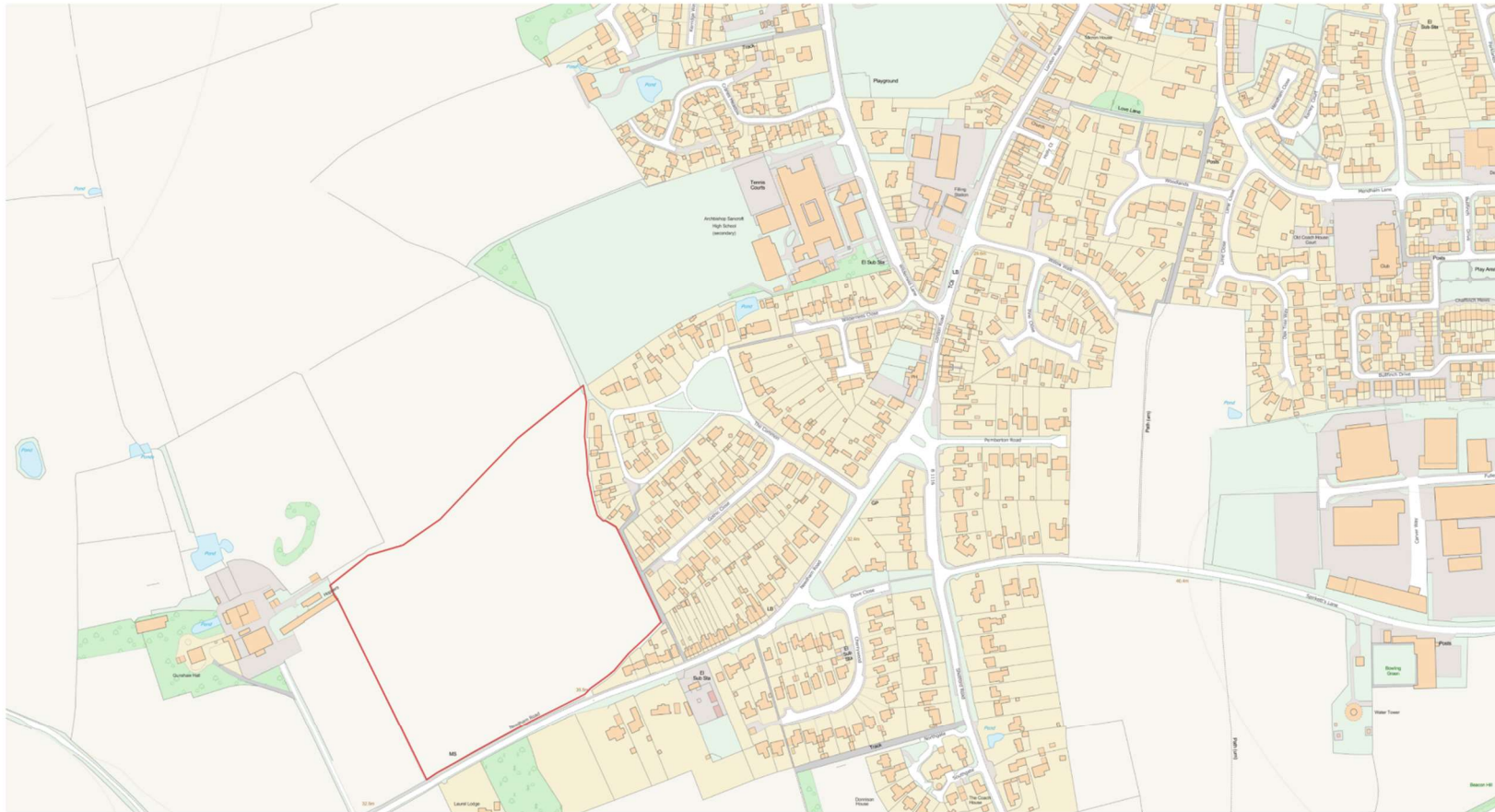
<b>Suitability Assessment</b>		
<b>Constraint</b>	<b>Score (red/amber/green)</b>	<b>Comments</b>
Access to site	Green	As above
Accessibility to local services and facilities	Green	As above
Utilities Capacity	Green	As above
Utilities Infrastructure	Green	As above
Contamination and ground stability	Green	As above
Flood Risk	Green	As above
Coastal Change	Green	As above
Market Attractiveness	Green	As above
<b>Impact</b>	<b>Score (red/amber/green)</b>	<b>Comments</b>
Nationally and Locally Significant Landscapes	Green	As above
Townscape	Green	As above

Biodiversity and Geodiversity	Green	As above
Historic Environment	Green	As above
Open Space	Green	As above
Transport and Roads	Green	As above
Compatibility with neighbouring/adjoining uses	Green	As above
<b>Local Plan Designations (add further lines as required)</b>		
<b>Designation</b>	<b>Policy reference</b>	<b>Comments</b>
<b>Availability Assessment (will require liaison with landowners)</b>		
Is the site being marketed?	It is our client's intention to make the site immediately available for sale once the site is designated for residential development in the Local Plan.	

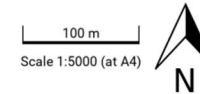
Add any detail as necessary (e.g. where, by whom, how much for etc.)		
When might the site be available for development (tick as appropriate)	Immediately	✓
	Within 5 years	
	5-10 years	
	10-15 years	
	15-20 years	
	Comments: Our client's site is immediately available for development.	
Estimated annual build out rate (including justification):		
Comments	Estimated build rate at 40 units per annum. Estimated 4 years to complete the site.	
<b>Achievability (including viability)</b>		
Comments	There are no legal constraints and no abnormal costs associated with delivery of the site for residential purposes.	
<b>Overcoming Constraints</b>		
Comments	Any possible constraints thus far identified on site can be reasonably and appropriately mitigated.	
<b>Trajectory of development</b>		

Comments	Once the land is designated in the Local Plan work would commence on identifying solutions to surface water, utility and design constraints. This would either be through work undertaken by the clients or more likely with a collaborating developer in making a detailed planning application.
<b>Barriers to Delivery</b>	
Comments	We do not envisage any barriers to the delivery of residential dwellings on this site.
<b>Conclusion (e.g. is included in the theoretical capacity)</b>	
The development process can immediately take place once the land is identified as being suitable for development in the adopted Local Plan.	

# Appendix B – Location Plan



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## Appendix C – Title Register

HM Land Registry



Official copy  
of register of  
title

Title number NK150740

Edition date 18.09.2017

- This official copy shows the entries on the register of title on 12 MAR 2020 at 15:43:37.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 12 Mar 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Kingston Upon Hull Office.

### A: Property Register

This register describes the land and estate comprised in the title.

NORFOLK : SOUTH NORFOLK

- 1 (02.11.1993) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land on the north and south sides of Needham Road, Harleston.
- 2 (02.11.1993) The land has the benefit of the following rights granted by but is subject to the following rights reserved by the Transfer dated 11 October 1993 referred to in the Charges Register:-

"except and reserved in fee simple to the Transferor (and those expressly or impliedly authorised by the Transferor) the Reserved Rights together with (in common with others so entitled) the Rights Granted

#### Schedule 3

(the Reserved Rights)

- 1 The right to the free and uninterrupted running of soil gas electricity and water to and from the Retained Land through the Conduits on the Property serving or capable of serving the Retained Land (whether now on the Property or constructed within the Perpetuity Period)
- 2 The right to erect or alter any building now on the Retained Land or erected within the Perpetuity Period even if the access of light and air (or either of them) to the Property is affected
- 3 All quasi-easements and other rights in the nature of easements now used or enjoyed over the Property which would be implied by statute or by reason of severance and take effect as easements in favour of a purchaser of the Retained Land had the Retained Land been sold to that purchaser and the Property been retained by the Transferor

#### Schedule 4

(the Rights Granted)

- 1 A right of way at all times and for all purposes in connection with the present and any future agricultural or horticultural use of the

Title number NK150740

## A: Property Register continued

Development Land with or without vehicle over and along the Brown Land

2 The right to drain surface water from the Property through the existing drains under or across the Retained Land"

NOTE 1: The retained land is edged and numbered 1 in blue on the filed plan

NOTE 2: "Conduits" means ducts shafts cisterns tanks radiators pipes wires cables sewers drains soakaways watercourses gutters gullies conduits and meters for the passage or transmission of soil gas electricity water air smoke light information or other matters and ancillary equipment and structures other than those belonging to the relevant supply authorities

NOTE 3: The perpetuity period is 80 years from 11 October 1993

NOTE 4: The development land and the brown land are edged and numbered 2 in blue and tinted brown respectively on the filed plan.

3 (02.11.1993) The Transfer dated 11 October 1993 referred to above contains the following provision:-

"4 Agreements and declarations

4.1 The Transferor and the Transferees agree and declare that:

(a) the Transferees in respect of the Property enjoys no rights of light or air from the Retained Land and that nothing in this transfer shall hinder the right of the Transferor to develop the Retained Land in any manner the Transferor thinks fit

(b) the Transferees are not and the Transferees'successors-in-title are not and neither will become entitled to any easement or quasi-easement over any part of the Retained Land for the benefit of the Property other than the Rights Granted.

(c) the hedges and ditches situate on the boundary between the Property and Retained Land shall remain in the ownership of the Transferor"

NOTE: The retained land is edged and numbered 1 in blue on the filed plan.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (27.08.2015) PROPRIETOR: ROBERT JOHN WHARTON and MARY ROSAMUNDE WHARTON of Jacksons Farm, Harleston Road, Pulham St. Mary, Diss IP21 4RP and NW BROWN TRUSTEES LIMITED (Co. Regn. No. 03184925) of 16-20 Regent Street, Cambridge CB2 1DB as trustees of the Whartons Nurseries (Harleston) Limited Pension Plan.
- 2 (02.11.1993) RESTRICTION: Except under an order of the registrar no disposition by the proprietor of the land is to be registered unless a certificate signed by the secretary or solicitor thereof has been furnished that such disposition has been made in accordance with the provisions of a Declaration of Trust dated 12 December 1983 of The Whartons Nurseries (Harleston) Limited Pension Plan and all existing and future deeds amending or extending the same.
- 3 (02.11.1993) RESTRICTION:-Except under an order of the Registrar no transfer of the land edged and numbered 2 in blue on the filed plan or any part thereof is to be registered without the consent of Kenneth Edward Kent of Gumshaw Hall, Needham, Harleston, Norfolk.
- 4 (16.06.2009) RESTRICTION: No disposition by a sole proprietor of the

Title number NK150740

## B: Proprietorship Register continued

registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

- 5 (27.08.2015) The value stated as at 27 August 2015 was £1,400,000.
- 6 (27.08.2015) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (02.11.1993) A Conveyance of the land edged and numbered 3 in blue on the filed plan dated 3 November 1927 made between (1) Percy Oswald Ingram (Vendor) (2) Lloyds Bank Limited (Bank) and (3) Ellen Everson (Purchaser) contains the following covenants by the Vendor:-
- "THE Vendor to the intent to bind the portion of Ordnance Number 611 between the points marked A and B on the said plan and to the depth of Four hundred and nine feet from the said road leading from Harleston to Diss and the owners and owner thereof for the time being but not so as to incur any personal liability after they have parted with the same hereby covenants with the Purchaser that he the Vendor and his successors in title will not erect on the said hereditaments any buildings other than private dwellinghouses with their necessary outbuildings stables garages and greenhouses Such dwellinghouses shall cost with their necessary outbuildings other than stables or garages not less than Six hundred pounds each Such amount to be calculated on the net cost of materials and labour of construction estimated at the lowest current prices."
- NOTE: The points A and B are reproduced on the filed plan.
- 2 (02.11.1993) The parts of the land affected thereby are subject to the following rights granted by a Deed dated 14 November 1963 made between (1) Edward George Saunders and William Charles Saunders (Grantors) and (2) Jack Edward Stupple (Grantee):-
- "the Grantors as Trustees hereby grant unto the Grantee FULL right and liberty for the Grantee and his successors in title owners and occupiers of the said land coloured green on the said plan forthwith to lay down one pipe made of alkathene and/or polythene not exceeding one inch in bore of such strength and so jointed in every part as not to permit the escape of any water passing through the same within and under the said land coloured pink on the said plan between the points marked "A" and "B" at a distance of three feet inside the boundary of the field the site and position of the said pipe being shown by a dotted blue line on the said plan and to be laid by the mole drain method at such a depth from the surface as will protect the pipe from frost and secure the same against any agricultural or horticultural operations connected with the surface and in any event at a depth of not less than two feet six inches and in compliance with any conditions which may be imposed by the Depwade Rural District Council in respect of the installation and use of the said pipe TOGETHER WITH Full right and liberty to receive from the said mains supply and convey through the said pipe between the points marked "A" and "B" on the said plan such as amount of water as may be authorised by the Depwade Rural District Council for the premises known as The Cottages Starston Lane Needham aforesaid and not for any other purpose with liberty from time to time as shall be necessary to inspect take up cleanse repair remove and replace the said pipe or any part thereof any pipe replacing the said pipe to be placed in the same position and to be used for the aforesaid purposes only entering upon and perambulating over the land adjoining and through which the pipe shall pass doing as little damage as possible to the said land and making compensation for all damage that may be done including any damage that may be done to any pipes or drains belonging to the Grantors"
- NOTE: The blue dotted line is shown by a blue broken line on the filed plan, the points A and B are marked X and Y respectively thereon.

Title number NK150740

## C: Charges Register continued

3 (02.11.1993) A Transfer of the land in this title dated 11 October 1993 made between (1) Kenneth Edward Kent (Transferor) and (2) Robert Wharton and Mary Rosamund Wharton and Prolific Trustees Limited as Trustees of The Whartons Nurseries (Harleston) Limited Pension Plan (Transferees) contains the following covenants:-

### "3 Restrictive covenants

3.1 The transferees jointly and severally covenant with the Transferor so as to benefit the Brown Land or any part or parts of it and so as to bind the Development Land and each and every part of it that during the period of seventy nine years from the date of this deed the transferees will not:

(a) carry out any development within the meaning of the Town and Country Planning Act 1990 or any re-enactment or modification of it for the time being in force on the Development Land or on any part of it or allow the same to be developed provided that this clause 3 shall not prevent the erection or use of buildings fences or other structures for the purposes of agriculture or horticulture

(b) transfer the Development Land or any part of it without procuring that the transferee enters into a Deed of Covenant"

NOTE 1: The Brown land is tinted brown on the filed plan, the Development land is edged and numbered 2 in blue thereon

NOTE 2: "Deed of Covenant" means a deed of covenant given or to be given by a successor-in-title of the Transferees in favour of the Transferor to observe the covenants (mutatis mutandis) set out in clause 3.1 of this transfer and including (mutatis mutandis) the provisions of clause 6 of this transfer and the provisions of the Supplemental Agreement

NOTE 3: The Supplemental Agreement is that dated 11 October 1993 referred to below, the restriction in favour of Kenneth Edward Kent in the Proprietorship Register reflects the substance of clause 6 of the Transfer.

4 (02.11.1993) An Agreement dated 11 October 1993 made between (1) Kenneth Edward Kent and (2) Robert Wharton and Mary Rosamund Wharton and Prolific Trustees Limited as trustees of the Whartons Nurseries (Harleston) Limited Pension Plan contains provisions which relate to the payment of additional monies therein mentioned.

*NOTE: Original filed.*

5 (18.09.2017) UNILATERAL NOTICE affecting the land in this title and other land in respect of a tenancy by virtue of a Farm Business Tenancy Agreement for lease dated 26 May 2017 from and including 26 May 2017 to and including 25 May 2020 made between (1) Robert John Wharton, Mary Rosamunde Wharton and NW Brown Trustees Limited, as Trustees of Whartons Nurseries (Harleston) Limited Pension Plan and (2) Whartons Nurseries Limited.

*NOTE: Copy filed under NK150740.*

6 (18.09.2017) BENEFICIARY: Whartons Nurseries Limited (Co. Regn. No. 0441069) of South Green, Pulham St. Mary, Diss IP21 4RP.

End of register



# Appendix D – Title Plan

H.M. LAND REGISTRY		TITLE NUMBER	
		<b>NK150740</b>	
ORDNANCE SURVEY PLAN REFERENCE	TM 2382 TM 2383 TM 2482	Scale 1/2500	
COUNTY NORFOLK	DISTRICT SOUTH NORFOLK	© Crown copyright	

The boundaries shown by dotted lines have been plotted from the plans on the deeds. The title plan may be updated from later survey information



TM 2383  
TM 2382









TM 2382 TM 2482



# Appendix E – Local Plan Inset Map 008

