

PC FILE ON APP. C/P/AR/Adm.

THIS AGREEMENT is made the *seventeenth* day of *December* One thousand nine hundred and seventy nine B E T W E E N ANTONINO BARBA IUVINA BARBA GUISEPPE BARBA NICOLETTA BARBA (hereinafter jointly called "the Developers" and which expression shall include the successors in title of the developers) of Rockbeare Nursery Rockbeare in the County of Devon of the one part and EAST DEVON DISTRICT COUNCIL (hereinafter called "the Council") of the Council Offices Knowle Sidmouth in the County of Devon of the other part

W H E R E A S

1) The Developers are the freehold owners of land at Rockbeare Nursery Rockbeare in the County of Devon which said land is shown edged red on the plan annexed hereto (hereinafter referred to as "the land")

2) The Developers wish to develop the land by erecting two dwellings thereon in connection with the said nursery (hereinafter called "the proposed development") and have submitted to the Council a Planning Application Reference No. *7/22/79/1644/56* 11/158

3) The Council is local planning authority for the area for which the land is situated and is advised that the existing foul sewage treatment facilities in the area of the land cannot satisfactorily treat and dispose of the foul sewage from the proposed development

4) There is presently a residential caravan situated on the land which is subject of planning permission No. *7/22/75/0486/56* granted on the 9th September 1975 11/158

5) The Council has no objection to the proposed development in principle and would be prepared to grant planning permission for the proposed development in accordance with the Planning Application provided that

i) The Developers instal such alternative drainage system in the form of one septic tank and soakway to serve both dwellings the subject of the proposed development as has previously been approved in writing by the Council and

ii) The said residential caravan ceases to be used for residential purposes upon completion of the proposed development

NOW THEREFORE IT IS HEREBY AGREED as follows:-

1) This Agreement is made pursuant to Section 126 of the Housing Act 1974 Section 52 of the Town and Country Planning Act 1971 and Sections 5 and 7 of the Devon County Council Act 1972 and all other powers enabling the Council and the Developers to enter into these presents and in consideration of the covenants hereinafter contained

2) Nothing in this Agreement is or amounts or shall be construed as a Planning Permission or approval _____

3) The Developers hereby covenant with the Council that:-

a) Upon completion of the proposed development they shall cease to use the residential caravan referred to above for residential purposes

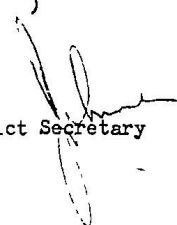
b) Concurrently with the carrying out of the proposed development the Developers shall construct a drainage system in the form of a septic tank and soakway to serve both dwellings the subject of the proposed development such system and its position on the said land having previously been approved by the Council in writing _____

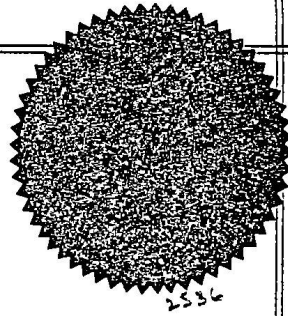
c) The foul sewage from the proposed development shall be discharged into the said septic tank and soakway and notwithstanding the provisions of Section 35 of the Public Health Act 1936 no connection shall be made to the existing public sewers adjoining the land pursuant to any development whatever on the land unless or until such a connection shall have been required by the Council in accordance with the provisions of Clause 3 _____

d) Should the existing foul sewage treatment facilities be improved such as to be capable of treating and disposing of the foul sewage from the proposed development and should the Council serve Notice on the Developers to that effect the Developers shall then at their own expense forthwith connect the proposed development and any other development on the land to the public sewers and the use of the septic tank and soakway shall thereupon be discontinued

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Developers have hereunto set their hand and seals the day and year first before written _____

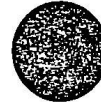
THE COMMON SEAL of the EAST)
DEVON DISTRICT COUNCIL was)
hereunto affixed in the)
presence of:-)


District Secretary



SIGNED SEALED and DELIVERED)
by the said ANTONINO BARBA)
in the presence of:-)

A Barba



Witness Name
Address

EU Blackmore
1, WILKES STREET
EXETER EX4 3MH
DEVON

Occupation

SIGNED SEALED and DELIVERED)
by the said IUVINA BARBA)
in the presence of:-)

I Barba



Witness Name
Address

EU Blackmore

Occupation

SIGNED SEALED and DELIVERED)
by the said GUISEPPE BARBA)
in the presence of:-)

G Barba



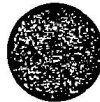
Witness Name
Address

EU Blackmore

Occupation

SIGNED SEALED and DELIVERED)
by the said NICOLETTA BARBA)
in the presence of:-)

N. Barba



Witness Name
Address

EU Blackmore

Occupation

EAST DEVON DISTRICT COUNCIL

- 8 FEB 1979

019

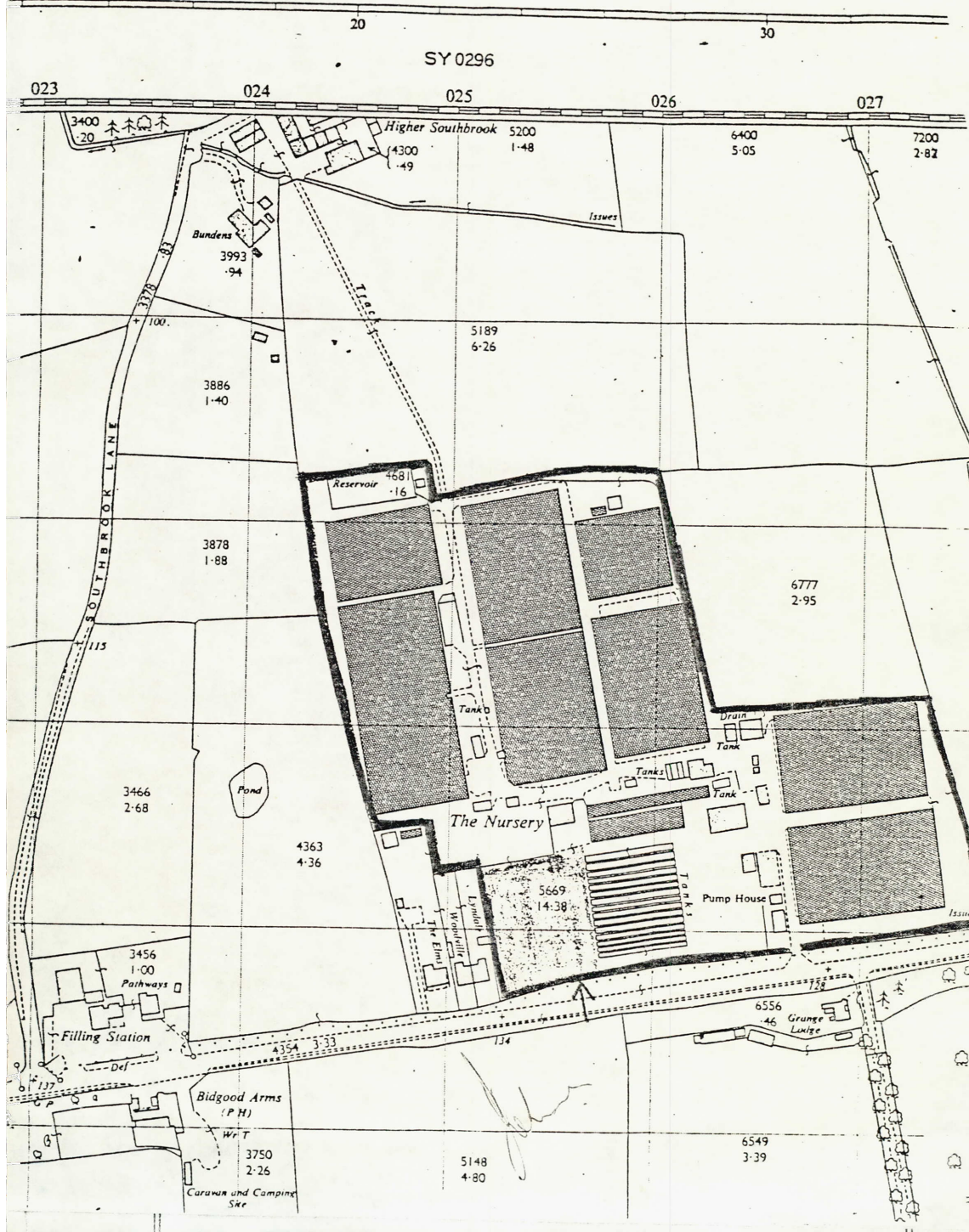
CHIEF
PLANNING OFFICER

Revised December
Levelled 19..

PARCEL NUMBERS AND ACREAGES

The number and acreage of each parcel of land is shown within the parcel. It is important when identifying a parcel to specify the number(s) of the plan(s) on which it falls.

IN PARCELS DIVIDED BY THE SHEET EDGE, THE ACREAGES ARE SHOWN TO SHEET EDGE ONLY.



DATED

17th December 1979

EAST DEVON DISTRICT COUNCIL

to

A. BARBA

I. BARBA
N. BARBA

G. BARBA

A G R E E M E N T

relating to property known as Rockbeare
Nursery Rockbeare in the County of Devon