

DATED 19th March 1999

ROSSENDALE BOROUGH COUNCIL

and

WATKIN JONES & SON LIMITED

A G R E E M E N T

under Section 106 of the Town and Country Planning Act 1990 re erection of seventeen dwellings at land adjacent to 240 Grane Road, Haslingden (Planning Application Ref. No. 14/1998/449)

RWL/SS/Z.12/140

J. K. Tradewell,
Borough Solicitor,
Rossendale Borough Council,
Town Hall,
Rawtenstall,
Rossendale,
Lancashire. BB4 7LZ

T H I S A G R E E M E N T is made the *nineteenth* day of March One thousand nine hundred and ninety-nine between ROSSENDALE BOROUGH COUNCIL of the Town Hall Rawtenstall Rossendale Lancashire ("the Council") of the one part and WATKIN JONES & SON LIMITED (Company Registration Number 2539870) whose Registered Office is situate at Llandygai Industrial Estate Bangor Gwynedd LL57 4YH ("the Developer") of the other part

DEFINITIONS

- (i) "the Act" means the Town and Country Planning Act 1990
- (ii) "the Application" means the written application made by Watkin Jones Construction a division of the Developer and received by the Council on 17th November 1998 for permission to develop the Property
- (iii) "the Development" means the development of the Property in the manner and for the uses set out in the plans, specifications and particulars deposited with the Council and referred to in the Second Schedule to this Agreement
- (iv) "the Permission" means the draft planning permission contained in the

Third Schedule to this Agreement

- (v) "the Plan" mean the plan annexed to this Agreement
- (vi) "the Property" means the property described in the First Schedule to this Agreement

WHEREAS:

- (i) The Council is the Local Planning Authority for the purposes of the Act for the District within which the Property is situated
- (ii) The Developer is the owner in fee simple in possession of the Property title to which is registered (together with other land) under title number LA797320 at H. M. Land Registry free from incumbrances
- (iii) By the Application the Developer has applied to the Council for planning permission to carry out the Development
- (iv) The Council has no objection in principle to the Development and is prepared to approve the same subject to appropriate conditions but requires the Developer to enter into the covenants hereinafter contained in this Agreement
- (v) The Council will grant planning permission in respect of the Application in the form of the Permission immediately following the execution of this Agreement

NOW THIS DEED WITNESSETH:

1. This Agreement is made pursuant to Section 106 of

PLAN REFERENCE

SD 7822

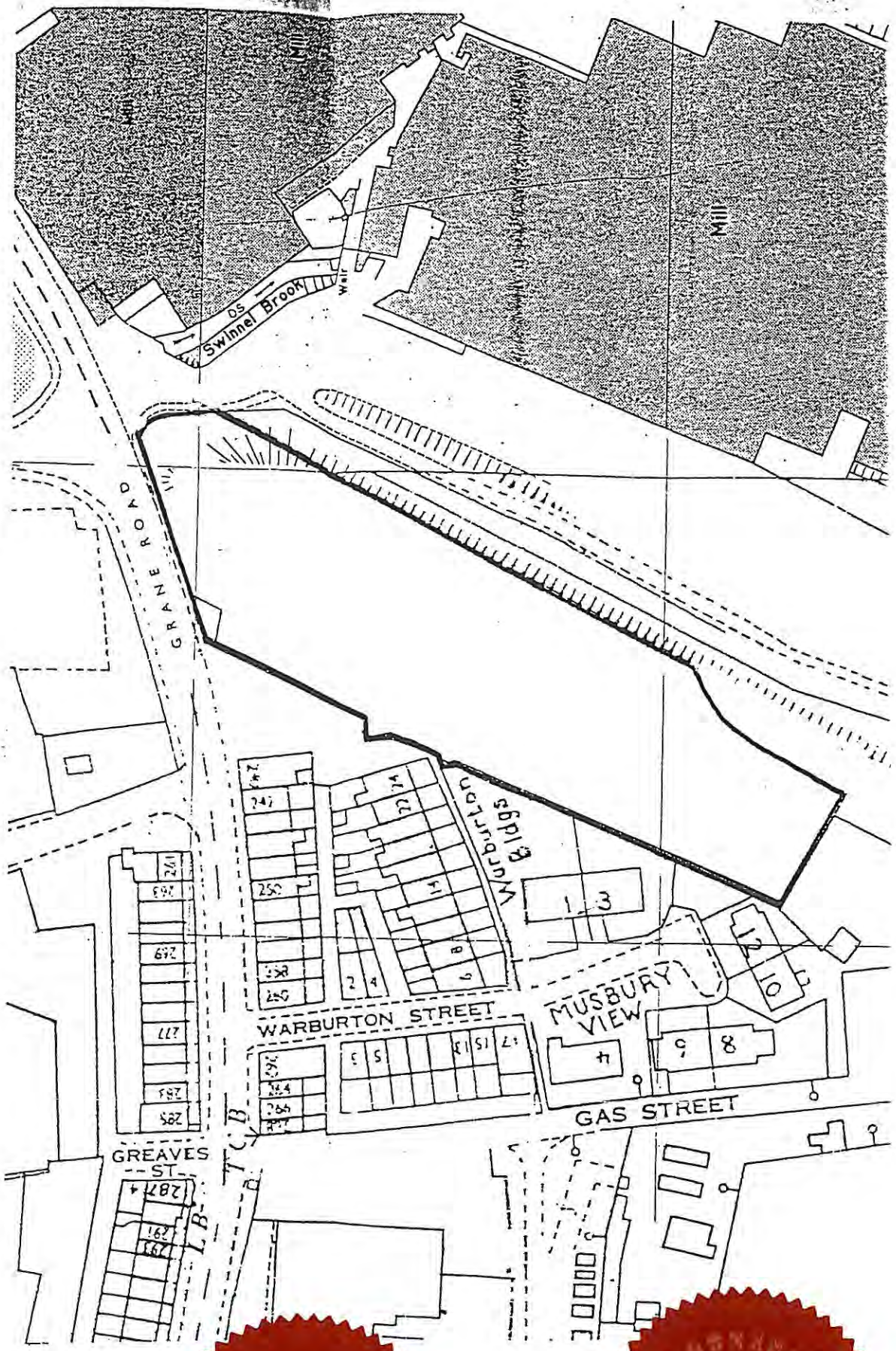
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COUNTY LANCASHIRE

ROSSENDALE DISTRICT

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Commission of the
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MAYOR

the Act as substituted by the Planning and Compensation Act 1991 and all other powers statutory or otherwise

2. This Agreement is conditional upon:

- (a) the Permission being granted by the Council for the Development and
- (b) the implementation of the Permission by the commencement of the Development

and in the event of the Development not being commenced in accordance with the provisions of Section 56 and Sections 91 to 93 of the Act so that the Permission shall lapse this Agreement shall absolutely determine and be of no effect

3. The Developer with the intent to bind the Developer's successors in title hereby covenants with the Council that it will pay to the Council on completion of this Agreement the sum of three thousand eight hundred and forty-five pounds (£3,845.00) (the receipt whereof is hereby acknowledged) as a commuted figure towards the cost of maintenance of the landscaped areas proposed to be created by the Development

4. The Council hereby covenants

- (i) that it will grant the Permission forthwith upon the execution and completion of this Agreement;
- (ii) that it will upon the completion of the said landscaped areas by the Developer in accordance with the Permission and to the reasonable satisfaction of the Borough Engineer and Planning Officer (or other Officer of equivalent

status) for the time being of the Council
thenceforth in perpetuity assume full
responsibility for and undertake the maintenance
of such landscaped areas in a clean and tidy
condition

5. For the purposes of this Agreement the opinion of
the said Borough Engineer and Planning Officer or
other officer as aforesaid as to the completion of a
landscaped area shall be conclusive and binding on the
parties hereto

6. The expressions "the Council" and "the Developer"
shall include their respective successors in title and
assigns

7. In this Agreement the words importing the
masculine gender shall be deemed to include the
feminine and the singular to include the plural and
vice versa unless the contrary as to gender or number
is expressly provided or unless the same is
inconsistent with the context and where the expression
"the Developer" comprises two or more persons, firms
or companies the Developer's obligation shall be
construed as joint and several

8. The obligations hereby entered into by the
Developer are planning obligations for the purposes of
the said Section 106 and the Local Planning Authority
by whom they are enforceable is the Council

9. The Developer shall make a contribution of £144.00
towards the Council's costs for the preparation and
~~engrossment of this Agreement and shall reimburse to~~
the Council any fees paid to H.M. Land Registry in

connection herewith

IN WITNESS whereof the Council and the Developer have caused their respective Common Seals to be hereunto affixed the day and year first before written

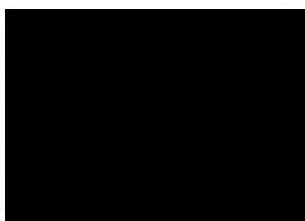
THE COMMON SEAL of Rossendale)
Borough Council was hereunto)
affixed in the presence of:-)



112978

MAYOR

THE COMMON SEAL of Watkin Jones)
& Son Limited was hereunto)
affixed in the presence of:-)



DIRECTOR

SECRETARY

FIRST SCHEDULE

The Property

The land adjacent to 240 Grane Road Haslingden Rossendale aforesaid which is more particularly delineated and shown edged with a heavy black line on the Plan

SECOND SCHEDULE

The Development

The erection of seventeen dwellings comprising five two-bedroomed dwellings and twelve three-bedroomed dwellings (amended plan)

ROSSENDALE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

PLANNING PERMISSION

PART 1 - PARTICULARS OF APPLICATION:

Application number: 14/1998/449 Date received: 17th November 1998

Particulars and location of development:

Proposed residential development of 17 dwellings comprising 5 no 2 bed dwellings and 12 no 3 bed dwellings (AMENDED PLAN)
Land adj to 240 Grane Road, Haslingden, Rossendale

Name and address of applicant: Name and address of agent:

Watkin Jones Construction
New Foundry Buildings
Johnstown
Wrexham

Nicol Thomas Ltd
Heyside House
Blackshaw Lane
Royton
Oldham

PART 2 PARTICULARS OF DECISION

The Rossendale Borough Council hereby give notice that in pursuance of the provisions of the Town and Country Planning Act 1990 that PERMISSION HAS BEEN GRANTED for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

1. The development must be begun not later than the expiration of FIVE YEARS beginning with the date of this permission.

SEE SEPARATE SHEET FOR FURTHER CONDITIONS, REASONS AND NOTES (IF ANY).

Reason:-

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Date

Borough Engineer and Planning Officer: Stubblee Hall, Bacup,
Lancs, OL13 ODE

(See separate page for general information and guidance on post-decision procedures).

CONDITIONS, REASONS & NOTES

2. The development hereby approved shall not be constructed other than with the approved facing materials which are Old Heather Gold reconstituted stone and Redland Richmond roof tiles. Reason: For the avoidance of doubt and to ensure an appropriate standard of visual amenity.

3. Before any development is commenced a fully detailed scheme of landscaping (as such including tree and shrub planting, the provision of any grassed areas, hard landscaping features and the erection of any screen or boundary walls, fences or other means of enclosure) shall be submitted to and approved by the local planning authority, and such scheme shall thereafter be fully implemented before any building hereby permitted is first occupied for the purposes hereof, or at such other time as may subsequently be agreed in writing with that authority. Any trees or shrubs dying/becoming diseased or otherwise being removed within two years of planting shall be replaced by the applicant/developer by species of a similar type and size. Reason: In order to assist in the provision of a satisfactory standard of visual amenity within the locality and to screen the development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 4.5m measured along the centre line of the proposed access road from the continuation of the nearer edge of the carriageway of Grane Road to the north western corner of the site and also that land in front of a line drawn from the same point to the north eastern corner of the site and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the local planning authority in conjunction with the Highway Authority. Reason: To ensure adequate visibility at the street junction or site access.

5. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved, by the local planning authority in consultation with the highway authority. Reason: In order to satisfy the local planning authority and the highway authority that the final details of the highway scheme/works are acceptable before work commences on site.

6. No part of the development hereby approved shall be occupied until the approved scheme referred to in condition 5 has been constructed and completed in accordance with the scheme details. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

7. Before the development is commenced a comprehensive landfill site investigation and assessment shall be carried out to establish whether the site is, or would have the potential to be affected by subterranean landfill gas migration from the nearby landfill site(s). The method and extent of this investigation shall be agreed by the planning authority prior to the commencement of the work. Thereafter details of any required measures to prevent landfill gas ingress to the proposed dwelling shall be submitted to and approved by the local planning authority and the development shall thereafter be implemented in accordance with those approved details. Reason: In the interests of preventing landfill gas ingress to the proposed development.

8. Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1995 no development which would otherwise be permitted by virtue of the provisions of Classes A, B, C, D and E of Class 1 of Part 1 of Schedule 2 to Article 3 of the Order shall be carried out anywhere within the application site without the grant of formal express planning permission in that behalf by the local planning authority. Reason: The proposed development is of tight-built form and/or makes provision for only a minimal amount of private open space/amenity space within the site curtilage, and the reduction of such areas by the carrying out of the class(es) of development which would normally be permitted would result in a totally unsatisfactory and cramped form of development, lacking in private open space/amenity space, and/or adversely affecting the privacy and amenities enjoyed by the occupiers of adjoining property and/or to afford the Local Planning Authority the necessary control over the provision of appropriate landfill gas ingress measures in any subsequent extensions to the properties.

Notes

1. For the avoidance of doubt it is hereby declared that this permission relates to the amended plans received by the local planning authority on 20 January 1999 in relation to (scheme design 1 no. M1478 04C elevations only).
2. For the avoidance of doubt it is hereby declared that this permission relates also to the additional plans received by the local planning authority on 1 December 1998 and 20 January 1999.
3. A copy of the report from the Environment Agency is attached for information and compliance.
4. A copy of the report from British Gas Transco is attached for information and compliance.

5. The applicant/developer should note that the Rossendale Borough Council has adopted a "wheelie-bin" system for the collection of domestic refuse. Wheelie-bins are higher than normal dustbins, and developers should take appropriate account in their designs both of the need to provide satisfactorily for wheelie-bin storage, and to cater for their increased size when issues of screening etc. are being addressed. This is particularly relevant in housing developments where individual or shared driveway accesses are not provided, and/or where there may be no individual pedestrian access to the rear of properties.

6. NOTE:THE PARTY WALL etc ACT 1996

If you intend to carry out building work on a wall shared with another property, or build on the boundary with a neighbouring property, or excavate near a neighbouring building you must find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all affected owners. An explanatory leaflet is available from the Engineering and Planning Department if required.

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