

4213

DATED 13th November 2003

ROSSENDALE BOROUGH COUNCIL

and

HOLLYKNOLL PROPERTY MANAGEMENT LIMITED

A G R E E M E N T

under section 106 of the Town and Country Planning Act 1990
re Conversion of former Working Men's Club to 3 No.
Apartments at Reform Club Market Street Whitworth
(Planning Permission 2002/252)

RWL/SS/Z.12/192

Mark Weston
Director of Corporate Support
Rossendale Borough Council,
Town Hall,
Rawtenstall,
Rossendale,
Lancashire. BB4 7LZ

T I L E A G R E E M E N T is made the *thirteenth* day of ~~November~~ Two thousand and three between ROSSENDALE BOROUGH COUNCIL of the Town Hall Rawtenstall Rossendale BB4 7LZ ("the Council") of the one part and HOLLYKNOLL PROPERTY MANAGEMENT LIMITED whose Registered Office is situate at Carlton Place 22 Greenwood Street Altrincham WA14 1RZ ("the Owner") of the other part

DEFINITIONS

- (i) "the Act" means the Town and Country Planning Act 1990 as amended
- (ii) "the Application" means the written application made on behalf of the Owner and received by the Council on 15th May 2002 for permission for the Development
- (iii) "the Development" means the development of the Property and other land 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" means 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) By virtue of an Agreement the Council is responsible for the discharge in its area of certain functions of the Lancashire County Council in their capacity as Highway Authority under the Highways Act 1980 for the area within which the Property is situated

- (iii) The Owner holds a leasehold interest in the Property for the residue of a term of 999 years from 1st August 1899 of which he is the registered proprietor at H. M. Land Registry under title number LA882089
- (iv) By the Application the Owner has applied to the Council for planning permission to carry out the Development
- (v) The Council is of the opinion that in the event of the Property being developed in accordance with the Application it is desirable that there be provision for quality bus route infrastructure on the A671 Market Street Whitworth in lieu of car parking associated with the Development
- (vi) The Council has no objection in principle to the Development and is prepared to approve the same subject to appropriate conditions but requires the Owner to enter into the covenants hereinafter contained

NOW THIS DEED WITNESSETH:

1. This Agreement is made pursuant to section 106 of the Act as substituted by the Planning and Compensation Act 1991 and to all other enabling 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 Developmentand 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 Owner with the intent to bind himself and the Owner's successors in title hereby covenants with the Council that the Owner shall prior to the first residential occupation of the apartments referred to in the Second Schedule to this Agreement or any of them pay to the Council the sum of ONE THOUSAND FIVE HUNDRED POUNDS (£1,500) which shall be applied by the Council to the provision of quality bus route infrastructure as aforesaid



TITLE NUMBER
LA882089



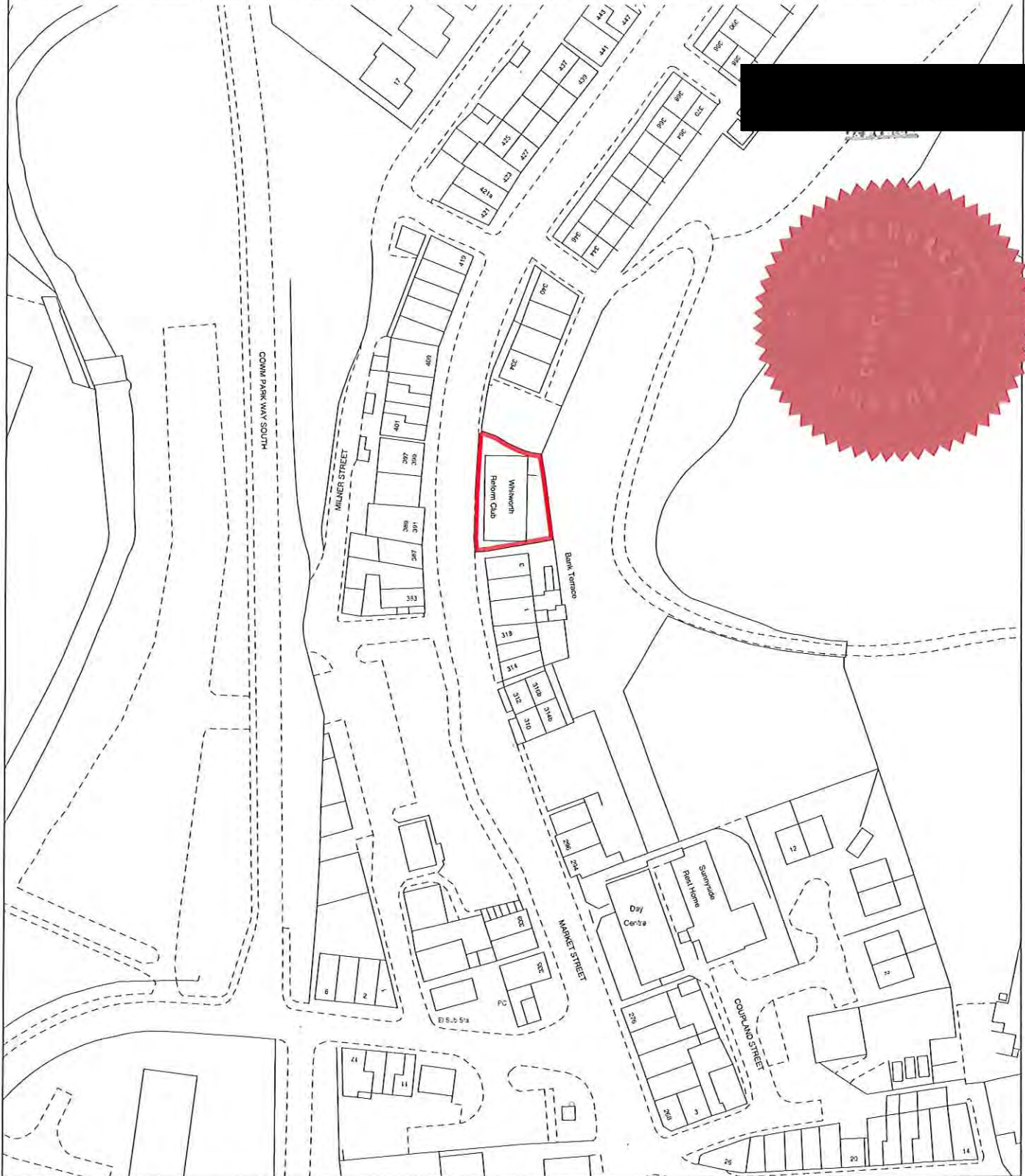
LANCASHIRE : ROSSENDALE

ORDNANCE SURVEY MAP REFERENCE:

SD8817NW

SCALE 1:1250

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This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Explanatory Leaflet 24.

This office copy shows the state of the title plan on **19 September 2003 at 12:46:13**. It may be subject to distortions in scale. Under s.113 of the Land Registration Act 1925, this copy is admissible in evidence to the same extent as the original. Issued on 19 September 2003.

This title is dealt with by the **District Land Registry for Lancashire**.

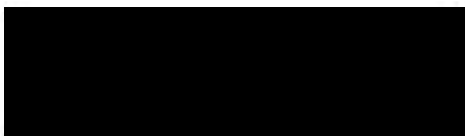


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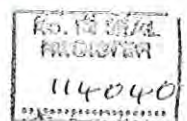
4. Nothing in this Agreement shall be construed as imposing any duty or obligation on the Council or any other public body to provide quality bus route infrastructure
5. The Council hereby covenants that it will grant planning permission in the form of the Permission forthwith upon the execution and completion of this Agreement
6. The expressions "the Council" and "the Owner" 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 Owner" comprises two or more persons, firms or companies the Owner's obligation shall be construed as joint and several
8. The obligations hereby entered into by the Owner 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 Owner shall make a contribution of £500.00 towards the Council's costs for the preparation and engrossment of this Agreement

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and these presents have been executed as a deed on behalf of the Owner the day and year first before written

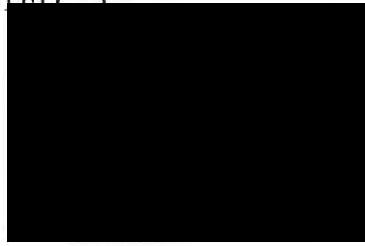
THE COMMON SEAL of ROSSENDALE)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)



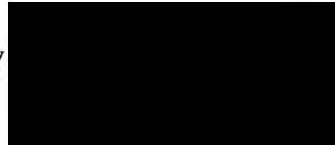
MAYOR



SIGNED AS A DEED by HOLLYKNOLL)
PROPERTY MANAGEMENT LIMITED)
acting by a director and its secretary



Secretary



FIRST SCHEDULE

The Property

Land and premises at Market Street Whitworth known as the Reform Club Whitworth and more particularly delineated and shown edged red on the Plan

SECOND SCHEDULE

The Development

Conversion to 3 Apartments

Rossendale Borough Council**Town and Country Planning Act 1990**
Planning Permission

Applicants Name : Hollyknoll Property Management Ltd

PLA180

Name & Address of Applicant / Agent : The Billington Consultancy
6 New Street
Sandbach
Cheshire
CE11 3JF

Part 1 - Particulars of Application

Date Received : 15 May 2002

Application No : 2002/252

Proposed works : Conversion of former working mens club to 3 no apartments

Location : REFORM CLUB MARKET STREET WHITWORTH ROCHDALE
OL128QJ

Grid Reference : (E)38839150(N)41784650

Part 2 - Particulars of Decision

The Rossendale Borough Council hereby give notice that **planning permission has been granted** for the execution of works referred to in Part I hereof in accordance with the application and plans submitted **subject to the following conditions:**

1. The development shall be begun before the expiration of five years from the date of this permission.
Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. Development shall not be commenced until full details, including representative samples of the external materials of construction to be used on the roof and walls of the development have been submitted to and first approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with details approved.
Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity.

Date:

Stubbylee Hall, Bacup
Lancs OL13 0DE

J.B. Haines
Development Services Manager

DRAFT

Notes

N.B. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation, but under the provisions of The Planning (Listed Buildings and Conservation Areas) Act 1990 it will operate as listed building consent in respect of any work described in the permission for the alteration or extension of a listed building.

A) Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he or she may appeal to the Secretary of State for Transport, Local Government and the Regions in accordance with sections 78 and 79 of the Town and Country Planning Act 1990 within six months of the date of this notice. (Appeals must be made on a form which is obtainable from The Planning Inspectorate, 3/02 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared 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 entertain an appeal if it appears to him that permission for the proposed development could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements.

B) Purchase Notices

If either the Local Planning Authority or the Secretary of State for Transport, Local Government and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

4213

NOTE TO MRS. L. A. CALDERBANK, SENIOR CONVEYANCER
FROM RICHARD LESTER, ASSISTANT SOLICITOR

REFERENCE : Z.12/192

3 DEC 2003

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 106.
WHITWORTH REFORM CLUB – PLANNING APPLICATION 2002/252.
HOLLYKNOLL PROPERTY MANAGEMENT LIMITED.**

I attach completed Agreement. Please index and file same in Strong-room. Please store so as to prevent migration of print from fly-sheet to acetate.

Thank you.

