

Our Ref: AJ/KS/NWJ&B
Your Ref: RWA

5 March 2008

Rossendale Borough Council
Legal Services Team
Po Box 74
Kingfisher Business Centre
Futures Park
Bacup
OL13 0WU

By fax – 01706 873 577

Dear Sirs,

Land at Chapel Street, Whitworth
The Council to Northwest Joiners & Builders Ltd

Further to our letter of 22 February 2008 we are instructed that you require sight of the S 106 Agreement of 12 September 2005. We have obtained a copy from the solicitors who acted on our client's purchase of the site and we enclose a copy of the same herewith.

We await hearing from you.

Yours faithfully


Cantor Law Limited

5th FLOOR, BRACKEN HOUSE, CHARLES STREET, MANCHESTER M1 7BD.
TEL: 0161 273 7600 FAX: 0161 273 5100

STEPHEN B. CANTOR (Director) ALFX JEFFERY (Associate) STEPHEN EVANS-JONES (Associate)
BARRY MATHEWS (Consultant) SIMON LEDBROOK (Consultant) CAROLE BARTON (Consultant Accountant)

Cantor Law Limited Registered in England Company No. 9650A57
Registered Office As Above REGULATED BY THE SOLICITORS REGULATION AUTHORITY

DATED 12th September 2005

ROSSENDALE BOROUGH COUNCIL

and

STEPHEN
GRAHAM JACKSON AND COLIN JACKSON

AGREEMENT

under section 106 of the Town and Country Planning Act 1990
re Conversion of former Whitworth Methodist Chapel Market Street Whitworth to 14
apartments (6 one bedroom and 8 two bedroom)
(Planning Permission 2004/763)

AMF/SS/Z.12/227

Mark Weston,
Head of Legal and Democratic Services,
Rossendale Borough Council,
Town Hall,
Rawtenstall,
Rossendale,
Lancashire. BB4 7LZ

THIS AGREEMENT is made the day of Two thousand and
 five between ROSSENDALE BOROUGH COUNCIL of the Town Hall Rawtenstall
 Rossendale BB4 7LZ ("the Council") of the one part and GRAHAM JACKSON of

[REDACTED]
 ("the joint Owners") 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 Owners and received by the Council on 21st October 2004 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) The Owners are the freehold Owners in possession of the Property of which they are the Registered Proprietors at H. M. Land Registry under title number LA929772 free from incumbrances

- (iii) By the Application the Owners have applied to the Council for planning permission to carry out the Development
- (iv) 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 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 Owners to enter into the covenants hereinafter contained

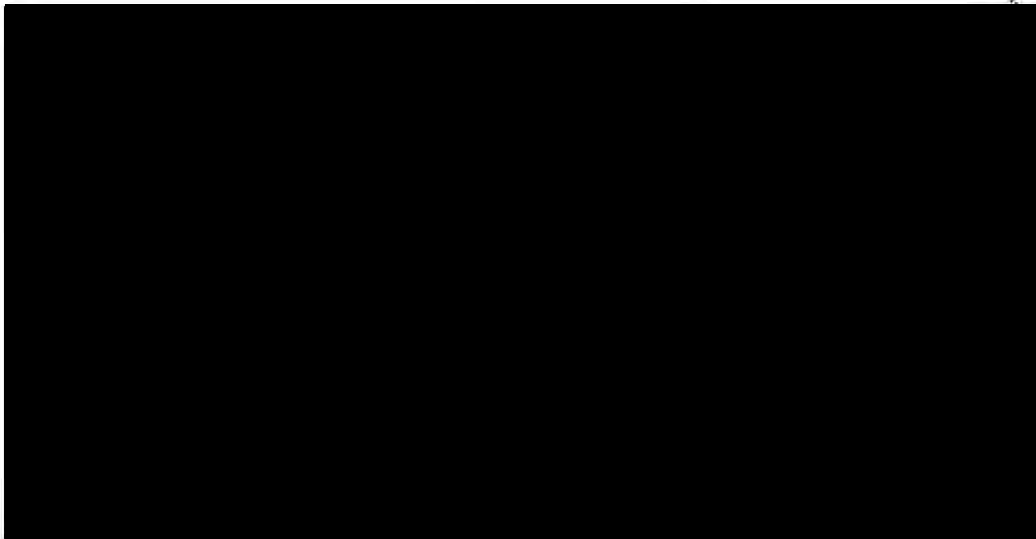
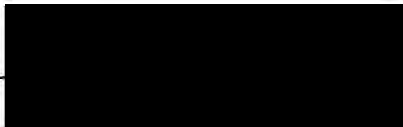
NOW THIS DEED WITNESSETH:

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 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 Owners with the intent to bind themselves and the Owners' successors in title hereby covenant with the Council that the Owners shall prior to the commencement of the Development referred to in the Second Schedule to this Agreement pay to the Council the sum of TEN THOUSAND POUNDS (£10,000) which shall be applied by the Council to the provision of quality bus route infrastructure as aforesaid
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 Owners" 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 Owners" comprises two or more persons, firms or companies the Owners' obligation shall be construed as joint and several
- 8. The obligations hereby entered into by the Owners 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 Owners 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 Owners the day and year first before written

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



No. of
 116575

FIRST SCHEDULE

The Property

Former Whitworth Methodist Chapel, 285 Market Street Whitworth

SECOND SCHEDULE

The Development

Conversion to 14 apartments (6 one bedroom and 8 two bedroom)

Rossendale Borough Council

Town and Country Planning Act 1990 Planning Permission

PLA9352

Applicants Name : Messrs G & C Jackson

Notice Recipient : A J Cocker & Company
(Applicant/Agent) New Century House
176 Drake Street
Rochdale
Lancashire
OL16 1UP

Part 1 - Particulars of Application

Date Received : 21/10/2007

Proposed works : Conversion of Chapel to 14 apartments (3 one bedroom and 8 two bedroom)

Location : 285 FORMER WHITWORTH METHODIST CHAPEL MARKET STREET
WHITWORTH ROCKDALE OL12 8W

Grid Reference : (E)38841520(N)41857590

Application No : 2004/763

Part 2 - Particulars of Decision

The Rossendale Borough Council hereby gives notice that planning permission has been granted for the execution of works proposed in the plans submitted subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason for this condition : The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.

2. All the external materials and finishes to be used on the roof and elevations of the development shall match those on the existing building in terms of type, size, shape, thickness, colour and texture.

Reason for this condition : To ensure the use of appropriate materials to protect the character and appearance of the building, in accordance with policies DC.1, DC.4, HP.2 and HP.4 of the Rossendale District Local Plan.

- 3 All new stonework to be used to make good damage to window, door or other openings on the building shall be of matching stone in terms of type, size, shape, thickness, texture and colour.

Reason for this condition : To ensure the use of appropriate materials to protect the character and appearance of the building, in accordance with policies DC.1, DC.4, HP.2 and HP.4 of the Rossendale District Local Plan.

- 4 No works shall take place on the site until the applicant, or their agent, or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation which shall first have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason for this condition : To ensure and safeguard the recording and inspection matters of archaeological/historical importance associated with the building/site having regard to Policy 23 of the Land Use Structure Plan.

- 5 The windows hatched red on approved drawing number J131 shall be obscured or glazed to a height of 1.68 metres (5'6") measured from finished floor level unless otherwise agreed in writing by the Local Planning Authority. Details of the obscuring glass to be used shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved obscuring glass shall be installed in the approved positions before the flats hereby approved are first occupied and shall thereafter be retained at all times.

Reason for this condition : To safeguard the amenity of nearby residential properties, in accordance with Policy DC.1 of the Rossendale District Local Plan.

- 6 Details of the proposed treatment of site boundaries, which shall make provision for the retention of all site boundary walls, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved boundary treatment shall be completed in accordance with the approved details before any of the flats hereby approved are first occupied and shall thereafter be retained at all times.

Reason for this condition : In order to ensure the satisfactory appearance of the development and safeguard the character and appearance of this Listed Building, in accordance with policies DC.1 and DC.4 HP.2 and HP.4 of the Rossendale District Local Plan.

- 7 Construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. Construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason for this condition : To safeguard the amenities of nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan

Summary of Reasons for Approval

- 1 It is considered that the development satisfies the requirements of policies DC.1, H.2, HP.2 and T.13 of the Rossendale District Local Plan. It is contended that the proposal will not give rise to any undue highway safety problems. Conditions are imposed designed to ensure the satisfactory layout and appearance of the revamped car park, and to secure suitable security measures.

Summary of the policies and proposals in the Development Plan(s) which are relevant to the decision

Local Plan

- DC1 Development Criteria
- DS1 Urban Boundary
- HP2 Listed Buildings
- HP4 New uses for old buildings

Note:

Date:

Stubbylee Hall, Bacup
Lancs OL13 0DE

Ian Linn
Senior Planning Officer

Notes

N.B. This permission refers only to that required under the Town and Country Planning Act 1990 and does not include any consent or approval under any other enactment, byelaw, order, regulation or Act. This consent does not constitute Listed Building Consent.

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 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, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the web site www.planning-inspectorate.gov.uk). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he/she will normally be prepared to exercise this power unless there are special circumstances which justify 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 the Council. Appeals are pursued unless they are reasonably may be the subject of an award of costs in accordance with the provisions of Circular 8/88.

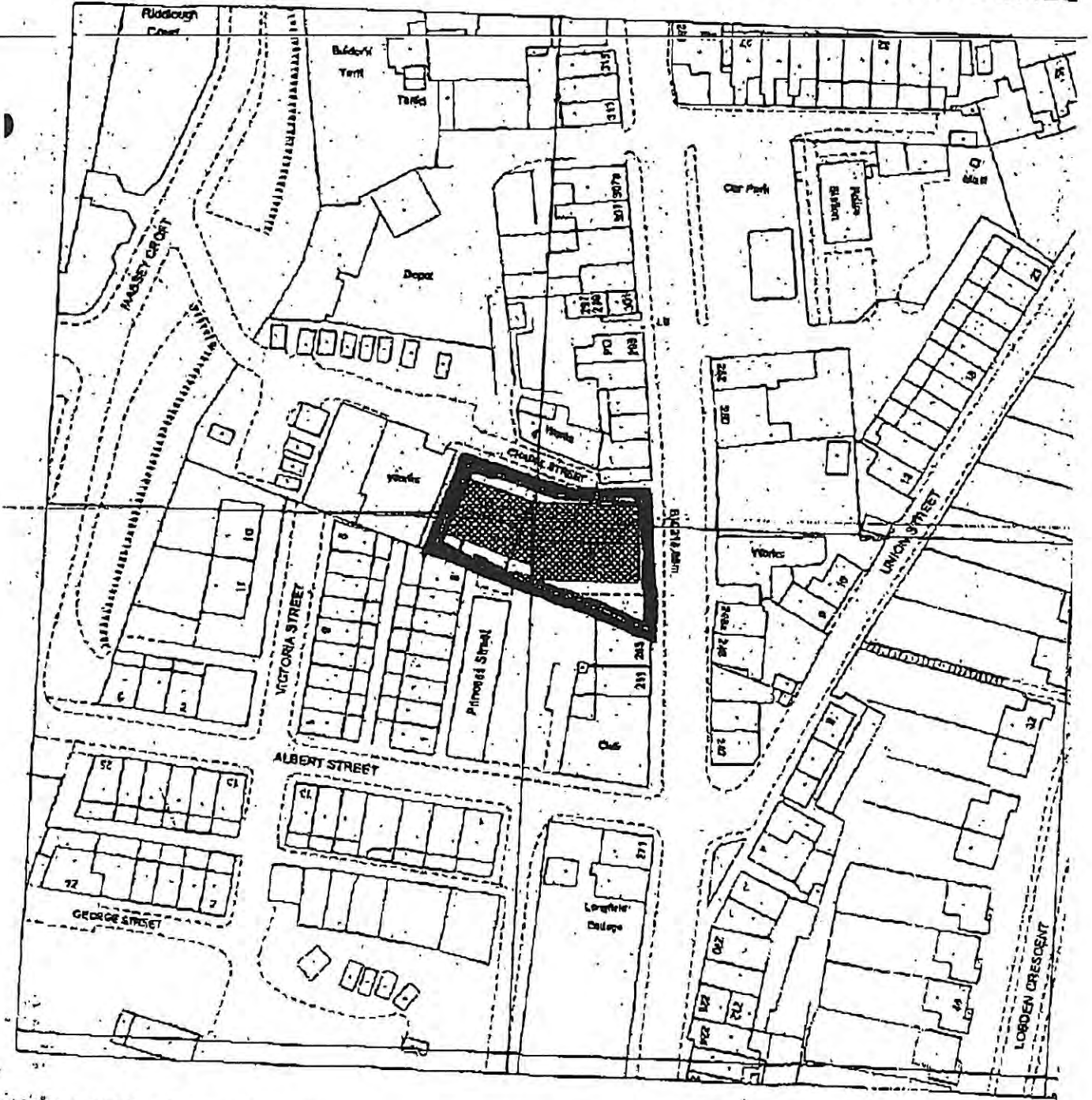
B) Purchase Notices

If either the Local Planning Authority or the Secretary of State 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 or for 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 section 106 of the Town and Country Planning Act 1990.



Siteplan Data™

EXISTING SITE PLAN SCALE



sd 27 2007 from Ordnance Survey