

DATED

20th March 1995

ROSSENDALE BOROUGH COUNCIL

and

THE BODDINGTON GROUP PLC

A G R E E M E N T

under Section 106 of the Town and Country Planning Act  
1990 re internal alterations to Public House known as  
The Old Cobblers Inn New Hall Hey Rawtenstall

RWL/SS/Z.12/109

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 20th day of March One thousand nine hundred and ninety-five between ROSSENDALE BOROUGH COUNCIL of the Town Hall Rawtenstall Rossendale Lancashire ("the Council") of the one part and THE BODDINGTON GROUP PLC whose Registered Office is situate at Queens Court Wilmslow Road Alderley Edge Cheshire SK19 7RR ("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 Martin Burlin and received by the Council on 21st February 1992 for permission for the Development
- (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 Fourth 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 Owner has entered into a Contract to purchase an estate in fee simple in possession free from incumbrances in the Property which is registered under Title Numbers LA487037 and LA694591 at H. M. Land Registry (or is now the owner of such interest in the Property)
- (iii) By the Application Martin Burlin has applied to the Council for planning permission to carry out the Development which the Owner now wishes to undertake
- (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 Owner 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:

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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 Owner with the intent to bind itself and the Owner's successors in title hereby covenants with the Council that it will pay to the Council the sum of Five thousand pounds (£5,000.00) immediately upon the commencement at any time within five years from the date hereof of construction works relating to the highway scheme referred to in the Third Schedule hereto

4. The Council hereby covenants that it will grant the Permission forthwith upon the execution and completion of this Agreement

5. The expressions "the Council" and "the Owner" shall include their respective successors in title and assigns

6. 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

7. 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

8. The Owner shall make a contribution of £115.00 towards the Council's costs for the preparation and engrossment of this Agreement and shall reimburse the Council for any disbursements to H.M. Land Registry in connection therewith

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

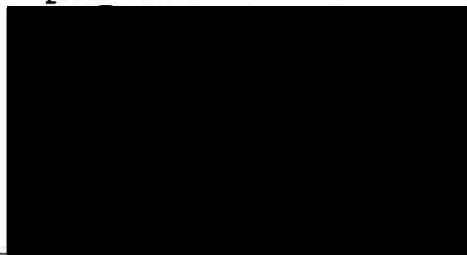
THE COMMON SEAL of Rossendale )  
Borough Council was hereunto )  
affixed in the presence of:- )



MAYOR

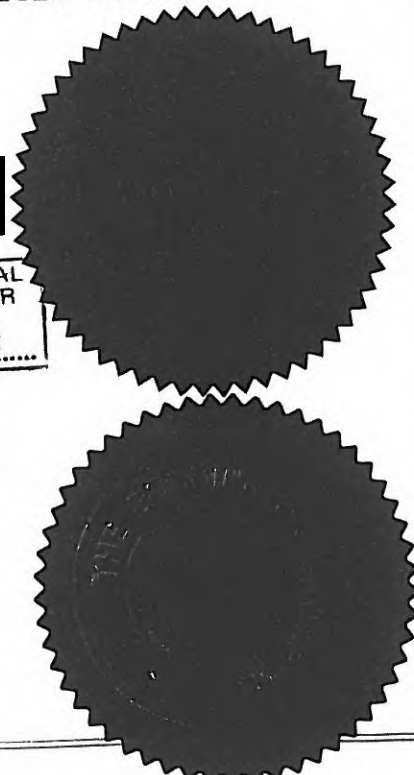
No. IN SEAL  
REGISTER  
11855

THE COMMON SEAL of The  
Boddington Group PLC was  
hereunto affixed in the  
presence of:-



DIRECTOR

SECRETARY



## FIRST SCHEDULE

### The Property

The premises formerly known as The Sprintman and now known as The Old Cobblers Inn and the land occupied therewith at New Hall Hey Rawtenstall aforesaid all of which are more particularly delineated and shown edged red on the Plan

## SECOND SCHEDULE

### The Development

Internal alterations to the existing public house facility and change of use of the attached squash courts to form ground floor function rooms with associated bar and kitchen facilities

## THIRD SCHEDULE

### The highway scheme

The improvement modification or alteration of the junction of the A682 (the dual carriageway road leading from Queens Square Rawtenstall aforesaid to the A56) and the access road to the New Hall Hey Employment Area Rawtenstall aforesaid with a view to facilitating the movement of traffic from the northbound carriageway of the said A682 to the said access road or from the said access road to the said northbound carriageway

ROSSENDALE BOROUGH COUNCIL

Town and Country Planning Act 1990

PLANNING PERMISSION

PART 1 - PARTICULARS OF APPLICATION:

Application number: 92/077

Date received: 21st February 1992

Location of proposed development: The Sprintman, Newhallhey Road, Rawtenstall, Rossendale

Particulars of proposed development:

INTERNAL ALTERATIONS TO EXISTING PUBLIC HOUSE FACILITY AND CHANGE OF USE OF ATTACHED SQUASH COURTS TO FORM GROUND FLOOR FUNCTION ROOMS WITH ASSOCIATED BAR AND KITCHEN FACILITIES

Name and address of applicant  
Mr Burlin

Name and address of agent  
John Dixon & Assocs

PART 2: PARTICULARS OF DECISION

The Rossendale Borough Council hereby give notice 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: Stubbylee Hall, Bacup, Lancs OL13 0DE  
(See separate page for general information and guidance on post-decision procedures).

CONDITIONS, REASONS & NOTES

2. The car parking and servicing facilities as indicated within the red edge of the submitted and approved plan No. 3 Rev. D shall be retained for the duration of the development. Reason: In order to ensure that sufficient car parking and servicing space is provided within the application site thus ensuring that visiting vehicles are not encouraged to park on the carriageway of adjoining highways thereby causing obstruction to same.

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 5th May, 1992 - Drawing No. 4 Rev B.

2. For the avoidance of doubt it is hereby declared that this permission relates to the amended plans received by the local planning authority on 23rd September, 1992 - Drawing No. 63/37.

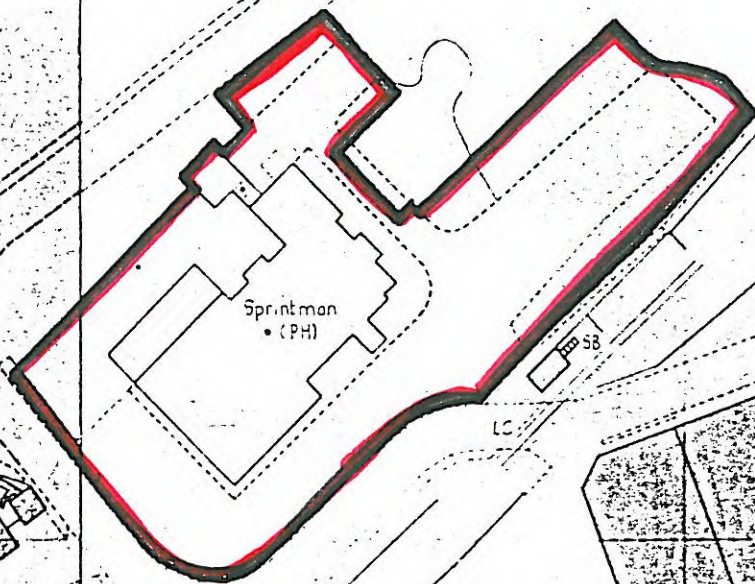
3. For the avoidance of doubt it is hereby declared that this permission relates also to the additional plans received by the local planning authority on 22nd April, 1992 - Drawing No. 3 Rev. D.





Part

P37 (om)



Warehouse

17 (S) 13  
Railway Terrace

Sprintman  
• (PH)

58

Newhallhey  
Enterprise Centre

15  
14  
13  
12

Builder's Yard

WOOD TOP

ANDREW AVENUE

Warehouse

BOROUGH OF ROSSENDALE

reproduced from the 1989... Ordnance Survey  
1:1250... map of the...  
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... of the...

SCALE 1:1250

Mission

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