

DATED

23~~rd~~

DECEMBER

1995

ROSSENDALE BOROUGH COUNCIL

and

THE NORTH BRITISH HOUSING ASSOCIATION LIMITED

A G R E E M E N T

under Section 106 of the Town and Country Planning Act  
1990 re construction of 25 dwellings at land at  
Schofield Road, Rawtenstall, Rossendale, Lancashire.

RWL/SS/Z.12/117

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 21st  
day of December 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 NORTH  
BRITISH HOUSING ASSOCIATION LIMITED whose  
Registered Office is situate at 4 The Pavilions  
Portway Preston PR2 2YB ("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 to the Council  
on 21st June 1995 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 First  
Schedule to this Agreement
- (iv) "the Permission" means the draft planning  
permission contained in the  
Second Schedule to this  
Agreement
- (v) "the Plan" means the plan annexed to  
this Agreement
- (vi) "the Property" means the land adjacent to  
Schofield Road Rawtenstall  
aforesaid more particularly  
shown edged pink on the  
Plan

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 is the Owner in fee simple in possession free from encumbrances of the Property save for such part of it as is shown coloured yellow on the Plan which part the Owner has entered into a contract to purchase from the Council

(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:

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 hereby covenants with the Council and

declares that within one year of the provision of the proposed area of public open space referred to in the Permission it will pay to the Council the sum of Thirty-nine thousand nine hundred and fifty pounds (£39,950.00) as a commuted figure towards the cost of maintenance of such area of public open space shown for the purposes of identification only edged blue on the Plan

4. The Council hereby covenants

- (i) that it will grant the Permission forthwith upon the execution and completion of this Agreement; and
- (ii) that it will upon the provision of such area of public open space by the Owner in accordance with the Permission and to the satisfaction of the Borough Engineer and Planning Officer (or other Officer of equivalent status) for the time being of the Council whose opinion in this regard shall be conclusive and binding on the parties hereto thenceforth in perpetuity assume full responsibility for and undertake the maintenance of such area of public open space in a clean and tidy condition

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

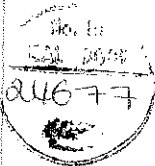
is expressly provided or unless the same is inconsistent with the context and where the expression "the Owner" comprises two or more persons, firms or companies the Owner's obligation shall be construed joint and several

7. The obligations hereby entered into by the Owner are planning obligations for the purposes of the Section 106 and the Local Planning Authority by which they are enforceable is the Council

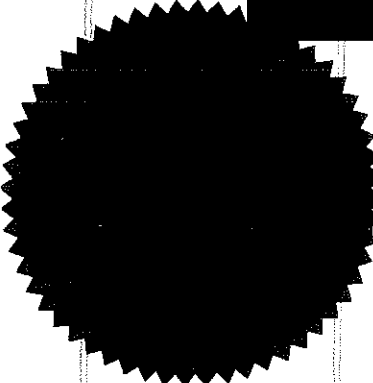
8. The Owner shall make a contribution of £125.00 towards the Council's costs for the preparation and engrossment of this Agreement and shall reimburse the Council for any disbursements to H.M. Land Registry in connection therewith

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

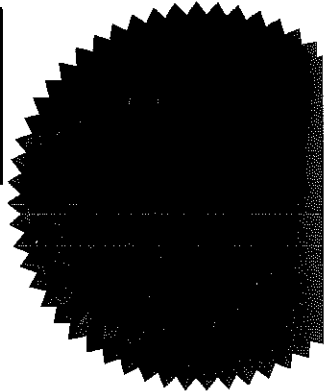
THE COMMON SEAL of Rossendale )  
Borough Council was hereunto )  
affixed in the presence of:- )



MAYOR



THE COMMON SEAL of The North )  
British Housing Association )  
Limited was hereunto affixed )



FIRST SCHEDULE

The Development

The erection of twenty-five dwellings as described in the Application



SECOND SCHEDULE  
The Permission

ROSENDALE BOROUGH COUNCIL

Town and Country Planning Act 1990

PLANNING PERMISSION

PART 1 - PARTICULARS OF APPLICATION:

Application number: 95/279 Date received: 21st June 1995  
Location of proposed development: Land off Schofield Road, Rawtenstall,  
Rossendale

Particulars of proposed development:

ERECTION OF 25 No DWELLINGS

Name and address of applicant:  
North British Housing Assocn

Name and address of agent  
North British Housing Assocn

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 &amp; NOTES

2. No development shall take place until samples of the proposed natural stone and artificial slate have been submitted to and approved by the local planning authority and the outer face of the bungalows and the pair of semi-detached dwellinghouses next to the wheelchair bungalow shall not be constructed other than with the approved materials. Reason: In the interests of visual amenity and in order to ensure a satisfactory degree of harmony within the development, as details in this respect have not been submitted with this proposal.
  3. No development shall take place until samples of the proposed artificial stone and artificial slate have been submitted to and approved by the local planning authority and the outer face of the building shall not be constructed other than with the approved materials. Reason: In the interests of visual amenity and in order to ensure a satisfactory degree of harmony within the development, as details in this respect have not been submitted with this proposal.
  4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. Reason: In order to enhance the setting and appearance of the proposed development to assist in the provision of a satisfactory standard of visual amenity within the locality, and to screen the development.
  5. Prior to the first occupation of the dwellings hereby approved or at such other time as may be agreed in writing with the local planning authority, the proposed area of public open space shall be provided in accordance with drawing no. AL(0)04a. Reason: In the interests of the amenities of the locality.
  6. Prior to the first occupation of the dwellings hereby approved or at such other time as may be agreed in writing with the local planning authority, the proposed access road shall be constructed to adoption standards. Reason: In the interests of highway safety.
  7. 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 splays to be the subject of this condition shall be that land shown hatched on the approved plan in front of the line drawn across the northern end of the site adjacent to the junction of Schofield Road with Haslingden Old Road and, also, that land in front of a line drawn from a point 4.5 m measured along the centre line of the proposed site access road from the continuation of the nearer edge of the carriageway of Schofield Road to the northern and southern ends of the site frontage to Schofield Road, and shall be constructed and maintained at footway/verge level in accordance with a scheme

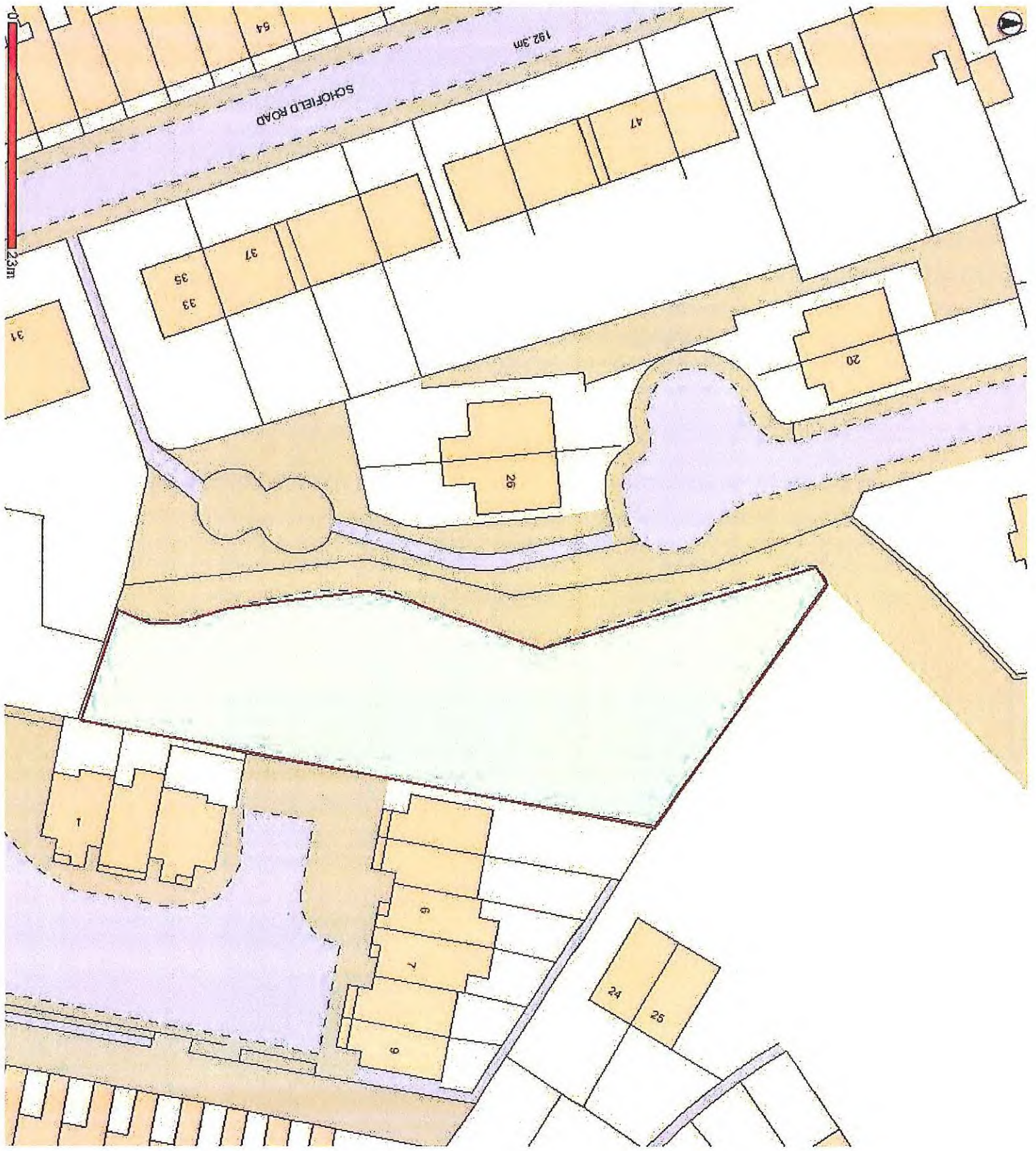
to be agreed by the local planning authority in conjunction with the highway authority. Reason: To ensure adequate visibility at the street junction and site access.

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 3 October 1995 (reference no AL(0)07 & A2 (B)03b) and 6 October 1995 (ref no AL (0) 02g) and 26 October 1995 (ref no AL (0) 04a).
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 6 October 1995 (ref no AL(0)08).
3. This permission shall only be read in conjunction with, and not separately from, the letter from the applicant/agent dated 16 August 1995 in relation to the submission to the local authority of an Arboriculturist report on trees on and adjacent to the site.
4. Where a retaining wall is necessary for the support of an existing or proposed highway or of land or property adjacent to an existing or proposed highway this must be dealt with in accordance with Appendix 7 of the County Council's Specification for the Construction of Estate Roads 1992.
5. A copy of the report from the National Rivers Authority is attached for information and compliance.

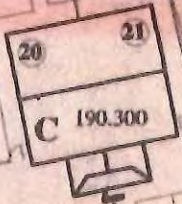


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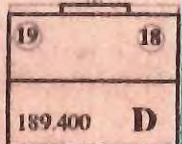
existing houses plotted from o.s. sheet not survey



all existing trees in this area have a TPO.

2100mm plastic coated chain link fence on plastic coated metal posts

Arboriculturalist to report on existing trees including two to be taken down shown dotted.



sewer easement

tree to be crown topped in line with arboriculturalist report.

retaining wall with 1800 high timber fence as drawing No. A1(0)05

### PUBLIC OPEN SPACE

2100mm plastic coated chain link fence on plastic coated metal posts

form new link path across council owned land, allow for steps at change of level plus offset barriers at each end.

pace to each path

front wall only from survey

location and etzs of bungalow to be checked on site



## HENRY STREET

RWL/SS/Z.12/117

17th January 1996,

TO: MRS. L. A. CALDERBANK -  
SENIOR CONVEYANCER

TOWN AND COUNTRY PLANNING ACT, 1990, SECTION 106.  
AGREEMENT RE: LAND OFF HASLINGDEN OLD ROAD/SCHOFIELD  
ROAD, RAWTENSTALL.

I attach the Council's copy of an Agreement under Section 106 of the Town and Country Planning Act, 1990 with the North British Housing Association Limited in relation to the above mentioned land. Please would you index same and file it in the Strongroom.

Thanks,

  
R. W. Lester,  
Assistant Solicitor.