

DATED 11th July 2002

ROSSENDALE BOROUGH COUNCIL

And

J C LAND (INVESTMENTS) LIMITED

AGREEMENT

Under Section 106 of the Town and Country Planning Act 1990
Re: Change of Use to Flats of former Victoria Working Men's
Club, Market Street, Bacup (Planning Permission 2002/122)

RWL/LH/Z.12/190

Mark Weston
Borough Solicitor and Secretary
Rossendale Borough Council
Town Hall
Rawtenstall
Rossendale
BB4 7LZ

3972

THIS AGREEMENT is made the *eleventh* day of *July*
Two thousand and two between ROSSENDALE BOROUGH COUNCIL of the
Town Hall Rawtenstall Rossendale BB4 7LZ ("the Council") of the one part and J C
LAND (INVESTMENTS) LIMITED whose Registered Office is situate at Oakmount
Preston New Road BLACKBURN BB1 1LA ("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 J'C LAND INVESTMENTS LIMITED and received by the Council on 18th March 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 16th July 1829 of which with other interests he is the registered proprietor at H.M. Land Registry under title number LA717515
- (iv) By the Application JC Land Investments Limited 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 A681 Market Street Bacup 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 hereafter 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 flats referred to in the Second Schedule to this Agreement or any of them pay to the Council the sum of FIVE THOUSAND POUNDS (£5,000.00) which shall be applied by the Council to the provision of quality bus route infrastructure as aforesaid
4. Nothing in this Agreement shall be constructed 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

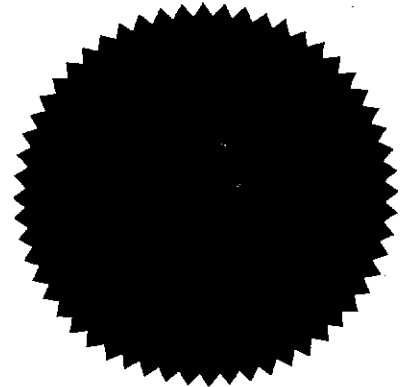
7. In this Agreement the words importing the masculine gender shall be deemed to include the feminine and the singular to include the plural and vice versa unless the contrary as to gender or number is expressly provided or unless the same is inconsistent with the context and where the expression "the 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 £250.00 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 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

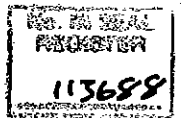
THE COMMON SEAL of Rossendale)
Borough Council was hereunto affixed in)
the presence of:-



Mayor



SIGNED as a Deed by JC LAND)
(INVESTMENTS) LIMITED acting by a)
director and its secretary)



Director



Secretary

FIRST SCHEDULE

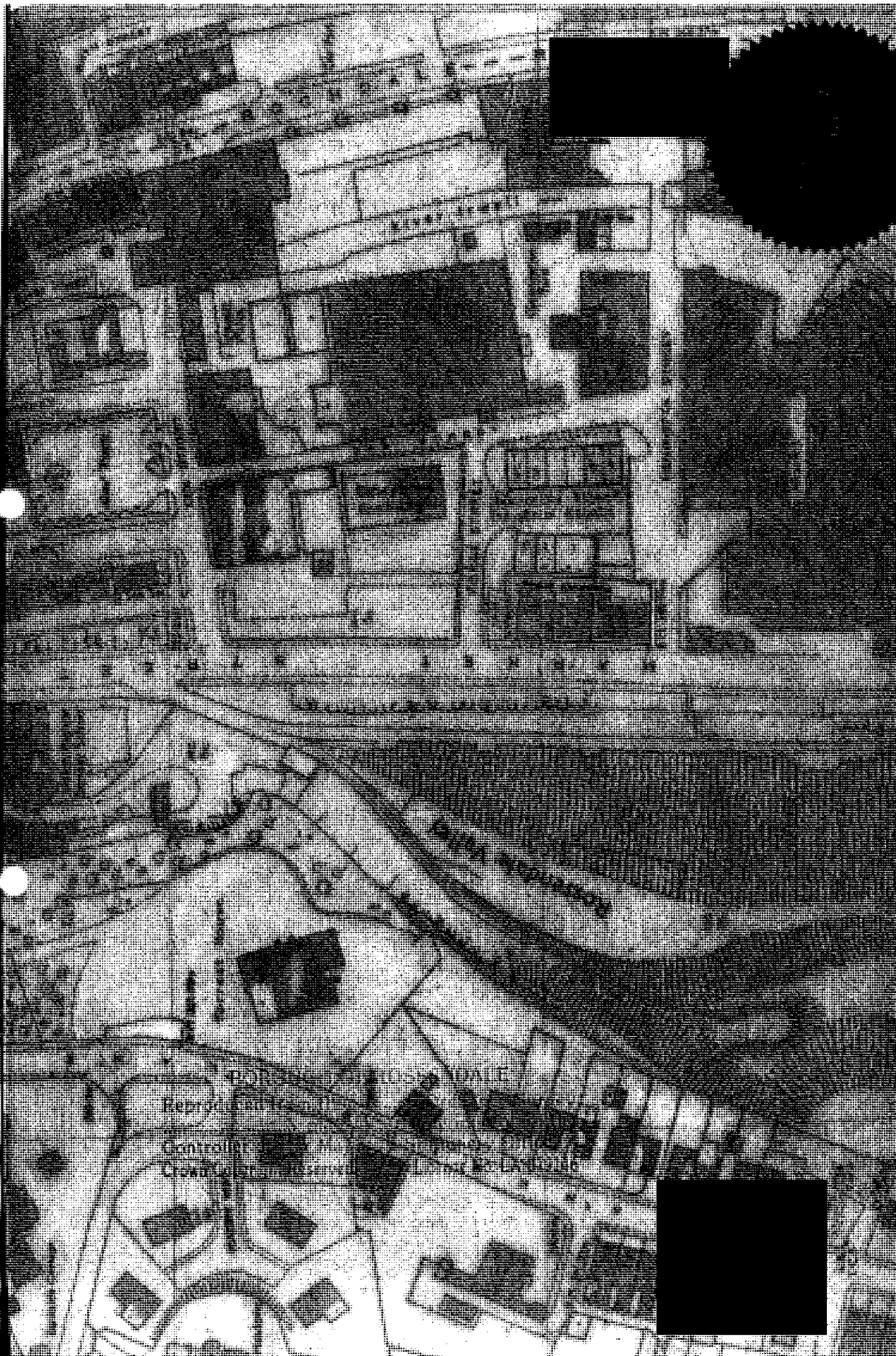
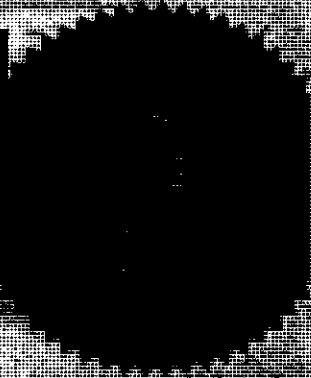
The Property

Land adjacent to Market Street and Henrietta Street Bacup being part of premises known as Victoria Working Men's Club and more particularly delineated and shown edged red on the Plan

SECOND SCHEDULE

The Development

Change of Use from Working Men's Club to use as 8 one-bedroom flats and 2 two-bedroom flats



FEDERAL BUREAU OF INVESTIGATION
 CENTRAL INTELLIGENCE AGENCY
 CHARLOTTE, NORTH CAROLINA



THIRD SCHEDULE

The Permission

ROSSENDALE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

PLANNING PERMISSION

PART 1 - Particulars of application:

Application no: 2002/122

Date received: 18th March 2002

Particulars and location of development:

Change of use to form 8 no one bedroom flats and 2 no two bedroom flats
Former Victoria Working Mens Club, Henrietta Street, Bacup

Name and address of applicant:

J C Land Investments Ltd
P O Box 25
Rossendale

Agent:

STSP Architects
60 Manchester Road
Burnley

PART 2: Particulars of decision

The Rossendale Borough Council hereby gives 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 I hereof in accordance with the application and plans submitted subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.