

Dated

7th APRIL.

2010

WREXHAM COUNTY BOROUGH COUNCIL (1)

- and -

JUDITH MARILYN CLARK (2)

A G R E E M E N T

Pursuant to Section 106 of the Town and Country Planning Act 1990
in respect of cessation of commercial use of Glenwood, Station Avenue, Chirk
in the County Borough of Wrexham

Trevor Coxon
Chief Legal and Democratic Services Officer
Wrexham County Borough Council
Guildhall
Wrexham
LL11 1AY

Ref. SWD/ZS

THIS DEED is made the 7th day of APRIL

Two thousand and Ten

BETWEEN WREXHAM COUNTY BOROUGH COUNCIL of Guildhall, Wrexham, LL11 1AY (hereinafter called "the Council") of the one part and **JUDITH MARILYN CLARK** of Glenwood, Station Avenue, Chirk, Wrexham, LL14 5LS (hereinafter called "the Owner") of the other part

WHEREAS

- 1) The Council is the local planning authority within the meaning of the Town and Country Planning Act 1990 (hereinafter called "the Act") for the area in which the land described in the First Schedule hereto (hereinafter called "the Land") is situate and by whom the obligations contained in this Deed are enforceable.
- 2) The Owner is the Registered Proprietor of the freehold interest with title absolute of the Land.
- 3) By an application dated 28 October 2009 which has been allocated code number P/2009/0900 (hereinafter called "the Application") application has been made to the Council for planning permission for the development specified in the Second Schedule hereto (hereinafter called "the Development") on the Land.
- 4) The Council has decided to grant planning permission for the Development subject to conditions (hereinafter called "the Planning Permission") in accordance with the Application subject to the execution of this Deed without which planning permission for the Development would not have been granted.

NOW THIS DEED which is made in pursuance of Section 106 of the Town and Country Planning Act 1990 **WITNESSETH** as follows:-

THE Owner hereby covenants with the Council to perform the obligation (hereinafter called "the Obligation") set out in the Third Schedule hereto

IT is agreed and declared as follows:-

- (i) the Obligation is a planning obligation for the purposes of Section 106 of the Act
- (ii) the Obligation relates to the Land
- (iii) the Obligation is enforceable by the Council as Local Planning Authority
- (iv) the Council will issue the Planning Permission to the Owner on completion of this Deed
- (v) the expressions "the Council" and "the Owner" shall include their respective successors in title and assigns and if the Owner or any successor in title to the Owner shall comprise more than one person all obligations contained herein on the part of the Owner shall be the joint and several liability of such persons.
- (vi) the Obligation shall take effect upon a date which shall be specified by the party intending to implement the Planning Permission in a written notice served upon the Council as being the date upon which the Development is to be commenced (such notice to be served not less than 7 days before such date)
- (vii) if the party intending to implement the Planning Permission fails to serve the notice referred to in (vi) above before commencement of the Development the Obligation shall take effect upon the actual date upon which the Development is begun within the meaning of Section 56 of the Act (as amended)
- (viii) the Obligation is a local land charge and shall be registered as such
- (ix) the Owner will pay to the Council on completion of this Deed the sum of £500 representing the Council's legal costs of and incidental to its preparation
- (x) this Deed will not prevent the Council from exercising its statutory powers under any legislation

IN WITNESS WHEREOF the parties hereto have executed this Agreement as a Deed the day and year first before written

FIRST SCHEDULE
("the Land")

The land shown edged red on the Plan attached and being registered at the Land Registry under title number WA678047.

SECOND SCHEDULE
("the Development")

The erection of a new attached dwelling on land adjoining "Glenwood".

THIRD SCHEDULE
("the Obligation")

) To cease the use of the existing property on the Land known as "Glenwood" ("Glenwood") as a guest house within Class C of the Town and Country Planning (Use Classes) Order 1987 prior to the commencement of the Development within the meaning of Section 56 of the Act (as amended).

) Not to resume the use of "Glenwood" as a guest house without having first obtained planning permission in respect of such use.

EXECUTED as a DEED by the affixation
of the COMMON SEAL of WREXHAM
COUNTY BOROUGH COUNCIL in the
presence of:-

[Signature]
Chief Legal and Democratic Services Officer



73/10

SIGNED as a DEED by
JUDITH MARILYN CLARK

[Signature]

in the presence of:-

[Signature]

Witness Name SMU WILKINSON

Witness Address 19 GNYVENNA RD

WREXHAM

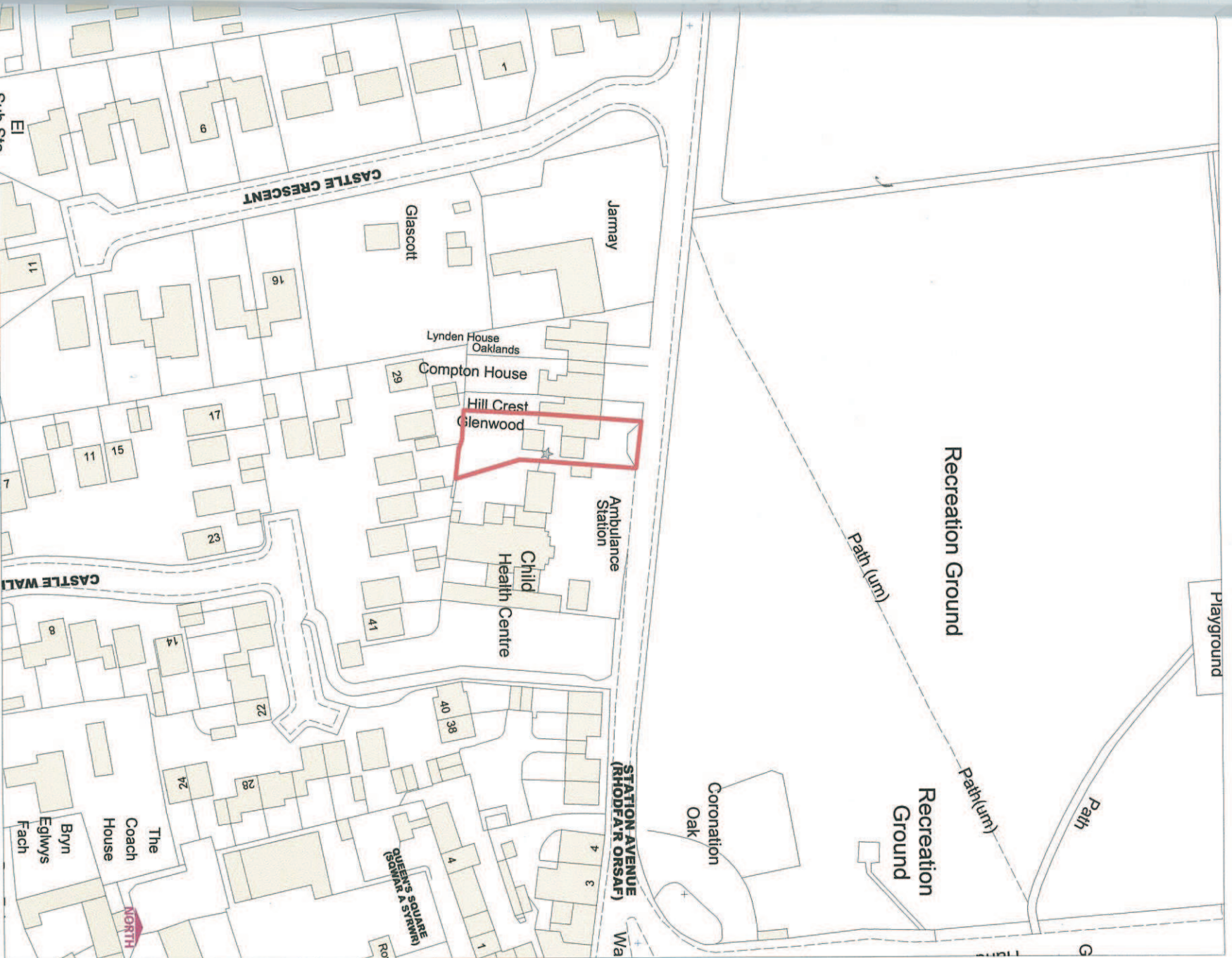
Witness Occupation SOLICITOR

CERTIFICATE

solicitors for the Owner (as defined in the within written deed) we hereby certify that
the same is correct

Witnessed by *Boyle Jones* Dated

Boyle Jones & Co
Solicitors
Incorporating Stanley Williams
Grosvenor Road
Exham
EX11 1DE



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Town and Country Planning Act 1990 Section 106 Obligation
P/2009/0900 - Glenwood, Station Avenue, Chirk Wrexham. LL14 5LS

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