

**Planning Obligation by Deed of Agreement
under Section 106 of the Town and Country
Planning Act 1990**

relating to

Land at Community Centre, Eaton Drive,
Wrexham LL13 9HG

Dated : 3rd March 2021

WREXHAM COUNTY BOROUGH COUNCIL (1)
and
LMF PROPERTIES LTD (2)

Sioned Wyn Davies

Chief Officer Governance & Customer

Guildhall

Wrexham

LL11 1AY

Ref: HDW/038422

DATE 3rd March 2021

PARTIES

- (1) **WREXHAM COUNTY BOROUGH COUNCIL** of Guildhall, Wrexham, LL11 1AY ("Council")
- (2) **LMF PROPERTIES LIMITED** (a company incorporated in England and Wales under Company Number 09679157) of Unit 9 Factory Road, Sandycroft, Deeside, Clwyd, United Kingdom, CH5 2QJ ("the Owner")

INTRODUCTION

- (1) The Council is the local planning authority for the purposes of this Deed and the Town & Country Planning Act 1990 (as amended) for the area within which the property described in the First Schedule hereto is situate and is the local planning authority by whom a planning obligation is enforceable
- (2) The Owner is the registered proprietor of the Site
- (3) The Owner has submitted the Application to the Council and the parties have agreed to enter into this deed in order to secure the planning obligations contained in this Deed.
- (4) The Council resolved on the 7 September 2020 to grant the Planning Permission subject to the prior completion of this Deed.

NOW THIS DEED WITNESSES AS FOLLOWS:

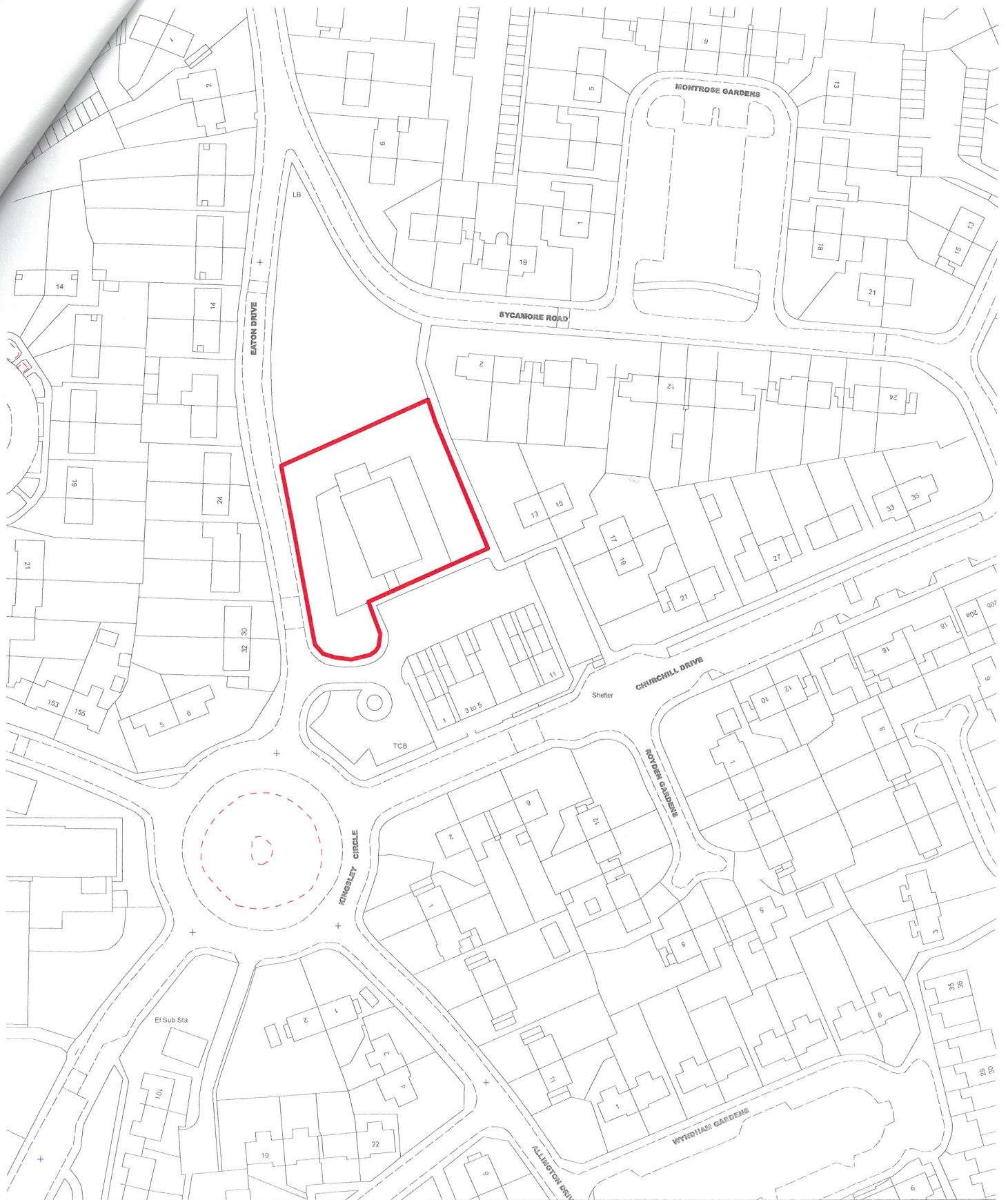
OPERATIVE PART

1 DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

"Act"	the Town and Country Planning Act 1990 (as amended)
"Application"	the application for full planning permission dated 21th October 2019 submitted to the Council for the Development and allocated reference number P/2019/0792
"Commencement of Development"	the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed

	and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and "Commence Development" shall be construed accordingly.
"Development"	the development of the Site consisting of demolition of existing community centre, erection of new apartment block comprising 10 no. two bed apartments and 6 no. 1 bed apartments as set out in the Application
"Index"	All Items Index of Retail Prices issued by the Office for National Statistics
"Indexed"	means increased or decreased (if applicable) in proportion to movements in the Index between the date of this Deed and the date when the particular payment is made.
"Interest"	interest at 5 per cent above the base lending rate of the Barclays Bank Plc from time to time.
Occupation"	use of a Unit for residential use but not including occupation by personnel engaged in construction fitting out or decoration or occupation for marketing or display or occupation in relation to security operations and Occupied shall be construed accordingly.
"Plan A"	the Plan A attached to this Deed
"Planning Permission"	the draft full planning permission subject to conditions to be granted by the Council pursuant to the Application as set out in the Second Schedule to include any applications made under Section 73 of the Act.
"Off Site Public Open Space Contribution"	means the sum of £16,000 (Indexed in accordance with the provisions of this Deed) to be paid by the Owner to the Council and expended by the Council in accordance with the Third Schedule



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LEAD OF PLANNING AND REGULATORY
PLANNING DEPARTMENT
6 LORD STREET
WREXHAM
L11 1LG

Town and Country Planning Act 1990 Section 106 Obligation



P/2019/0792
Community Centre
Eaton Drive, Wrexham

ALAN FIELD.

22.02.2021.

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

4 OCTOBER 2020
SCALE 1:1250
3J3550

"Site"	the land subject to this Deed as shown edged red on Plan A for identification purposes only and more particularly described in the First Schedule.
"Units"	means the residential units comprised in the Development and "Unit" shall be construed accordingly

2 CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council and County Council the successors to their respective statutory functions.

3 LEGAL BASIS

- 3.1 This Deed is made pursuant to Section 106 of the Act Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 and all other enabling powers.
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner

4 CONDITIONALITY

This Deed is conditional upon:

- (i) the grant of the Planning Permission; and
- (ii) the Commencement of Development;

save for the provisions of Clauses 5.2, 7.1, 13 and 14 (commencement of development, legal costs, jurisdiction and delivery) fees and any other relevant provisions which shall come into effect immediately upon completion of this Deed.

5 THE OWNER'S COVENANTS

- 5.1 The Owner covenants with the Council as set out in the Third Schedule.
- 5.2 The Owner shall serve on the Council a notice of Commencement of Development not less than two days before Commencement of Development.

6 THE COUNCIL'S COVENANTS

- 6.1 The Council covenants with the Owner as set out in the Fourth Schedule.

7 MISCELLANEOUS

- 7.1 The Owner shall pay the Council on completion of this deed the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed in the sum of £1000
- 7.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999
- 7.3 This Deed shall be registrable as a local land charge by the Council.
- 7.4 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of the Council by the Head of Housing and Economy and any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.
- 7.5 Following the performance and satisfaction of all the obligations contained in this Deed the Council shall forthwith effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.
- 7.6 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 7.7 This Deed shall cease to have effect (insofar only as it has not already been complied with) if:-
- 7.7.1 the Planning Permission shall be quashed revoked or otherwise withdrawn or (without the consent of the Owner) is modified by any statutory procedure
- 7.7.2 the Planning Permission shall expire prior to the Commencement of Development; or
- 7.7.3 the Site is developed under a new planning permission (other than one issued under Section 73 of the Act for variation or discharge of a condition of the Planning Permission) granted after the Planning Permission by the Council or any other competent authority and there has been no Commencement of Development.

- 7.8 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with all or part of its interest in the Site but without prejudice to liability for any subsisting breach in respect of all or the relevant part of the interest arising prior to parting with such interest.
- 7.9 This Deed shall not be enforceable against statutory undertakers owner-occupiers or tenants of dwellings constructed pursuant to the Planning Permission nor against those deriving title from them.
- 7.10 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.
- 7.11 Any person or body with the benefit of a legal charge over the Site shall have no liability under this deed unless it takes possession of the Site or part thereof or appoints a receiver in which case it too will be bound by the obligations as if it were a person deriving title from the Owner as appropriate.

8 WAIVER

No waiver (whether expressed or implied) by the Council or Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or Owner from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

9 CHANGE IN OWNERSHIP

The Owner agrees with the Council to give the Council written notice within 28 days of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan

10 INDEXATION

Any sum referred to in the Third Schedule shall be increased or decreased by an amount equivalent to the increase or decrease in the Index from the date hereof until the date on which such sum is payable.

11 INTEREST

If any payment due under this Deed is paid late, Interest will be payable from the date payment is due to the date of payment.

12 VAT

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

13 JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales.

14 DELIVERY

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

FIRST SCHEDULE

DESCRIPTION OF THE SITE

Land at Community Centre, Eaton Drive, Wrexham LL13 9HG comprising the following titles:

1. Land adjoining The Kingsley Circle Community Centre, Eaton Drive, Wrexham, LL13 9BP Registered with the Land Registry under title number CYM749622 and
2. The Kingsley Circle Community Centre, Eaton Drive, Wrexham, LL13 9BP registered with the Land Registry under title number CYM442039

SECOND SCHEDULE
PLANNING PERMISSION

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant	MR ALAN FIELD LMF PROPERTIES LTD	Code Number	WRC P/2019/0792
Agent	D2 ARCHITECTS ROBERT ADAM LLOYD SOUGHTON HOUSE 2 NICHOLAS STREET MEWS CHESTER CH1 2NS	Date Received	21/10/2019
		Decision Date	

Town and Country Planning Act, 1990

Location of application

COMMUNITY CENTRE, EATON DRIVE, WREXHAM, LL13 9HG

Description of application

DEMOLITION OF EXISTING COMMUNITY CENTRE, ERECTION OF NEW APARTMENT BLOCK COMPRISING 10 NO. TWO BED APARTMENTS AND 6 NO. 1 BED APARTMENTS

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

CLF5	Open space requirements from new residential developments
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
T8	Parking

Revision	Date	Description of Decision
0		Planning permission issued

Particulars of decision that permission be GRANTED
Subject to the following:-

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered:
SK02 Rev B
SK03 Rev A
SK04 Rev C
SK05 Rev B
SK06 Rev B
SK11 Rev F
SK12 Rev X
SCP/2000/70/FO1C, and as contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. With the exception of those shown on the approved plan and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification) no windows or other openings shall be inserted in any elevation of the building.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), any window or opening in the elevation facing north east or south west shall only be glazed or re-glazed using obscure glass and shall be non-opening, and shall thereafter be permanently retained as such.
6. The ridge and eaves heights of the building hereby approved shall not exceed a maximum of 9.5 metres and 6.5 metres respectively, when measured from ground level.
7. Prior to the first occupation of the residential development hereby approved, the amenity and bin storage areas shall be laid out in strict accordance with the approved drawing no. SK11 Rev F and shall thereafter be retained for those uses.
8. The site shall be developed in strict accordance with the ground and / or floor levels indicated on the approved plan ref: SK11 Rev F. No changes to floor levels or external ground levels shall be made without the prior written approval of the Local Planning Authority.

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9. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.
10. The landscaping scheme submitted and approved in connection with condition no. 9 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
11. The planting scheme implemented in connection with condition no. 10 shall be permanently retained. Any planting which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.
12. Within six months of the first use of the development, trees shall be planted on the land to the north of the application site, as shown on plan ref: SK11 Rev F in accordance with a detailed planting scheme which has been submitted to and approved in writing by the Local Planning Authority.
13. The development shall be carried out in strict accordance with the methodology, findings and recommendations contained within the Preliminary Ecology Report (by Anthony Nickson Ecology) dated May 2019, approved as part of this application.
14. Within three months of commencement of development, a boundary treatment scheme within and around the site shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification) and with the exception of those shown on the approved plans, no gate, fence, wall or other means of enclosure shall be erected on the site. The boundary treatment as may be approved shall be completed in all respects prior to first use / occupation of the development and shall thereafter be permanently retained.

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15. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority.

Where a SuDS scheme is to be implemented, the submitted details shall:

i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;

ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,

iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

16. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 15. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.

17. No development shall take place within 3 metres either side of the public sewer which crosses the site.

18. No part of the development shall commence, including the demolition of the existing building, until a drainage connectivity survey of the existing development has been carried out to determine current foul and surface water drainage methods and has been submitted to and approved in writing by the Local Planning Authority in conjunction with the drainage scheme as is required by condition no. 15.

19. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. Sk11 Rev F.

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20. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

21. The vehicular parking and turning areas as shown on approved drawing no. SK11 Rev F shall be fully laid out / marked with white lining materials, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of vehicles at all times.

22. No part of the development shall commence until a Construction Management Plan including provisions for contractor parking and builder's compound has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.

23. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:

- 1) Detailed layout, design, lighting, drainage and construction of the proposed new access and footways,
- 2) 1200 x 1200mm tactile paving and dropped kerbs,
- 3) Stopping up of existing highway (footway) at the existing access.

The scheme as is approved shall be fully implemented prior to first use of the development.

24. No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.

25. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.

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Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
4. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
7. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
9. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
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11. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
12. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
13. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
14. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

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15. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
16. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
17. To protect the integrity of the public sewer and avoid damage thereto in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
18. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
19. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
20. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
21. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.
22. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
23. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
24. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
25. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

Note(s) to applicant

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 292050.

The proposed scheme should be constructed to a standard suitable for adoption by the Council for future maintenance at the public expense and the developer will need to enter into an agreement with the Council under s.38 / 278 of the Highways Act 1980. You are advised that the Highway Authority will require such works to be completed to their satisfaction before they will formally adopt the relevant Highway works for public use and to be maintained at public expense. This will include the provision of a bond to cover the estimated value of such works. The appropriate fees will become due to the Council when the Highways Authority approve the proposed works to be carried out.

There are existing sections of adopted highway passing through the development site. These sections of adopted highway / footway will need to be stopped up by the applicant prior to the commencement of any development. The applicant will be required to apply for consent to the Welsh Government to stop up this section of adopted highway under the Town and Country Planning Act 1990 - Section 247.

Any additional lighting columns / re-location of existing columns at the development site and connecting footways will need to be agreed with our Street Lighting Section - contact Paul Rogers on Tel: 01978 729673. The applicant is advised that compliance with condition no. 25 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

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Applicants are advised that compliance with condition no. 24 does not provide an exemption from the statutory nuisance provisions of the Environmental Protection Act 1990. Under the Act dust from any type of activity can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that the dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information. Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environment and Planning Department on 01978 315300 for further advice and information.

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:

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*** Notice of initiation of development**

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The forms set out the details that must be given to the Local Planning Authority to comply with this duty.

*** Display of notice**

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that the person carrying out development must display to comply with this duty. The person carrying out development must ensure that the notice is:

- Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- Legible and easily visible to the public without having to enter the site; and
- Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

Officer Appointed for this purpose
Chief Officer Planning & Regulatory

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

THIRD SCHEDULE

OWNER COVENANTS - OFF SITE PUBLIC OPEN SPACE CONTRIBUTION

1. Prior to Occupation of the 8th Unit of the Development the Owner shall pay the Off Site Public Open Space Contribution to the Council.
2. This payment shall be in lieu of any requirement upon the Owner to provide for public open space within the Site, and shall be used for the maintenance of the circular perennial wildflower meadow within public open space on land owned by the Council to the north of the Site.

FOURTH SCHEDULE

COUNCIL COVENANTS

- 1 The Council covenants with the Owner to use the Off Site Public Open Space Contribution received from the Owner under the terms of this Deed for the purpose specified in this Deed for which it is paid
- 2 The Council covenants with the Owner that it will repay the Owner such amount of the Off Site Public Open Space Contribution made by the Owner to the Council under this Deed which has not been expended in accordance with the provisions of this Deed within 10 years from the date of receipt by the Council of the final payment in accordance with the provisions of the Third Schedule hereto together with Interest from the date of the payment to the date of refund.

EXECUTED as a DEED by affixing

THE COMMON SEAL of

WREXHAM COUNTY BOROUGH COUNCIL

in the presence of:-

Chief Officer, Governance & Customer

Head of Service, Legal Democratic & Registration



£19/21

EXECUTED as a Deed by)

ALAN FIELD

LMF PROPERTIES LIMITED acting by a)

Director, Alan James Field, in the presence of:)

Signature of Director

Signature of witness: :

Name (in BLOCK CAPITALS): : G. ALLPRESS

Address: : 1 INGLEDOWN VILAS,

FACIL LANE, HOPE, FLINTSHIRE

LL12 9RA