THIS DEED BY WAY OF AGREEMENT is made the 16th day of September Two thousand and two **BETWEEN** FAREHAM BOROUGH COUNCIL (hereinafter called "the Council") of the first part and GEOFFREY MALCOLM WHITE and ELAINE MARIA WHITE both of 33 Crofton Lane Hill Head Fareham in Hampshire (hereinafter called "the Owners") of the second part

WHEREAS

(1) The Council is the Local Planning Authority in respect of the land hereinafter mentioned for the purposes of the Town and Country Planning Act 1990 (hereinafter called "the Act")

(2) The Owners are the registered proprietors under Title HP291317 of the land situate and known as 33 Crofton Lane Hill Head Fareham in Hampshire (hereinafter called "the Application Site") which land is for the purpose of identification only edged red on the plan annexed hereto

(3) Application has been made under reference number P/01/1117/CU (hereinafter called "the Application") to the Council for planning permission for the change of use of the building on the Application Site from rest home to three (3) dwellings

(6) The Council is disposed to grant planning permission subject to conditions for the development referred to in recital (3) above subject to the Owners entering into the covenants hereinafter contained

NOW THIS DEED WITNESSETH as follows:-

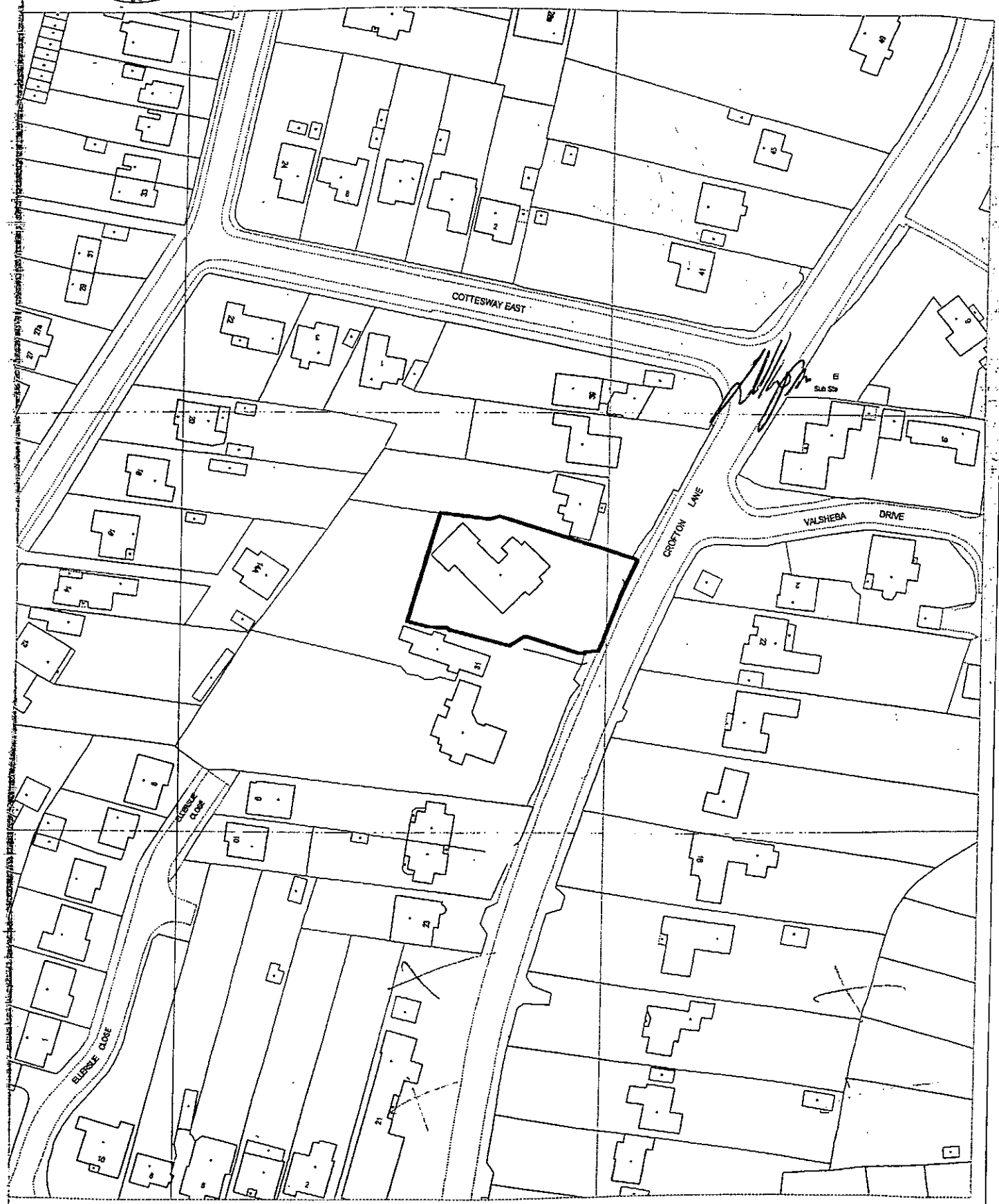
1. This Agreement is a planning obligation made in pursuance of Section 106 of the Act and is enforceable by the Council

2. The Owners hereby jointly and severally covenant with the Council with the intention of binding the Application Site and each and every part thereof that no development as defined in S.56 of the Act shall take place upon the Application Site pursuant to the Application unless and until a contribution of two thousand six hundred and seventy pounds (£2,670.00) has been paid to the Council towards the provision by the Council of off-site recreational facilities PROVIDED that the said contribution shall be increased in accordance with the Retail Price Index from the base date of June 1997 to the month preceding payment

3. The Council hereby covenants with the Owners that the contribution mentioned in Clause 2 hereof shall be used for no other purpose than for the provision of

FAREHAM BOROUGH COUNCIL

PO BOX 82 CIVIC OFFICES CIVIC WAY FAREHAM PO16 7TT



TOWN AND COUNTRY PLANNING ACT 1990

Section 106 Agreement
33 CROFTON LANE HILL HEAD
P/01/1117/CU

Site:-

Date 5th November 200 Scale 1:1250

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