

Dated 114 DECEMBER 2023

**PLANNING OBLIGATION BY WAY OF UNILATERAL UNDERTAKING
UNDER SECTION 106 OF THE TOWN & COUNTRY PLANNING ACT 1990
RELATING TO LAND AT ARCADIA HOUSE, 72 MARKET STREET,
BARNSELY, S70 1SN**

BY

ACCESSIDEA LTD

TO

BARNSELY METROPOLITAN BOROUGH COUNCIL

THIS DEED by way of Unilateral Obligation is dated *11th December* 2023

(1) **ACCESSIDEA LTD** (Co. Regn. No. 04067187) of 60 Wharfedale Road, Barnsley S75 2LJ. (“**the Owner**”).

TO

(2) **BARNSELY METROPOLITAN BOROUGH COUNCIL** of Town Hall, Barnsley, South Yorkshire (S70 2TA) (“**the Council**”).

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) The Owner owns the Property under HM Land Registry Title SYK397447
- (C) The Owner has made applications for planning permission for the Development under planning reference 2023/0029 & 2023/0169 in respect of the Property.
- (D) The Council is prepared to grant the Planning Permission subject to the Owner giving the undertaking set out below
- (E)

1. INTERPRETATION

- 1.1 The definitions and rules of interpretation in this clause apply in this deed:

Commencement of Development: the carrying out in relation to the Development of any material operation or change of use as defined by section 56(4) of the TCPA 1990.

Commenced and Commences shall be construed accordingly.

Commencement Date: the date of Commencement of Development.

Development: the development of the Property by the Conversion of existing offices on first, second and third floors into 14 no self contained residential flats

Sustainable Travel Contribution the sum of £4,200.00 (four thousand two hundred pounds) and to be expended and used by the Council towards sustainable travel improvements the need for which is required in order to mitigate the impacts arising from the Development

Plan 1: the attached plan attached hereto.

Planning Permission: the planning permissions to be granted by the Council for the Development under reference 2023/0029 & 2023/0169

Property: land at Arcadia House, 72 Market Street, Barnsley, S70 1SN edged red on Plan 1 registered at the Land Registry under title number SYK397447

TCPA 1990: Town and Country Planning Act 1990.

Working Day: a day (other than a Saturday, Sunday or public holiday) in England when banks in London are open for business.

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body
- 1.4 A reference to a statute or statutory provision is a reference to it as it is in force at the date of this deed.
- 1.5 A reference to a statute or statutory provision shall include any subordinate legislation made as at the date of this deed under that statute or statutory provision.
- 1.6 A reference to "this deed" or to any other agreement or document referred to in this deed is a reference to this deed or such other document or deed as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.
- 1.7 An obligation in this deed on a person not to do something includes an obligation not to agree or allow that thing to be done.
- 1.8 Any phrase introduced by the terms **including, include, in particular** or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.
- 1.9 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990.
- 2.2 The obligations contained in clause 3 of this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.

2.3 This deed shall come into effect on the date of this Deed.

2.4 The obligations contained in clause 3 of this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

3. COVENANTS WITH THE COUNCIL

The Owner covenants with the Council:

3.1 Prior to Commencement of Development to pay to the Council the Sustainable Travel Contribution.

3.2 Not to Commence the Development unless and until the Sustainable Travel Contribution has been paid to the Council

4. RELEASE

No person shall be liable for any breach of an obligation, restriction or covenant contained in this deed after parting with all of its interest in the Property, except in respect of any breach subsisting prior to parting with such interest.

5. DETERMINATION OF DEED

This deed shall be determined and have no further effect if the Planning Permission:

- (a) expires before the Commencement of Development as defined by the TCPA definition;
- (b) is quashed following a successful legal challenge.

6. LOCAL LAND CHARGE

This deed is a local land charge and shall be registered as such by the Council.

7. COUNCIL'S COSTS

The Owner shall pay to the Council on the date of this deed the Council's reasonable and proper legal costs incurred in connection with the preparation, completion and registration of this deed in the sum of £1000.

8. OWNERSHIP

8.1 The Owner warrants that no person other than the Owner has any legal or equitable interest in the Property.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

EXECUTED as a DEED
by
ACCESSIDEA LTD

Acting by a Director)

Signature

Witness Signature:

Witness Name:

Witness Address:

HBW LAW LIMITED TRADING AS
HESELTINE BRAY & WELSH SOLICITORS
29 CHURCH STREET
BARNSELY
S70 2AL

Witness Occupation:

SOLICITOR

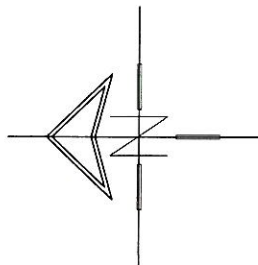
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Site Plan 1:500



Location Plan 1:1250



Mr P Singh Sangha

PROJECT
Arcadia House
33 New Street
Barnsley, S70 1SN

References

Planning Change of Use Proposals Proposed Floor Layouts



freeman
consultancy

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 Web: www.PremierCaterers.com

CONSULTANT No	SCALE	DATE	DRAWN	CHECKED
	1:1250	July.22	RF	RAF
	1:500			

PROJECT No.	DISCIPLINE	ISSUANCE No.	STATUS	KEY
FC/2020.90		03		

