

PLAN A

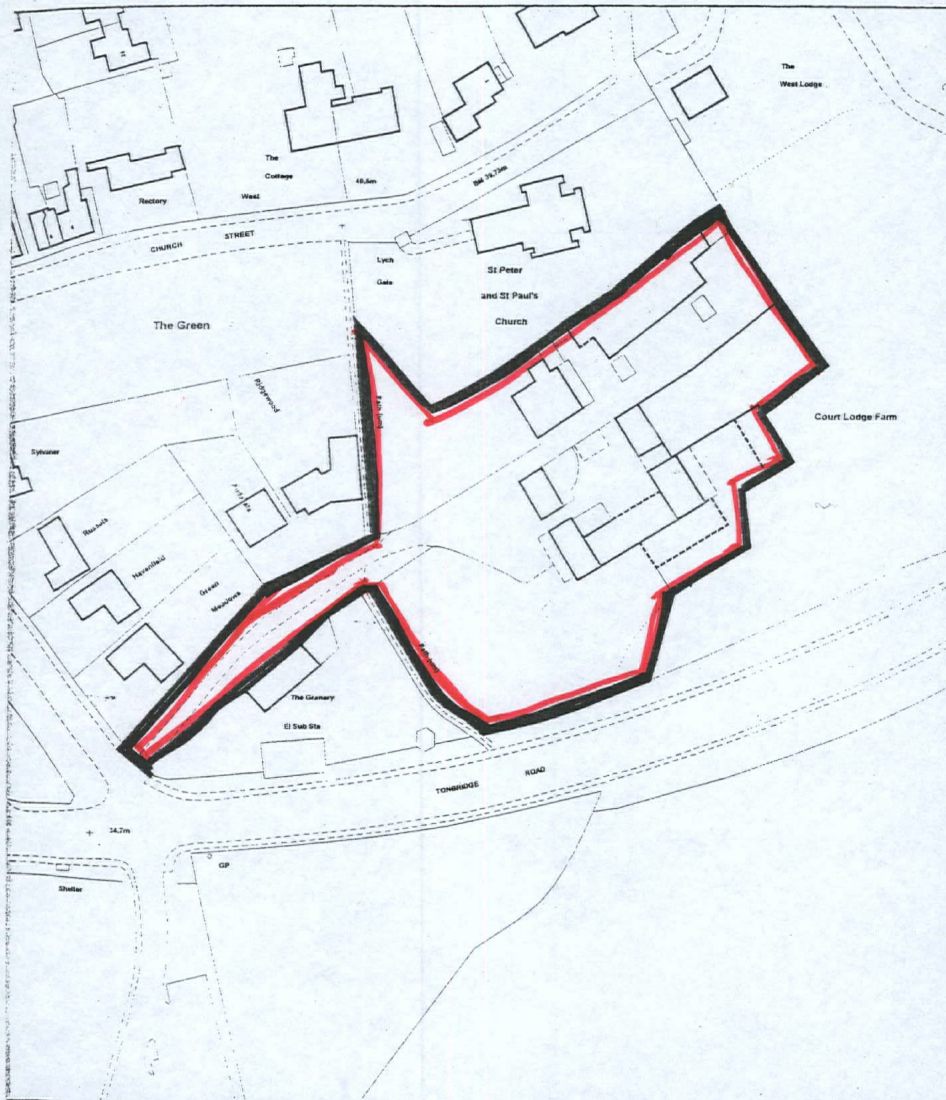
THE MAIDSTONE BOROUGH COUNCIL

PLAN REFERRED TO IN SECTION 106 AGREEMENT

EXTRACT FROM O.S. MAP TQ 7053

Refs: MA/98/1415S/XLB and MA/99/0037S

COURT LODGE FARM, THE STREET, TESTON



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Trevor Gasson BA(Hons), MRTPI, MIMgt
Director of Planning and Development

PLAN B

THE MAIDSTONE BOROUGH COUNCIL
PLAN REFERRED TO IN SECTION 106 AGREEMENT

EXTRACT FROM O.S. MAP TQ 7053

REFERENCE MA/98/1415S/XLB and MA/99/0037S

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Director of Planning and Development

99/0037

1. Case Officer's
note.
2. Admin &
monitor

1. Corporate Finance Manager
2. Development Control Manager (FAO Steve Clarke)
3. File G301/507
4. Local Land Charges
5. A58

No. 143/99
Date 8 July 1999

REPORT to Corporate Finance Manager on completion of completion of 106 Agreement re Court Lodge Farm, The Street, Teston, Maidstone

		£ _____	
Committee (1)	Date (2)	Date of Document (3)	Description of Document: If Lease or Agreement state term of years. If Housing Act Mortgage state date of first repayment. (4)
Development Control	7 June 1999	8 July 1999	
Parties (5)	Rent or other sum and when payable (in arrear) unless otherwise stated (6)	Insurance (7)	
MBC (1) Tuscan Property Developments Ltd (2)			
Any other necessary particulars (attach copy of Completion Statement) (8)			

1. One copy to each of numbers 2, 3 and 5 above.
2. Planning permission, reference MA/99/0037, dated 8 July 1999.
3. Listed Building Consent, reference MA/98/1415, dated 8 July 1999.

for Borough Solicitor

7.7.99

TOWN AND COUNTRY PLANNING ACT 1990

Date:

8 July 1999

1. Particulars

- 1.1. The Council The Maidstone Borough Council of
 13 Tonbridge Road Maidstone Kent
- 1.2. The Developer Tuscan Property Developments
 Limited of 736 London Road,
 Larkfield, Maidstone, Kent, ME20
 6BA
- 1.3. The Premises ALL THAT land and buildings at
 Court Lodge Farm, The Street,
 Teston, Maidstone as shown edged
 red on Plan A
- 1.4. The green land ALL THOSE two pieces or parcels of
 land forming parts of the Premises
 and being respectively the
 existing garden to the west of
 Court Lodge farmhouse and the open
 land to the south west of the
 farmhouse bounded to the West by
 Public Footpath KM2 and to the
 South by the A26 Tonbridge Road,
 which pieces or parcels of land
 are shown edged green on Plan B

2. Definitions

- 2.1. 'Plan A' and 'Plan B' means respectively the Plan so
 marked and annexed to this agreement
- 2.2. "the Development" means the proposed residential
 development at the Premises all as more particularly
 delineated and described in the plans specifications and
 particulars deposited with the Council and given planning
 reference numbers MA/99/0037S and MA/98/1415/S/LB

3. Interpretation

- 3.1. The expressions "the Council" and "the Developer" wherever
 the context so admits include successors in title
- 3.2. Where the Council or the Developer for the time being are
 two or more persons obligations expressed or implied to be
 made by or with such party are deemed to be made by or
 with such persons jointly or severally

- 3.3. Words importing one gender include all other genders and words importing the singular include the plural and vice versa
- 3.4. Any covenant by the Developer not to do an act or thing shall be deemed to include an obligation to use reasonable endeavours not to permit or suffer such act or thing to be done by another person where the Developer is aware that such act or thing is being done
- 3.5. Any references to a particular statute include any statutory extension or modification amendment or re-enactment of such statute and any regulations or orders made under such statute
- 3.6. References in this agreement to any clause or sub-clause without further designation shall be construed as a reference to the clause or sub-clause to this agreement so numbered
- 3.7. The clause headings do not form part of this agreement and shall not be taken into account in its construction or interpretation
4. **Recitals**
- 4.1. The Council as the district planning authority for the area within which the Premises are situate is responsible for enforcing the planning obligations contained in this agreement
- 4.2. The Developer is registered as proprietor of the Premises with title absolute at HM Land Registry under Title Number K476907
- 4.3. The Developer has applied to the Council for permission to carry out the Development and the Council has resolved by its Development Control Committee held on 7 June 1999 to authorise the Director of Planning and Development to grant permission subject to the conditions thereof and provided that this agreement is executed
5. **Planning Obligations by the Developer**
The Developer covenants with the Council that it will at no time cause or permit the green land or any part or parts thereof to be developed within the meaning of 'development' in section 55 of the Town and Country Planning Act 1990 (as amended or replaced from time to time)

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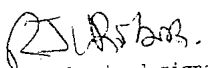
6. **Declarations**

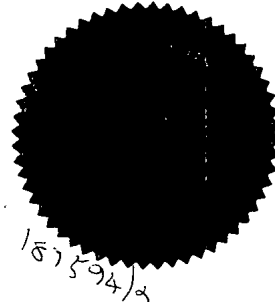
The parties declare that

- 6.1. This agreement is made pursuant to the Town and Country Planning Act 1990 Section 106
- 6.2. The covenant contained in clause 5 is a planning obligation for the purposes of the said Section 106
- 6.3. The burden of the covenants herein contained shall run with the land
- 6.4. This agreement shall be registered in the Register of Local Land Charges

IN WITNESS of which the parties have executed this agreement as a deed the day and year first above written

EXECUTED AS A DEED when the seal
of the above-named Maidstone
Borough Council was affixed and it
was delivered in the presence of


Solicitor as authorised signatory



EXECUTED AS A DEED by the above-named)
TUSCAN PROPERTY DEVELOPMENTS LIMITED)
and signed by two directors)

Director

x

Director

x

Christine Niddolls
J. G. RICHARDS & Co.
785 LONDON ROAD
LARKFIELD
KENT ME20 6DE

Conveyancing Executive