

Section 106 agreement dated 11 January 1996

DATED

11th January,

1996

OLDHAM BOROUGH COUNCIL

and

BARRATT HOMES LIMITED

SEE SHEET N^o 2 F.W.

PLANNING OBLIGATION

Under Section 106 of the Town and
Country Planning Act 1990
in connection with land at Hodge Clough Road,
Oldham

Graham F Smith LL.B Dip.LG
Solicitor to the Council
Oldham Borough Council
Civic Centre
West Street
Oldham OLI 1UL

50

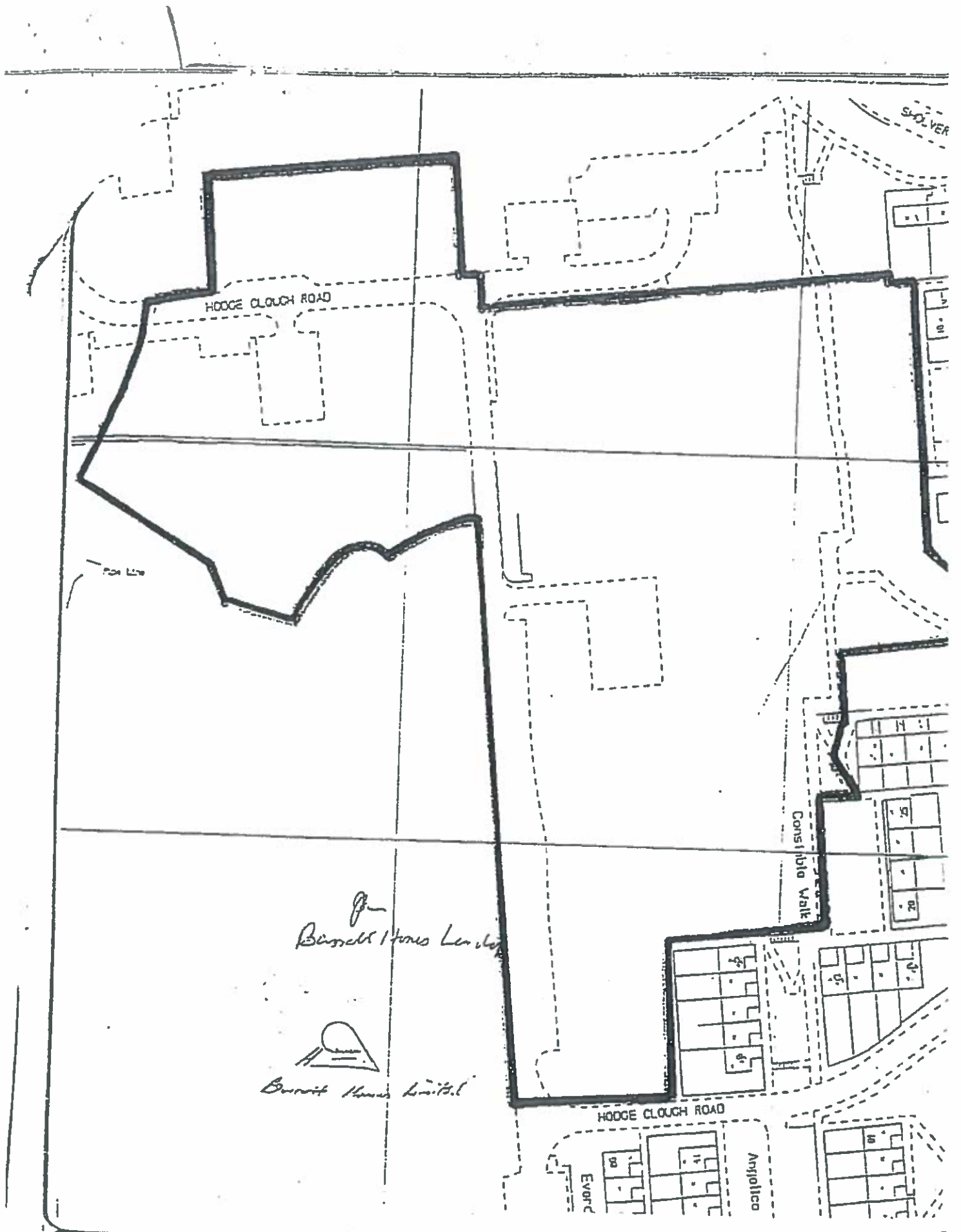
THIS PLANNING OBLIGATION is made the 11th day of January 1996 BETWEEN OF
BOROUGH COUNCIL of Civic Centre West Street Oldham (hereinafter referred to
"the Council") of the one part and BARRATT HOMES LIMITED of Wingrove 2
Ponteland Road Newcastle-Upon-Tyne (hereinafter referred to as "the Developer")
of the other part

WHEREAS

1. (a) THE Council is the freehold owner of the land described in
schedule hereto (hereinafter referred to as "the Land")
(b) The Council has entered into an agreement of even date with
Developer by way of Licence to develop the Land
2. THE Council is the local planning authority for the purpose of the Town
Country Planning Act 1990 (hereinafter referred to as "the Act") for
area within which the Land is situated
3. THE Developer has by written application dated the 21st July 1995
bearing the Council's reference number 033351/95 applied for permission
develop the Land in the manner and for the uses set out in the plan
specifications and particulars comprising the said application
4. THE Council is satisfied that subject to the provisions of this Planning
Obligation the development disclosed by the said application is such as to
be approved by them under the Act and other Acts and Regulations
appertaining thereto and accordingly have issued a notice of planning
permission of even date (hereinafter referred to as "the Planning
Permission")

NOW IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. THIS Planning Obligation is made in pursuance of Section 106 of the Act and
the covenants herein contained by the Developer shall be covenants which
shall be enforceable by the Council against the Developer
2. THAT the Land shall be subject to the conditions restrictions and
provisions regulating the development and use thereof contained in the



TOWN AND COUNTRY PLANNING ACT 1990
 SECTION 106 PLANNING OBLIGATION
 APPLICATION NUMBER PA/033351/95
 LAND AT HODGE CLOUGH ROAD, OLDHAM

Number of Seal Book
 35/96

P. C. Seaman

FOR HISTORIC ECONOMIC DEVELOPMENT
OLDHAM □□□□

in this Planning Obligation

3. The Developer shall upon completion of this Planning Obligation pay to the Council the sum of £30,000 (receipt whereof is hereby acknowledged) as a contribution towards the cost of the Council providing an area of public open space in the area of the Land and the Council shall within a reasonable period provide and lay out the area of public open space
4. NOTHING in this Planning Obligation shall be taken or construed as absolving the Developer from obtaining any other consent or approval required by law
5. IF any difference or dispute arises between the parties hereto touching or concerning their respective rights duties liabilities or obligations under or by virtue of this Planning Obligation the same shall be referred to a member of the Royal Institution of Chartered Surveyors (RICS) to be agreed between the parties or failing agreement upon request by one party for arbitration that party may after 21 days of that request by him request that an arbitrator be appointed by the President for the time being of the said RICS or his duly authorised deputy on the application of either party and in this respect such referral shall be construed as a submission to arbitration within the meaning of the Arbitration Acts 1950-1979 or any statutory modification or re-enactment thereof for the time being in force
6. EACH party shall bear and pay any costs which they incur in the preparation and execution of this Planning Obligation

SCHEDULE

ALL THAT plot of land situate at Hodge Clough Road, Oldham, more particularly delineated and edged in red on the plan annexed hereto

IN WITNESS whereof the Council and the Developer
respective Common Seals to be hereunto affixed the day and
written

Number in Seal Book

35A/96

THE COMMON SEAL OF
OLDHAM BOROUGH COUNCIL
was hereunto affixed
in the presence of:-

P. Beales
SOLICITOR - ECONOMIC DEVELOPMENT

EXECUTED AS A DEED on behalf
of BARRATT HOMES LIMITED by

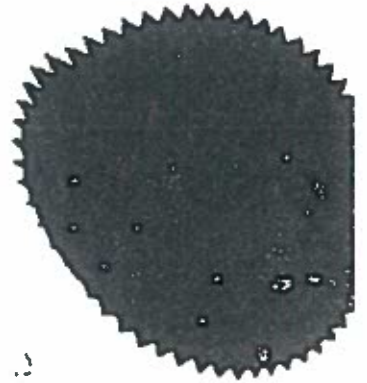
John Seale
and *John Seale*
in exercise of the powers
conferred on them by a Power
of Attorney dated 1st July
1995 who have hereunto set
the name of Barratt Homes
Limited in the presence of:-

P. Henshall

24, COOGEWOOD CRESENT
TRAVERHAM
CROSSLAND

LAND MANAGER

Doc ref: 30167/12/SF



Barratt
John Seale
Henshall
Beales



Letters in support of the application

42 Hodge Clough Road
Holly Mount
OLDHAM
OL1 4PW

24 June 2018

TO WHOM IT MAY CONCERN

Dear Sir/Madam

Re *Application for Village Green Status: Land on Hodge Clough Road*

I am writing to you to strongly support the application for 'Village Green Status' for the land on Hodge Clough Road.

I have lived here now for almost 22 years. My two children were born and raised here, my daughter now 20 and my son 15.

This land is where our memories have formed and where I have watched my children grow and learn, teaching my children to ride their bikes without stabilisers, kicking a ball about, having pretend teddy bear tea parties. It is here where they have met other children and developed friendships and through their playing many parents have met and become good friends often joining in the fun playing ball games and rounders with them. When they wanted to camp out, but no longer camp in the back garden this land is where they camped with their friends, where I could watch over them from the house.

We have had paddling pools on here, a trampoline, water balloon fights, snow ball fights, built snowmen and igloos, the games we have all played are endless.

We have celebrated birthdays with bouncy castles, fireworks at Bonfire Night and New Year's Eves.

Not only have my children, their friends and cousins played and enjoyed this land they have also been fortunate enough to learn about its wildlife. There are wild deer that come up onto this land most mornings, foxes, bees and at night you can often spot bats. It also attracts various birds, ducks, Canadian geese and we have even seen a heron on a number of occasions.

There are also many dog walkers walk here and enjoy themselves. This is where we walked our dogs before they sadly died. My daughter used to sometimes ride her horse here.

It has also been a pleasure to see my neighbours children grow here who now bring their children to play and explore like they did.

When I moved into my home 22 years' ago I didn't know anyone in the area but I feel that through this land I have met some lovely people who have become good friends. It has been a strong hub

and focal point of the local community bringing families together. During all this time there has never been any trouble with fighting, gangs or drugs which I feel demonstrates just how strong this land has brought the community together. I believe it is this land that has helped stop our children from standing and congregating on street corners. This land has enabled them to thrive and enjoy their childhood.

I fully support this application for 'Village Green Status'.

Yours sincerely

A large, irregular black redaction mark covering the signature of Judith Langley.

Judith Langley

100 Hodge Clough Rd
Oldham
22.6.18

In support of:-

The Application for Village Green Status
on land on Hodge Clough Road.

D Wild (Mrs)

I am writing re the spare field on Hodge
Clough Road.

I have lived here for over 19 years and
over that time I have used and still use
the field for walking our dog.

Our Son (when he was young at home) used
it for activities my grandchildren use
it when visiting.

Its the only accessible field for us to use
within this area.

We often see wildlife i.e. Pheasants
~~foxes~~ and even deer have been seen
by me personally.

Its also the way to the further fields
which where supposed to be used as a
golf course.

We definately need to keep this
space otherwise all there will be will
be concrete unsafe roads for us, our
→

children and pets to use.

My husband and I do believe in community spirit and we need to keep this space for further use by us, our children, pets, to be able to have games on, fun times and make happy memories.

Yours sincerely

Mrs. D. Wild.

MR & MRS G C & J D BRADDOCK

50 HODGE CLOUGH ROAD

MOORSIDE

OL1 4PW

RE: APPLICATION FOR VILLAGE STATUS

My wife and i have lived here for nearly 22 years, and have raised two children, and now a grandson so far. All former and present children view the open space as focal point for the community, to play,meet and be safe.

Our own two children used it for ball games, riding bikes, hide and seek, and pitching tents in the summer. These activities are now carried on by another generation, like uor grandson and his friends.

It is also used as a focal point for celebrations through out the year, one been new years eve. It is also used by a vast amount of dog walkers, including ourselves.

I think the main thing that attracts young and old is the wildlife here, foxes,bats,,bees,deer,birds etc. These are things that wouldn't be here if it wasn't for the open space be preserved.

We cannot stress enough how this piece of land is an integral part of daily life for the community, which if it wasnt here, would be lost and become just another no name street,area of the country.

We hole heartedly support the application for village green status. Enclosed is a picture of our grandson enjoying one of the many area's here.



21/6/18



Miss C Williamson
40 Hodge Clough Road
Moorside
24 June

To whom it may concern.

I would like to send you my opinion why I think the land on Hodge Clough Road should become a village green status.

I lived at my parents address for over 20 years until i recently moved out of the house. My son, now 12 years old has spent all his life there. I feel he has been blessed because of the land being available for him to play on over the years. It has been invaluable for him and the communities children for meeting and being able to make friends. The land has been the focal point of children congregating and playing sports within eye and ear shot of parent ,grandparents and friends. There is a shortage of places for children to play safely away from cars and this land provided a safe area, everyone knows other peoples children so its SAFE. There has been organised celebrations like camping, New years eve celebration, Bonfire night celebrations, bouncy castles , plenty of water fights, the list is endless. I, like others have so many happy memories seeing the children grow up together round there. Now we need a space for the younger generation, which are just starting to play out, to give them the chance and learn the valuable way of life of being able to play out safely. Very important note is that there has never EVER been any trouble or cause for concern about the land being used for children playing on it. Another added bonus of the land for everyone as well as the children is the wild life. Deer, foxes and bats just to name a few are living around here in their natural habitat. It is a wonderful sight to see the animals living naturally for all ages. There are plenty of dog walkers that use the land, people can have a chat and get to know one another. One thing I would say about that is everybody takes pride of this little piece of green so not once has it been reported for dog fouling. The area is cherished by the community and is well loved.

Thanks .

A handwritten signature in dark ink, appearing to be 'C Williamson', written in a cursive style.



Mrs Drane Elson
82 Hodge Clough Road
Oldham.

OL1 4PW.

22.6.2018

The following information is in support of Village Green Status for the green land on Hodge Clough Road.

The application for Village Green Status has my full support. I have lived in this area for 21 years. In which time my son & his friend (local residents) have spent & still spend many hours playing safely on the green open land.

The Hodge Clough Road green area is a common place for local residents to meet up. We regularly use it for sports activities - both adult & child. To promote everyone's health & well being. The community come together on the field for social events & celebrations. We use the area to walk our dogs, to socialise - getting to know each other, respecting & supporting each others needs & well being. It's a lovely safe place for children to play - they run around having fun - being active - keeping them healthy.

Without this space it would cause a negative effect on residents health - physically, mentally, emotionally & socially.

Wildlife would be effected, we regularly see Ryes bats, deer & a huge variety of birds within this area.

Signed - ~~XXXXXXXXXX~~

This letter is in support of
the village green status
application on the land at
Hodge Clough Rd

JULIE LEE
34 HODGE CLOUGH
RD
OLDHAM
OL1 4PW
22.6.18

I have lived at my property for 21 years
as I bought it as a new build.

I have a daughter who has played on the
fields opposite my home. Most families
with children use the land for the children
to play on as most gardens in the area
are on a slope at the rear therefore cannot
enjoy a lot of activities due to them not being
flat enough.

The land is used for paddling pools,
slides, swings, football with nets, cricket
and various other activities.

We have had bouncy castles on the land
and children with bikes as it is safe and
flat.

I have been wildlife spotting with my
child and seen deers, ducks, bats, foxes, frogs
etc. I have also been blackberry picking along
the hedges.

We have firework displays every year
for the families to enjoy and celebrate
occasions on the land.

Early morning I have spotted deer on the
land and children camp out on it every
Summer as it is in easy reach of their
families as they feel it is flat and safe

Yours Sincerely



Mr Fred Williamson & Mrs Marlene Williamson,
40 Hodge Clough Rd, Oldham, OL1 4PW.

RE: Village Green Status

We have lived at the above address for over 21 years and have enjoyed the open aspect of the field opposite our property, as have many other people from Hodge Clough Rd and the surrounding area.

The field is used regularly for dog walking by most people in the area and is a place where people from the community casually meet whilst doing this activity. It has helped develop a community spirit amongst the residents of the development which was commissioned in 1997. The builders (Barratt's) payed Oldham Council £30,000 to develop and maintain this as an open space, after they had completed their Planning obligation, (Documentation is available to prove this).

Children regularly play on this field, (including our grand-son), enjoying a variety of activities including: cycling, football, rugby, cricket, kite flying, more recently drone flying, and games such as chase and tag where it considered safe and away from traffic, but still highly visible from the opposite properties, which gives a sense of safety and security that is not offered by the Millennium Green, as it too far away and has to be reached by crossing a busy road. Parties have also been held on this field including the use of "Bouncy Castles".

The field is not fouled by the dog walkers as it is a respected amenity by all and the dog waste is removed by the owners.

A variety of wildlife has been observed on the field including bats, deer, foxes, badgers, ducks and other bird species.

Hopefully this integral part of our community will remain as the open space the residents use and enjoy.

Yours sincerely,

Fred & Marlene Williamson

 24-06-18
24-06-18

① or 2

in this Planning Obligation

3. The Developer shall upon completion of this Planning Obligation pay to the Council the sum of £30,000 (receipt whereof is hereby acknowledged) as a contribution towards the cost of the Council providing an area of public open space in the area of the Land and the Council shall within a reasonable period provide and lay out the area of public open space
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6. EACH party shall bear and pay any costs which they incur in the preparation and execution of this Planning Obligation

SCHEDULE

ALL THAT plot of land situate at Hodge Clough Road, Oldham, more particularly delineated and edged in red on the plan annexed hereto

Mr & Mrs G & J Skinner,
9, LEYWELL DRIVE
MOORSIDE
OLDHAM
OL14 0PA
24th JUNE 2018

IN SUPPORT OF THE APPLICATION FOR VILLAGE GREEN STATUS
TO WHOM IT MAY CONCERN:

I wish to support the application for the purpose of securing the land on Hodge Clough Rd, to make it a green space. The reasons are as follows:

- 1, This is our community green, which is a safe area for our children. Their play can be clearly seen from many windows
- 2, I have hearing loss and suffer from tinnitus, I have 2 dogs which I exercise twice daily, I roam freely with my dogs in complete safety.
- 3, On my walks I have regularly seen, local wild life eg: DEER, Fox, Badger, Shrocks, a pair of breeding Mallard Ducks, we have an hawk which can be seen hovering in the air for food, I have also seen make pheasant, and taken to a variety of birds.
- 4, This area is within yards of our homes, and we all feel the benefit of this space for our health and well being.
- 5, This last week the press has reported asian youths attacking a woman in Tandle Hill Park with knives. Two 12 year old threatened in Shaw with knives and robbed of their phones and money. In Alexander Park a 14 year old woman attacked by Romanian Men, I disabled

children robbed of their bikes, by Romanian Men.
6, We should be considered, this area is for the
good of all our community.

yours truly
Mrs ~~XXXXXXXXXXXX~~

MR & MRS A BROOKS
28 HODGE CLOUGH ROAD
MOORSIDE
OLDHAM
OL1 4PW

Date 23/06/2018

RE: APPLICATION FOR VILLAGE STATUS

My husband and I have lived here for 11 years with our daughter, this open space is used to play/meet up with her friends also playing with children on this street/in the area, a community point to play and be safe having fun/laughter, using it for prams/dolls-ball games-riding bikes-hand stands/roly polys etc, our daughter and other children have even pitched Tents, all these activities have continued from year to year, generation after generation, hopefully carrying on if we ever get grandchildren.

It is also used as an area for celebrations throughout the year (New Year, birthdays etc) where bouncy castles have been set up also used by a considerable amount of dog walkers including ourselves.

A main attraction for young/old to the area is the nature/wildlife, (birds-ducks-bats-foxes/we have also seen deer as well), these wouldn't be here if only for the preserved open space.

We cannot emphasize enough how much this piece of land is part of daily life, to lose this piece of land would be a devastation to our family and the community.

Yours Faithfully

A blacked-out signature, likely of the sender, Mr & Mrs A Brooks.A second blacked-out signature, likely of the daughter mentioned in the text.

Mr & Mrs Marshall

97 Hodge Clough Rd

Oldham OL1 4PX

22-06-18.

This information is in support of Village Green Status for the open land on Hodge Clough Rd.

The application for Village Green status has my full support. The green open space has to regularly used by ourselves and our children and grand children over the years and now.

As a community we meet up and enjoy theme based celebrating events i.e. bonfire nights New Year and the recent Royal wedding.

The children play safely on this land. They play football and other games, running around promotes their health and well being.

We walk and dogs out a regular basis and enjoy meeting our neighbours on a daily basis.

The wild life on this field is amazing and needs to be protected. We have seen Deer, Bats, several a wide variety of birds. Destroying this land by building on it will have a devastating impact on the young and old within the community.

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~

.....

This is in support of the application for village green status for land on Hodge Clough Road.

46 Hodge Clough Road
Moorside
Oldham
Lancs
OL1 4PW

Dear Sir/Madam

I'm writing to you in regards to the land on Hodge Clough Road. We have lived on Hodge Clough road for nearly 5 years. We have an Olde English Sheepdog who needs plenty of exercise and we use this land at least twice a day. We also have 3 children aged 11, 8 and 3 and they use the field on a daily basis. My husband goes on the field and organises all the children in the area they all come together in the school holidays to play football games, cricket and athletics. They ride their bikes and play with all of their friends on here and its a safe place for them as there isn't anywhere else near by for them to play. The land is also very beneficial to the community and being a green space is good for peoples health and well being. The land is a focal point for all of the community with events such as new years eve fireworks displays and november the 5th bonfire night. I'm enclosing a picture of some of the wildlife that i have witnessed directly outside of my home which my children benefit from seeing.

Kind Regards
Mr and Mrs Holtom



24/6/2018



This is the deer we saw directly
outside our house

Mrs Melanie Holtom

~~XXXXXXXXXXXXXXXXXXXX~~

24/6/2018