

UNILATERAL UNDERTAKING

GIVEN BY

The Trustees of Reading Gospel Hall Trust

TO

Wokingham Borough Council

Pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)

IN RESPECT OF

**Sui generis members retail club at Front Plot of Shinfield Court, Church Lane,
Three Mile Cross, RG7 1HB**

THIS DEED OF UNDERTAKING is made on the

Between:

(1) **Charles Andrew White, Richard James Hearn, Roger David Humphreys and Howard Tennent being the current Trustees of Reading Gospel Hall Trust** C/O 62 Wokingham Road, Crowthorne, RG45 7QA (**"the Owners"**)

to

(2) **Wokingham Borough Council** of Shute End, Wokingham, RG40 1BN (**"the Council"**)

RECITALS

this Deed relates to a planning application submitted with reference 243126 (**"the Application"**) for a sui generis members retail club (**"the Store"**) at the front Plot of Shinfield Court, Church Lane, Three Mile Cross, RG7 1HB as shown edged red on the attached plan (**"the Property"**).

- (1) The Owners are the registered proprietors of the Property at HM Land Registry registered under title number BK292607.
- (2) The Council is the local planning authority for the purposes of the Town and Country Planning Act 1990 (as amended) (**"the Act"**) for the Borough of Wokingham within which the Property is situated.
- (3) The Owners have by the Application applied to the Council for permission to erect a building upon and change the use of part of the Property and such permission if granted shall be referred to in this deed as the Planning Permission
- (4) The Owners have determined to enter into a unilateral planning obligation by way of this deed as hereinafter set out with the intent that the covenants by the Owners contained in paragraph (6) hereto shall be planning obligations for the purposes of Section 106 of the Act and shall bind the interests held by the Owners in the Property and their respective successors and assigns.
- (5) The planning obligations imposed upon the Owners pursuant to Section 106 of the Act in this deed are enforceable by the Council as local planning authority against the Owners and its successors in title and assigns and the persons claiming under or through it.

OPERATIVE CLAUSES

- 1 The Owners hereby covenant with the Council that the use of the Store in accordance with the Planning Permission to be granted pursuant to the Application will be restricted solely for use by members of the Plymouth Brethren Christian Church, and that no independent use of the Store will be permitted.
- 2 No person shall be liable for any breach of a covenant, restriction or obligation 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.
- 3 The obligations in this deed shall cease to have effect if before the change of use is implemented, the Planning Permission granted pursuant to the Application:
 - 3.1 expires; or
 - 3.2 is varied or revoked other than at the request of the Owners; or
 - 3.3 is quashed following a successful legal challenge or
 - 3.4 is modified by statutory procedure
- 4 The Owner shall pay the Council's reasonable and proper legal fees in connection with the preparation and completion of this deed
- 5 The Owner covenants to give the Council immediate written notice of any change in ownership of any of its interests in the Property
- 6 This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England.
- 7 A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed
- 8 This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Signed as a deed by **Charles Andrew White** as
Trustee of Reading Gospel Hall Trust

Signed as a deed by **Richard James Hearn** as
Trustee of Reading Gospel Hall Trust

Signed as a deed by **Roger David Humphreys** as
Trustee of Reading Gospel Hall Trust

Signed as a deed by **Howard Tennent** as
Trustee of Reading Gospel Hall Trust