



THIS AGREEMENT is made the twenty-seventh <sup>Day of February</sup>  
One thousand nine hundred and seventy-eight <sup>1978</sup> BETWEEN  
THE COUNCIL OF THE BOROUGH OF TORBAY (hereinafter called "the Council") of the one  
part and JULIAN RUSSELL SMITH and FRANCIS JOSEPH SOREY both of Harbour Sports  
South Quay The Harbour Paignton in the County of Devon (hereinafter called "the Owners"  
which expression shall include their successors in title) of the other part

WHEREAS :-

- (1) The Council is the local planning authority for the purposes of the Town and Country Planning Act 1971 (hereinafter called "the 1971 Act") for the district within which the land and building known as The Harbour Stores South Quay Paignton aforesaid and shown edged round in red on Drawing Number 2690 annexed hereto is situated (hereinafter referred to as "the said building")
- (2) The Owners are the registered proprietors with title absolute under Title Number DN 40493 of the Lower Store of the said building Subject to the entries disclosed in the Register of the said Title but otherwise free from incumbrances
- (3) By a Decision Notice dated the Seventeenth day of January One thousand nine hundred and seventy-eight planning permission was granted by the Council (inter alia) for the construction of a new first floor in the Lower Store of the said building which work has not yet been carried out