

3893

Dated *twelfth July* . 2000

**McDERMOTT DEVELOPMENTS LIMITED.**

**UNILATERAL UNDERTAKING**

**in respect of**

**Installation of Traffic Calming**

**at**

**Grasmere Road, Helmshore**

**Rossendale**

This UNILATERAL UNDERTAKING is made  
the twelfth day of July 2000

BY

**McDERMOTT DEVELOPMENTS LIMITED**

(Company Registration Number 2701792)

whose registered office is situated at Moseley House, Rosehill Road, Burnley, Lancashire BB11 2JS (hereinafter called "the Company")

**DEFINITIONS**

- I. "the Company" is as aforesaid and has entered into a contract for the purchase of the Site from Valuescene Limited conditional on the grant of the hereinafter mentioned Planning Permission.
- II. "the Site" is the freehold land at Private Lane and Broadway, Helmshore, Rossendale registered at H.M. Land Registry under title number LA671261 as shown on the attached Plan no.1.
- III. "the Application" is the application for planning permission dated 20 April 2000 and registered by the Council as a planning application on 20 April 2000 under reference 2000/193
- IV. "Unilateral Undertaking" is the undertaking given by the Company to the Council under s.106 of the Town & Country Planning Act 1990 ("the 1990 Act") as substituted by s.12 (1) of the Planning & Compensation Act 1991.
- V. "the Council" is the Rossendale Borough Council the local planning authority for the purposes of the 1990 Act for the area in which the Site is situated and by whom this Undertaking is enforceable.
- VI. "the Development" is the installation of roads, sewers and services, the construction of dwellings and the landscaping on the Site as permitted by the planning permission granted pursuant to the Application.
- VII. "the Highway Authority" is Lancashire County Council.

**THE COMPANY HEREBY DECLARES AND UNDERTAKES as follows :-**

1. This Unilateral Undertaking is a planning obligation for the purposes of s.106 of the 1990 Act.
2. Nothing herein contained or implied shall prejudice or affect the rights discretions duties powers or obligations of the Council under all statutes by-laws statutory instruments orders or regulations in exercise of its function as a Local Authority

3. The obligations under this Unilateral Undertaking will not have any effect unless any planning permission granted in respect of the Application has been implemented by the Company or its successors in title by carrying out a material operation pursuant to section 56 (4) (a) to (d) of the 1990 Act. PROVIDED that any planning permission shall not be deemed to be implemented for the purpose of this clause by the carrying out of any preliminary drainage works archaeological works site or soil investigation erection of site huts erection of hoarding or fences and the treatment and/or removal of any demolition material.
4. The Council considers that it might be necessary to implement traffic calming measures on Grasmere Road to reduce the impact of possible increased traffic flow generated on that road as a result of carrying out the Development in conformity with any Planning Permission implemented in accordance with the Application.
5. The Company for itself and its successors in title hereby undertakes to make a financial contribution to the Council in accordance with clause 7 PROVIDED that no person shall have any obligations or liability under the terms of this Unilateral Undertaking in respect of the Site once it ceases to have an interest in the Site but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest.
6. Within 28 days of commencement of construction of dwellings on the Site pursuant to section 56 of the 1990 Act it will give to the Council written notice specifying the date on which construction commenced.
7. Within 28 days of the date to be certified by the Borough Engineer and Planning Officer for the time being of the Council as the date of completion of the installation of the traffic calming measures shown upon attached Plan no.2. and detailed upon the letter dated 14 June, 2000 from the Council to the Company attached thereto or such alternate traffic calming scheme as shall be required by the Highway Authority, the Company will pay to the Council a contribution up to a maximum of £8280 towards the cost of such installation.
8. This Undertaking shall be registered as a Local Land Charge.

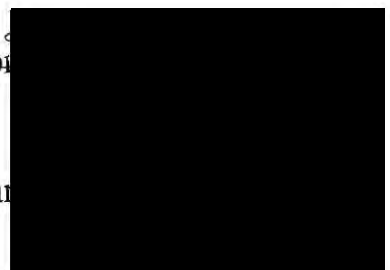
IN WITNESS WHEREOF the Company has executed this document as a deed the day and year first before written.

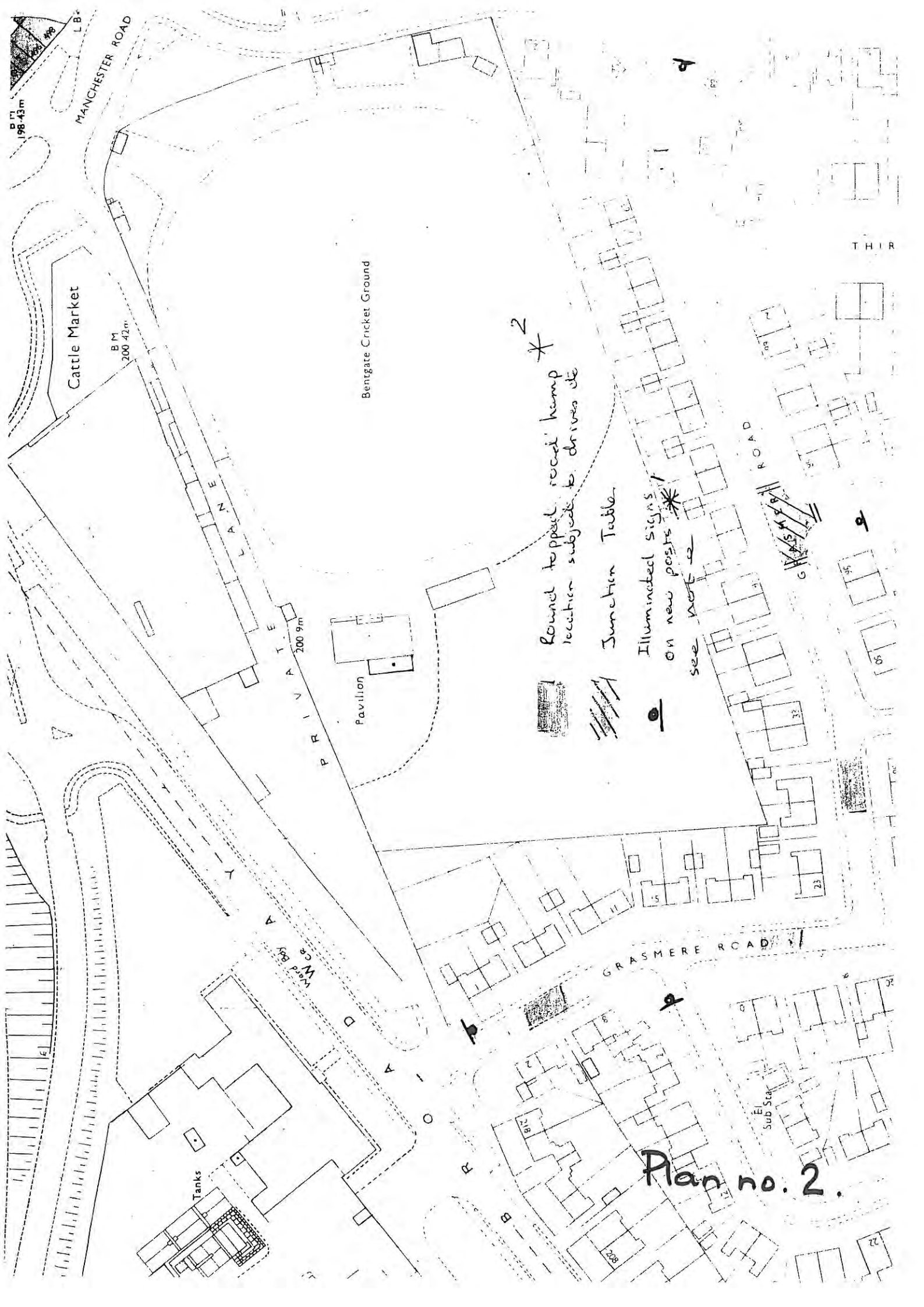
The Common Seal of  
McDermott Developments Limited  
was hereunto affixed  
in the presence of : -



Director

Secretar





Round topped road hump  
location subject to drives etc

Junction Table

Illuminated signs  
on new posts  
see note



2

Plan no. 2.

# Borough of Rossendale

Mr John Cowpe, F.R.I.C.S., M.R.T.P.I., M.I.Mgt.  
Borough Engineer and Planning Officer

Our ref. JBH/LC/2000/93

Your ref.

When calling or telephoning please ask for .....  
Mr. J. B. Haines

Planning Manager  
Please reply to .....

14th June, 2000

McDermott Developments Ltd.,  
321 Padiham Road,  
Burnley,  
Lancs. BB12 6SU

For the attention Brian Bennett - Land Manager

Dear Sir,

Re. Residential Development : Cattle Market Site,

Private Lane, Haslingden

Further to the consideration of your application for this site at the Engineering and Planning Committee on Monday 12th June, 2000 you will be aware that, as Mr. Sheasby and Mr. Haines have discussed with you, it is considered that the development of this site and its consequential closure of Private Lane at its Manchester Road junction will divert traffic onto the adjacent estate via Grasmere Road. To discourage such movements and to reduce the deleterious impact on the safety on that estate it is considered that traffic calming is required.

In accordance with the sketch plan shown to you on Wednesday 14th June (copy enclosed) it was indicated that this would involve four round topped road humps (exact locations subject to detailed agreement in relation to private drives etc.) one junction table (with Rydal Road) and four illuminated warning signs.

The cost of these works will be in the region of:-

Carriageway Works	£ 5,000
Signs 4 @ £550	£ 2,200
	<hr/>
	£ 7,200
15% Contingencies Admin. Etc.	£ 1,080
	<hr/>
Total	£ 8,280

Subject to detailed design it might be possible to mount the warning signs on existing lighting columns and this would enable a saving of up to a maximum of £2,000. The exact figure will be determined upon the production of a detailed scheme.

If you are able to indicate your willingness to complete a unilateral planning obligation to pay for these off site works I will be able to represent your application at the earliest opportunity.

Yours faithfully

Borough Engineer and

Enc.

Stubblee Hall, Bacup, Lancashire, OL13 0DE

Letter attached  
to Plan no. 2.



3893.

NOTE TO MRS. G. PLATT, CLERICAL ASSISTANT  
FROM MR. R. W. LESTER, ASSISTANT SOLICITOR  
18th July 2000,

UNDERTAKING - SECTION 106, TOWN AND COUNTRY PLANNING ACT 1990.  
PLANNING APPLICATION 2000/193. LAND AT PRIVATE LANE/BROADWAY,  
HELMSHORE. McDERMOTT DEVELOPMENTS LIMITED.

Please index and file in Strongroom the attached unilateral planning undertaking.

