

**NOTICE OF COMPLETION OF
S.106 LEGAL AGREEMENT**

TO: BRIAN SHEASBY
KEITH BELL
PHIL SEDDON
VINCENT HINDLEY – PLEASE REGISTER AS A LOCAL LAND CHARGE
ADRIAN HARDING

FROM: LINDA FISHER

LEGAL FILE NO: Z.12/273

The following has been completed:

Planning Ref: APP/2006/696

Proposal: Erection of 21 dwellings including the installation of roads and sewers, on land to the west of Burnley Road East, Whitewell Bottom and north east of Douglas Road, Bacup.

Completion Date (as on Deed) 4th April 2007

Parties: Unilateral Undertaking – McDermott Developments Ltd.

Terms: Pay contribution to the provision and maintenance of public and incidental open spaces of £1,000 per dwelling, totalling £21,000.

Receipt of money: Prior to first occupation of any of the dwellings.

Request for payments: _____

Details: _____

Others: _____

Commuted Sum: _____ **Amount** _____

* Planning permission can now be issued
* Please now register the Section 106 Agreement in Part 2
of the Planning Register

LEG.534



Planning
Application No

APP/2006 / 696

Site Details

Date Legal Agreement signed

4th April 2007

Confirmation that planning permission can be issued and legal agreement checked

Name: Linda Fisher

Date: 21/5/2007

Signature: 

DATED

Fourth day of April . 2007

ROSSENDALE BOROUGH COUNCIL (1)

MCDERMOTT DEVELOPMENTS LIMITED (2)

UNILATERAL UNDERTAKING

Section 106 Town & Country Planning Act 1990

LAND OFF BURNLEY ROAD EAST
WHITEWELL BOTTOM

THIS UNILATERAL UNDERTAKING is given this 4th day of April
Two thousand and SEVEN

TO ROSSENDALE BOROUGH COUNCIL of The Town Hall, Rawtenstall,
Rossendale BB4 7LZ ("the Council") of the first part

BY MCDERMOTT DEVELOPMENTS LIMITED of The Portal, Bridgewater Close,
Network 65 Business Park, Burnley, BB11 5TT ("the Developer") of the second part

DEFINITIONS

- (i) "the Act" means the Town & Country Planning Act 1990 as amended.
- (ii) "the Dwellings" shall mean the individual residential units comprised within the Development
- (iii) "the Application" means the application given the reference number 2006/696 and registered 18 January 2007 for the approval of matters reserved on the grant of Outline Planning Permission made under S78 of the Town & Country Planning Act 1990 and dated 19 April 2004 and given the reference number APP/B2355/A/03/1133838
- (iv) "the Development" means the proposed residential development of the Property in the manner and for the uses set out in the plans specifications and particulars submitted to the Council as the Application

- (v) "the Permission" means the Planning Permission granted pursuant to the Application
- (vi) "the Plan" means the plan annexed hereto
- (vii) "the Property" means the Property described in the First Schedule to this Agreement

WHEREAS:

- (i) The Council is the Local Planning Authority (LPA) for the purposes of the Act for the district within which the property is situated.
- (ii) The Developer is registered at H M Land Registrar as the Proprietor of the property under Titles numbered LA815185 and LA966545.
- (iii) The Developer has applied to the Council for Planning Permission to carry out the Development.
- (iv) The planning purpose of this Unilateral Undertaking is to provide a financial contribution to open space and secure the maintenance thereof which will provide for the needs of the prospective residents of the neighbourhood in general.

NOW THIS UNILATERAL UNDERTAKING WITNESSETH:-

1. THIS Unilateral Undertaking is made pursuant to Section 106 of the Act as substituted by the Planning and Compensation Act 1991 and to all other enabling powers statutory or otherwise.

2. THIS Unilateral Undertaking is conditional upon:-

- (a) the Permission being granted by the Council for the Development and
- (b) the implementation of the Permission by the commencement of the Development and in the event of the Development not being commenced in accordance with the provisions of Section 56 and Sections 91 to 93 of the Act so that the Permission shall lapse this Unilateral Undertaking shall absolutely determine and be of no effect.

3. THE Developer hereby covenants with the Council that the Developer shall pay to the Council a sum representing a contribution to the provision and maintenance of such public and incidental open spaces amounting to £1000 per dwelling and totalling £21,000 (twenty one thousand pounds only) prior to first occupation of any of the dwellings.

4. THE expressions “the Council” and “the Developer” shall include their respective successors in title and assigns.

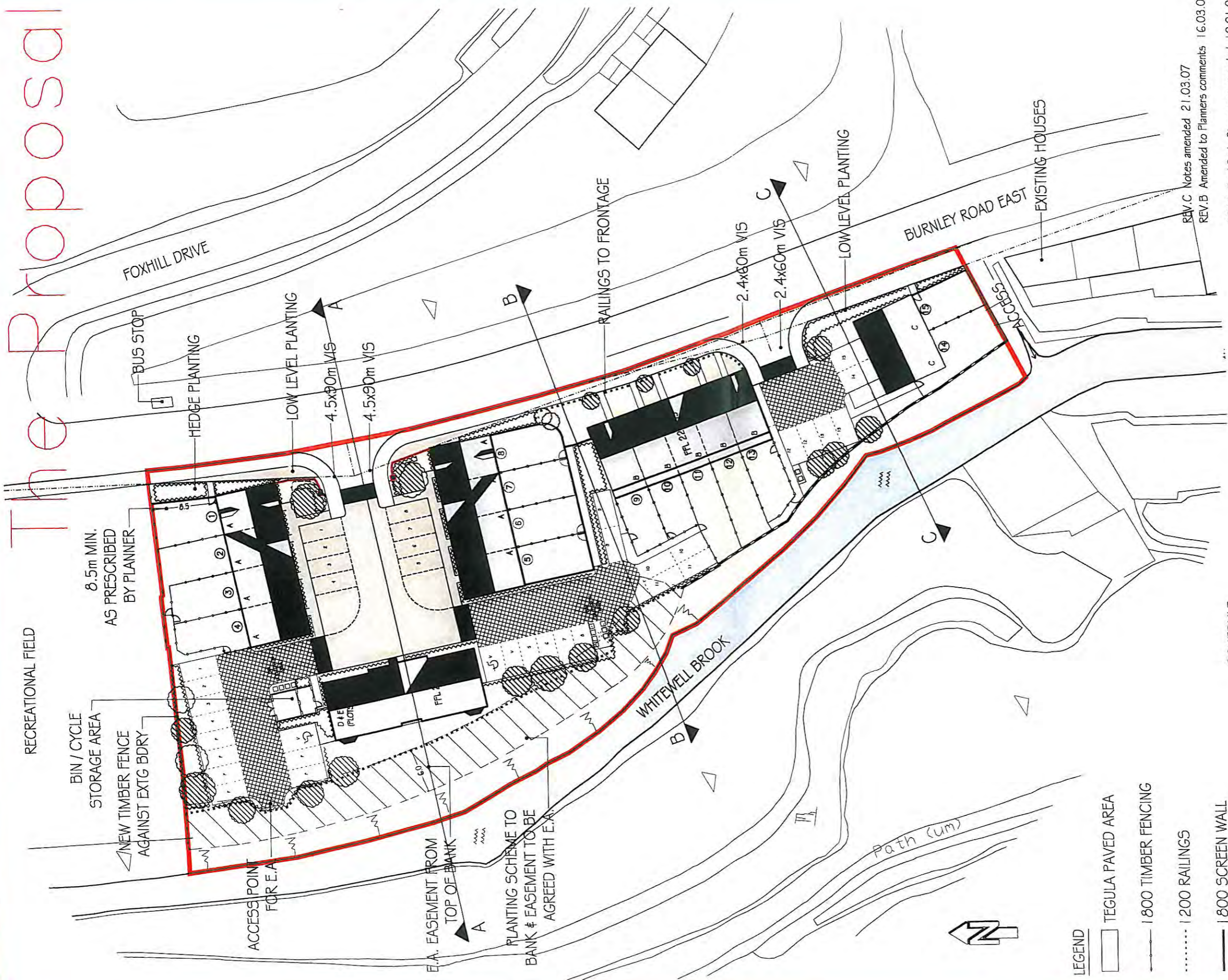
5. IN this Unilateral Undertaking the words imparting the masculine gender shall be deemed to include the feminine and the singular to include the plural and vice versa unless the contrary as to gender or number is expressly provided or unless the same is inconsistent within the context.

6. THE obligations hereby entered into by the Developer are planning obligations for the purposes of Section 106 of the Act and the LPA by whom they are enforceable is the Council

7. NO party shall be liable for any breach of this Unilateral Undertaking unless it holds an interest in the Property in respect of which such breach occurs or held such interest at the date of the breach

8. THE Developer shall reimburse to the Council any fees paid to HM Land Registry and other disbursements including company search fees in connection herewith.

The Proposal



LEGEND

- TEGULA PAVED AREA
- 1800 TIMBER FENCING
- 1200 RAILINGS
- 1800 SCREEN WALL
- 1100 WALL / RAILING
- 1100 RAILING ON TOP OF RECONSTRUCTED RETAINING WALL
- ~~~ INDICATIVE PLANTING
- ⊙ INDICATIVE TREE PLANTING
- ▶ ADDITIONAL FEATURE WINDOW/S OR "WINDOW TAX" DETAIL

SCHEDULE

- A - CHATSWORTH (1062/12/2ft²)
- B - DELAMERE (1205/11/3ft²)
- C - MARLBOROUGH (1100ft²)
- D - LODGE GF APARTMENT (708ft²)
- E - LODGE 1/2F APARTMENTS (736/72)
- TOTAL

Directo
 AREA = 1.05acres (G); 0.89acres (N)
 DENSITY = 49.4 / Ha
 COVERAGE = 2447 ft²/acre
 Director
 04 A

Type **BURNLEY ROAD EAST**
 Planning Layout

Scale: 1:500 @ A3 Date Oct 06

REV.C Notes amended 21.03.07
 REV.B Amended to Planners comments 16.03.07
 REV.A Bin / Cycle Store area amended 10.01.07
 FFLs added, section lines added

WHIT - PL - 01 C

FIRST SCHEDULE

The Property

The land to the west of Burnley Rd East, Whitewell Bottom and north east of Douglas Road Bacup Rossendale Lancashire registered at HM Land Registry under title numbers LA815185 and LA966545 and shown for the purposes of identification only edged red on the Plan.

SECOND SCHEDULE

The Development

The erection of twenty one dwellings including the installation of roads and sewers and the provision of landscaping as shown on drawing numbered WHIT-PL-01C

SIGNED on behalf of the said McDermott Developments Limited

Director

Director / ~~Secretary~~



Two horizontal lines representing signature lines, one for the Director and one for the Director / Secretary, both of which are redacted by a black box.