

Rossendale Borough Council

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

TO: DIANE DUNGWORTH  
SOPHIE ANDERSON  
SANDRA GRIMSHAW  
KEITH BELL  
TAMZIN PERCIVAL  
NEIL BIRTLES  
VINCENT HINDLEY – PLEASE REGISTER AS A LOCAL LAND CHARGE

FROM: LORNA MCSHANE

LEGAL FILE NO: Z12-001637

The following has been completed:

Planning Ref: APP/2012/539

Proposal: Erection of 39 dwellings. Facit Mill, Market Street, Whitworth

Completion Date (as on Deed) 19<sup>th</sup> February 2013

- Parties
1. Andrew Mercer Developments LLP
  2. Countryside Properties (UK) Limited
  3. Rossendale Borough Council

Terms \_\_\_\_\_

Receipt of money - Legal costs of £150 paid Pd. 22/2/13

Request for payments £1,500 for a Traffic Regulation Order to be paid prior to commencement of development

Details Trigger point - prior to commencement.

Others No time limit.

Commuted Sum \_\_\_\_\_ Amount £1,500

Invoice  
113113  
Pd 13/5/13

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

utilised 2015/16

**LEGAL AGREEMENT CONFIRMATION FORM**

**Planning  
Application No**

**APP/2012 /539**

**Site Details**

**Date Legal Agreement signed**

19<sup>th</sup> February 2013

**Confirmation that planning permission can be issued and legal agreement checked**

**Name: Stuart Sugarman**

**Date:**

**Signature: .....**

Updated 22.3.10

DATED 19<sup>th</sup> FEBRUARY 2013

**ANDREW MERCER DEVELOPMENTS LLP**

**AND**

**COUNTRYSIDE PROPERTIES LAND (UK) LIMITED**

**TO**

**ROSSENDALE BOROUGH COUNCIL**

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**UNILATERAL UNDERTAKING**

Pursuant to Section 106 Town and Country Planning Act 1990  
in relation to Facit Mill Market Street Whitworth Rochdale OL12 8DP

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**THIS UNILATERAL UNDERTAKING** is given on the      day of      2013

**BY**

1. **ANDREW MERCER DEVELOPMENTS LLP** whose registered office is at Fallsworth Mill Ashton Road West Fallsworth Manchester M35 0FR (**"the Owner"**)
2. **COUNTRYSIDE PROPERTIES LAND (UK) LIMITED** whose registered office is at Countryside House The Drive Brentwood Essex CM13 3AT (**"the Developer"**)

**TO**

**ROSSENDALE BOROUGH COUNCIL** of The Business Centre Futures Park Bacup Rossendale OL13 0BB (**"the Council"**);

**WHEREAS:**

1. The Council is the local planning authority for the purposes of the Act for the area within which the Property is situated.
2. The Owner is registered at the Land Registry as proprietor with title absolute of the freehold interest in part of the Property under title numbers LA641692, LA944545 and LA941792
3. The Developer is entitled to acquire the Property pursuant to an Option Agreement dated 17 August 2012 and made between the Owner and the Developer
4. The Developer has by an Application dated 16 November 2012 under reference 2012-539 applied to the Council for planning permission for the Development on the Property.
5. In the event of the Planning Permission being granted, this Undertaking is given to make provision for regulating the Development and securing the matters hereinafter referred to which are required in order to enable the Development to go ahead

**NOW THIS DEED WITNESSETH** as follows:

1. In this Undertaking unless the context otherwise requires the following words and expressions and phrases shall have the meanings hereby ascribed to them:

"the Act"	Means the Town and Country Planning Act 1990 as amended
"Application"	full planning permission for the erection of 39 new build dwellings on the Property, being dealt with by the Council under reference 2012-539
"Commencement of the Development"	Means the commencement of the Development by the carrying out on the Property in accordance with the Planning Permission of a material operation as specified in Section 56(4) of the Act (but not including any operations relating to site investigations safety security or surveys or the demolition of any existing buildings, re-grading of the land, or clearance of or removal of contamination from the Site)
"Commencement Date"	Means the date upon which commencement of Development is anticipated
"Council"	Means the Council of Rossendale Borough of The Business Centre Futures Park Bacup Rossendale OL13 0BB
"Development"	Means development pursuant to the Planning Permission
"the Plan"	Means the plan attached to this Undertaking showing the boundaries of the Property edged red
"Planning Permission"	means a planning permission for the Development proposed pursuant to the Application but granted pursuant to the Appeal or otherwise and where the context so admits shall be construed to

include the Approved Reserved Matters

"Property" Means the land shown edged red on Plan 1 and described in the First Schedule

"Traffic Regulation Order Sum" Means a contribution towards Traffic Regulations Orders to be issued in respect of the Development in the sum of one thousand five hundred pounds (£1,500)

2. This Undertaking is entered into by the Owners pursuant to Section 106 of the Act and all other powers so enabling.
3. The obligations created by this Deed are planning obligations for the purposes of Section 106 of the Act and shall be binding and enforceable by the Council accordingly.
4. This Undertaking is conditional upon:
  - 4.1. The grant of Planning Permission for the Development by the Local Planning Authority pursuant to the Application; and
  - 4.2. The Commencement of the Development.
5. The Owner and the Developer with the intent to bind successors in title hereby undertake to the Council to perform the obligation (and that the Property shall be permanently subject to the restrictions and provisions) specified in the Second Schedule hereto, such obligations being planning obligations for the purposes of Section 106 of the Act.
6. The Owner and the Developer undertakes to give five days' written notice to the Council of the Intended Commencement Date
7. The Owner and the Developer give this Undertaking on the understanding that:-
  - 7.1. they shall not be bound by the planning obligations hereto after they have parted with their interest in the Property save for any subsisting breach of covenant prior to parting with such interest; and
  - 7.2. no liability shall attach to any registered provider who takes a freehold or leasehold interest in any affordable housing or any statutory undertaker

8. This Undertaking is a local land charge for the purposes of the Local Land Charges Act 1975 and may be registered as such.

#### FIRST SCHEDULE

##### The Property

All that plot of land shown edged red on Plan 1 being Facit Mill Market Street Whitworth Rochdale and comprising 2.2 hectares which is registered at the Land Registry under title numbers LA641692, LA944545 and LA 941792.

#### SECOND SCHEDULE

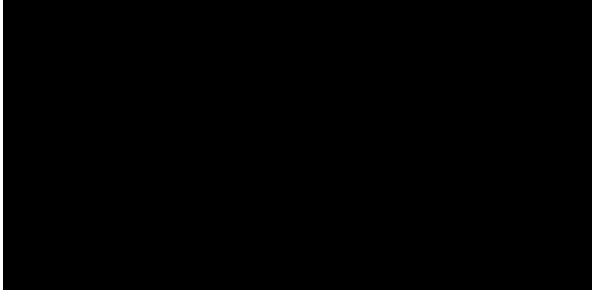
##### Owner's and Developer's Undertakings

*Be Lira  
Commitment* The Owner and the Developer hereby undertake to the Council not to commence the Development until the Traffic Regulation Order Sum has been paid to the Council, for the purpose of Issuing necessary Traffic Regulation Orders in respect of the Development.

**IN WITNESS WHEREOF** this Undertaking has been duly executed as a Deed by the Owners hereto the day and year first before written

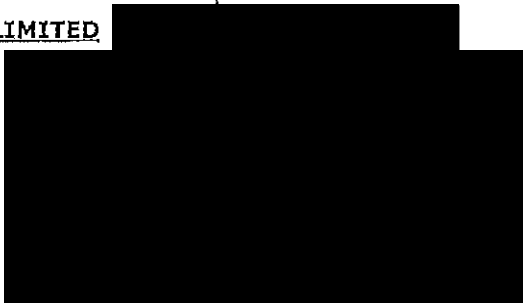


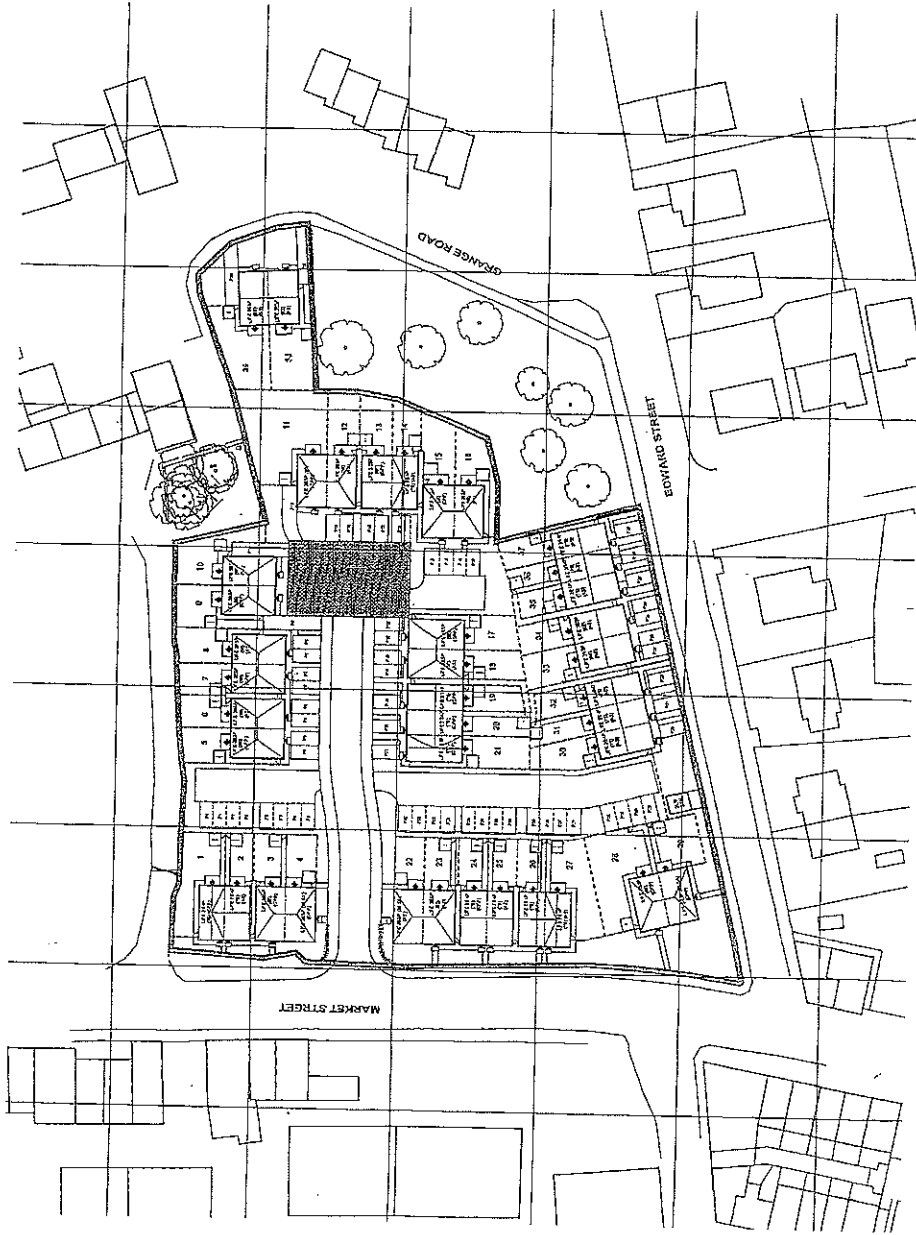
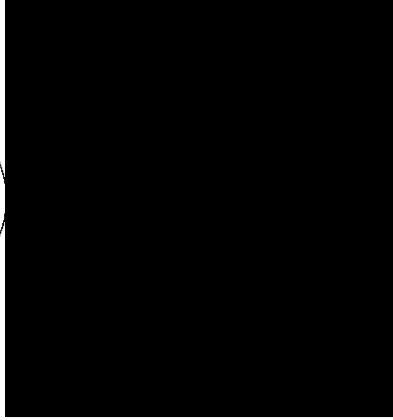
EXECUTED AS A DEED by the said  
ANDREW MERCER DEVELOPMENTS LLP  
In the presence of:-




Authorised Signatory


EXECUTED AS A DEED  
by affixing the Common Seal of  
COUNTRYSIDE PROPERTIES (UK) LIMITED  
In the presence of:

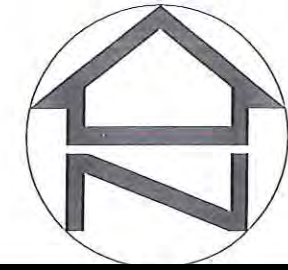





Former Facit Mill  
 Whitworth  
 Site Plan  
 OS Overlay

  
**Countryside Properties**  
 Countryside Properties (UK) Limited  
 Registered Office: 10th Floor  
 Canalside Drive  
 Warrington, Cheshire, CH1 2JF  
 Tel: 01925 249100 Fax: 01925 249111  
 www.countrysideproperties.com  
 Group SMI (Account: 5674) and 5675 (Company)

 drawing no: SK310/CON/01	drawn by: CLJ checked: scale: 1:1250 date: Jan 2013 sheet no:
drawing no: SK310/CON/01	revision:



  
**Countryside Properties**  
 Countryside Properties (UK) Limited  
 Regeneration North  
 Countryside House  
 Lakeside Drive  
 Centre Park  
 Warrington WA1 1RW  
 Tel: 01925 248900 Fax: 01925 248901  
 www.countryside-properties.com  
 Group Chief Architect: *Mette McLarney B Arch (Hons) RIBA*

site: **Former Facit Mill  
Whitworth**  


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 title: **Site Plan  
OS Overlay**

 <small>BSI BSI 5504 Quality Management ENIS 61202 Environmental Management</small>	drawing no: <b>SK310/CON/01</b>	drawn by: <b>CLJ</b> checked: scale: <b>1:1250</b> @A4 date: <b>Jan 2013</b>
	sheet no:	revision:

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