

Dated 12th April .2001

**McDERMOTT DEVELOPMENTS LIMITED**

**UNILATERAL UNDERTAKING**

**in respect of**

**PUBLIC OPEN SPACE PROVISION**

**at**

**HAMER AVENUE/GOODSHAW AVENUE NORTH**

**LOVECLOUGH**

**ROSSENDALE**



New kerb and 2.0m footpath  
 Dry stone wall to be rebuilt

P.O.S.  
 Public Open Space

Childrens Play Area.

Revisions  
 Rev A Rear boundary amended plots 94-97, 21/2/01  
 Rev B Side walls to corner plots relocated, 8/2/01

SCHEDULE	
Westbury	6
Welland	2
Winstar	26
Oakhurst	20
Arbury	19
Elwick	13
Fenton	12
Garth	11
<b>TOTAL</b>	<b>109</b>

# MOORLAND DRIVE

**ROBERT J CARTWRIGHT**  
 Architectural & Planning Services.

7 Hillcrest Avenue, Holmes Chapel, Cheshire, CH8 7DU.  
 Telephone and Fax No. 01477 312798

Client  
**McDermott DEVELOPMENTS**  
 Mowley House, Renshill Road, Bursley, Leics. NN11 2J5  
 Tel: 01282 411632 Fax: 01282 411433

Contract  
**LAND AT HAMER AVENUE LOVECLOUGH.**

Dwg.  
**SITE LAYOUT**

Scale  
**1:1000**

Date  
**FEB 2001**

Dwg. No. **SL 1** Rev. **B**

**PLAN NO 1**

**This UNILATERAL UNDERTAKING is made**  
the 12th day of Aug, 2001

**BY**

**McDERMOTT DEVELOPMENTS LIMITED**

**(Company Registration Number 2701792)**

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

**DEFINITIONS**

- I "the Company" is as aforesaid and has agreed with the Council to purchase of the Site from Rossendale Borough Council conditional upon the grant of the hereinafter mentioned Planning Permission.**
  - II "the Site" is the freehold land at Hamer Avenue, Goodshaw Avenue North and Goodshaw Lane verged in red on the attached Plan no.1**
  - III "the Application" is the application for planning permission dated 5th June 2000 and registered by the Council as a planning application on the same date under reference 200/278.**
  - IV "Unilateral Undertaking" is the undertaking given by the Company to the Council under s.106 Town & Country Planning Act 1990 ("the 1990 Act") as substituted by s.12(1) 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 Unilateral Undertaking is enforceable.**
  - VI "the Development" is the installation of roads, sewers and services, the construction of dwellings and landscaping on the Site as permitted by the planning permission ("the Planning Permission") granted pursuant to the application for 109 dwelling houses.**
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**THE COMPANY HEREBY DECLARES AND UNDERTAKES as follows:-**

- 1. This Unilateral Undertaking is a planning obligation for the purpose 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 functions as a Local Authority.**
- 3. The obligations under this Unilateral Undertaking will not have any effect unless the Planning Permission has been implemented by the Company or its successors in title by carrying out a material operation pursuant to s.56(4)(a) to (d) of the 1990 Act. PROVIDED that the 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 has considered the size, type and location of public open space in close proximity to the Development and has concluded that it would be inappropriate to provide within the Development the full extent of public open space as required by the current Rossendale Local Plan.**
- 5. The Company for itself and its successors in title in consideration of a relaxed standard of provision of public open space within the Development hereby undertakes as follows:-**
  - a) To provide and landscape at its own expense an area of public open space within the Development at the position noted on the application drawings entitled Site Layout and numbered SL1 rev.B and to dedicate such public open space to the Council upon completion for that exclusive use.**
  - b) To prepare and equip a children's play area in accordance with the attached drawing and schedule and subject to the grant of planning permission for which the Company will make application within twenty-eight days of completion of its purchase**

of the Site on land owned by the Council adjacent to 6 Hamer Avenue possession of the land being granted to the Company by the Council by way of a licence to carry out the work. In the event that the planning permission is refused or granted subject to conditions which have significant adverse financial implications for the Company it shall immediately pay to the Council the sum of £10000 upon receipt of which sum the Council shall immediately certify that the Company's Unilateral Undertaking in respect of this sub-clause has been discharged.

c) To pay to the Council the sum of £25000 to i) secure the long-term maintenance of the public open space the subject of item a) and ii) assist in the upgrading of existing recreational facilities at Loveclough Park or Loveclough Recreation Ground or both.

d) Item a) will be effected upon completion of the Development and the Company will notify the Council within 28 days of such completion.

e) Item b) will be effected upon completion of construction of the proposed dwelling houses numbered 6 to 16 inclusive adjacent thereto.

f) Payment to the Council of the sum specified in c) shall be as follows i) £10000 within 12 months of the date of the grant of the Planning Permission and ii) £15000 upon completion of item a).

6. This undertaking shall be registered as a Local Land Charge.

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

The Common Seal of  
McDermott Developments Ltd  
was hereunto fixed  
in the presence of :-



Director

Secreta

Residential Development  
Hamer Avenue,  
Loveclough,  
Rossendale

Schedule for Equipment for Toddlers Play Area

From Wicksteed Leisure or other approved

1.	Rocking horse	-	Rocking Rocket	£	4496
2.	Spring mobile	-	Motorcycle		1529
3.	Single arch swing 6' cradle seat -				2118
4.	Fencing + gates				1757

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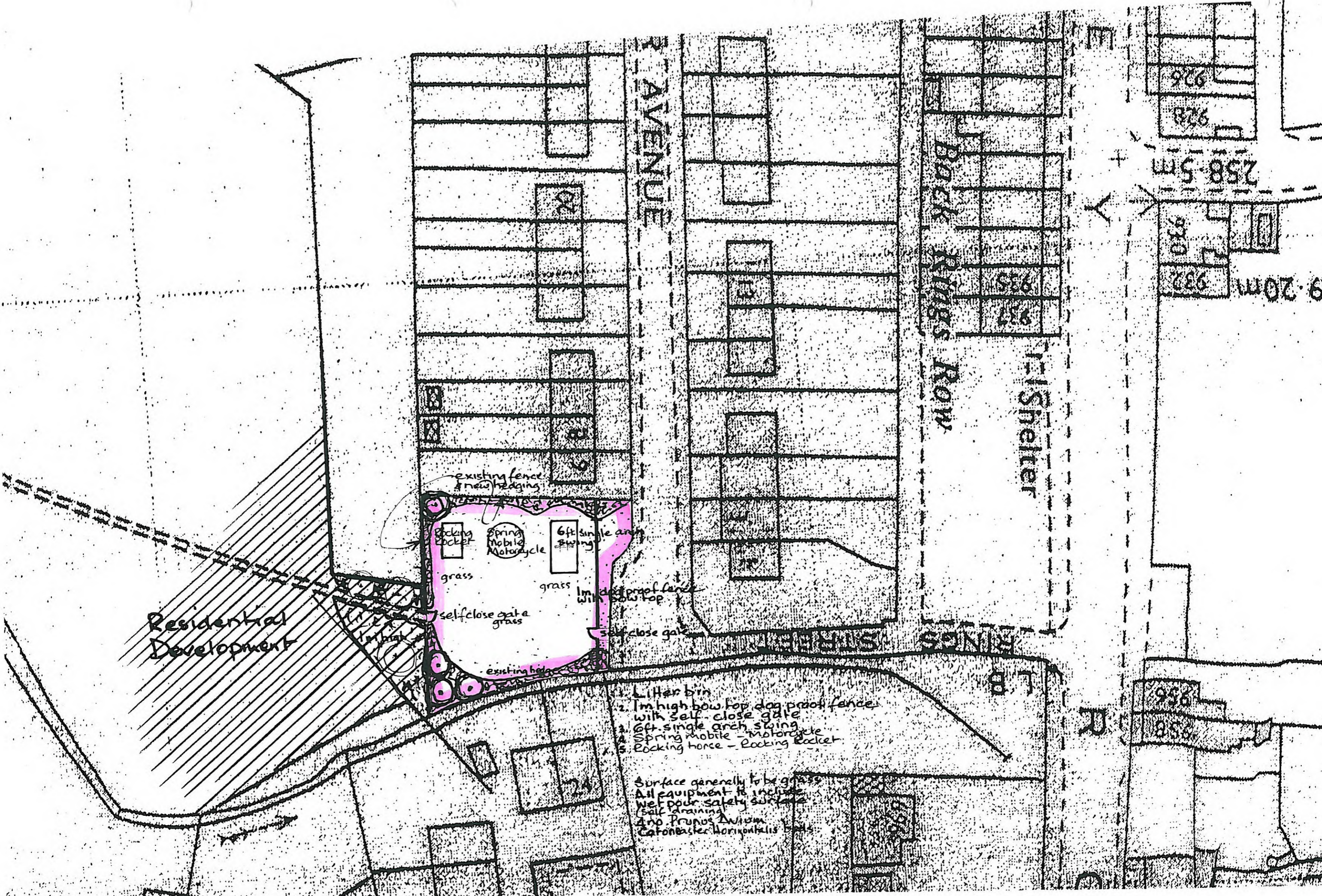
£ 9900

5. Commuted sum for maintenance payable to Rossendale  
Borough Council when the play area is handed over -

100

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£ 10,000

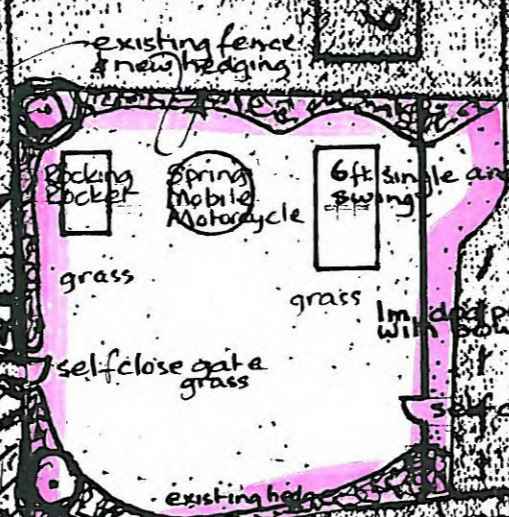


R AVENUE

BACK YARDS ROW

Shelter

Residential Development



1. Litter bin
2. 1m high bow top dog proof fence with self-close gate
3. 6ft single arch swing
4. Spring mobile - Motorcycle
5. Rocking horse - Rocking Rocket

Surface generally to be grass  
 All equipment to include  
 wet pour safety surface  
 self draining  
 2no. Prunus Avium  
 Cotoneaster horizontalis balls

926  
 928  
 258.5m

930  
 932  
 9.20m

936  
 938