

Template Unilateral Undertaking (Traffic Regulation Order)

Dated

2021

UNILATERAL UNDERTAKING

GIVEN BY

(1) GSK DEVELOPMENT SOLUTIONS LIMITED

TO

(2) WARWICK DISTRICT COUNCIL

AND

(3) WARWICKSHIRE COUNTY COUNCIL

Pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)

IN RESPECT OF

Land at

16 CROSS STREET LEAMINGTON SPA CV32 5AJ

- 1.8 "Occupation and Occupied" means occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation for security purposes
- 1.9 "the Planning Obligations" means the covenants by the Owner contained in the Second Schedule hereto
- 1.10 "the Planning Permission" means a planning permission granted (whether by the Council or otherwise) in respect of the Application
- 1.12 "Traffic Regulation Order Contribution" means the sum of £3,000.00 to be paid in accordance with the Second Schedule
- 1.13 Words importing one gender shall be construed as importing any other gender
- 1.14 Words importing the singular shall be construed as importing the plural and vice versa
- 1.15 The clause and paragraph headings in the body of this Deed and in the Schedules hereto do not form part of this Deed and shall not be taken into account in its construction or interpretation

2. The Planning Obligations

- 2.1 This Deed is made pursuant to Section 106 of the Act
- 2.2 The Planning Obligations are planning obligations for the purposes of Section 106 of the Act
- 2.3 The Council is the Local Planning Authority and the County Council the local highways authority by whom the Planning Obligations are enforceable
- 2.4 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Land but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 2.5 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council and County Council the successors to their statutory functions save where specifically provided to the contrary by this Deed.

3. Commencement

This undertaking shall come into effect upon the date written above but the obligations contained herein shall become effective only upon the grant of Planning Permission.

4. Conditionality

With the exception of clauses 2, 4, 7 and 10 (which take effect immediately), this deed is conditional on the grant and issue of the Planning Permission.

5. Owner's Covenants

The Owner covenants with the Council and the County Council to observe and perform the Covenants as set out in the Second Schedule.

6. Determination of deed

The obligations in this deed (with the exception of clause 7) shall cease to have effect if before the Commencement of Development, the Planning Permission:

- 6.1 expires;
- 6.2 is varied or revoked other than at the request of the Owner; or
- 6.3 is quashed following a successful legal challenge.

7. Council and County Council's costs

The Owner shall pay to the Council and County Council on or before the date of this deed the reasonable and proper legal costs incurred by the Council and County Council in connection with the negotiation, completion and registration of this deed.

8. Indexation

All sums of money payable to the County Council and the Council under this Deed shall be Index Linked

9. Interest

If any payment due under the Second Schedule is paid late Interest shall be payable from the date payment is due to the date of payment.

10. Miscellaneous

10.1 This Deed is registerable as a local land charge by the Council

10.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999

THE FIRST SCHEDULE

The Land

The freehold land being 16 Cross Street, Leamington Spa CV32 5AJ registered at HM Land Registry under title number WK289967 and shown edged red on the plan attached hereto.

THE SECOND SCHEDULE

The Owner's Covenants

1. The Owner covenants with the Council and the County Council to:

- a. pay to the County Council within the period of 8 weeks following the Commencement of Development the Traffic Regulation Order Contribution which shall be used for amending the Traffic Regulation Order governing the residents' parking scheme in the vicinity of the Land to exclude the Land as developed by the Development from the said scheme so that the occupants of the dwellings on the Land shall not be entitled to resident parking permits.
- b. to notify the County Council in writing of first Occupation of the Land within 7 days of that first Occupation taking place such notice to be addressed to the Infrastructure Delivery Manager, Communities, Warwickshire County Council, Barrack Street, Warwick, CV34 4SX.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

EXECUTED AS A DEED by
GSK DEVELOPMENT
SOLUTIONS LIMITED
acting by

Director