

Dated 2 October 2015

The Owner: Micasa Developments Ltd
With Consent of mortgagee : none
In favour of Arun District Council

UNILATERAL UNDERTAKING

Under Section 106 of the Town and Country Planning Act 1990 Concerning Land
At 4 Lake Lane Barnham
Planning Application Ref BN/23/15
Contributions for Affordable Housing of £1876

Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF
Tel: 01903 737500
DX: 57406 Littlehampton

JL 

THIS UNILATERAL UNDERTAKING is given this 2nd October 2015
2015

By Micasa Developments Ltd Co reg No 07600828

Of Potwell Close Arundel Road Walberton Arundel BN18 0QP
("the Owner")

With the consent of ----- Note on form :-There is no mortgagee
Of

("Mortgagee") who executes this Deed to confirm
such consent

IN FAVOUR OF Arun District Council of Arun Civic Centre Maltravers Road
Littlehampton West Sussex BN 17 5LF ("the Council")

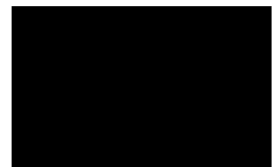
1. Background

- 1.1 The Owner is the freehold owner of the Land.
- 1.2 Arun District Council is the local planning authority for the purposes of this Deed for the area within which the Land is situated
- 1.3 The Owner has by the Application applied to the Council for planning permission to develop the Land
- 1.4 The Council has not determined the Application
- 1.5 In order to secure the best use of land and a properly planned environment the Owner is desirous of binding the Land in the terms set out hereinafter

2. Definitions

In this Undertaking

- 2.1 Any reference to a clause is to one in this Deed and the headings of clauses are for ease of reference and do not form part of this Deed
- 2.2 In the absence of contrary provision any reference to a statute includes any statutory modification or re-enactment of it and every statutory instrument, direction, specification made or issued under the statute or deriving validity from it



- 2.3 'The Act' means the Town and Country Planning Act 1990 (as amended)
- 2.4 'Application' means the planning application number Ref BN23/15 for planning permission made by the Owner to develop the Land by
- 2.5 "Affordable Housing Contribution" means the sum of £ 1876 for the purpose of providing or helping to provide Affordable Housing as Affordable Housing is defined within Annex 2 Glossary National Planning Policy Framework dated 27 March 2012 as amended from time to time
- 2.6 Land' means the land at
- 2.7 "Development" means the development authorised by the Planning Permission issued pursuant to the Application

3 Enabling Provisions

- 3.1 This Unilateral Undertaking:
- 3.1.1 is given by the Owner to the Council
- 3.1.2 is made pursuant to the provisions of S106 of the Act
- 3.1.3 is a planning obligation for the purposes of that S106 of the Act
- 3.1.4 is given with the intent to bind the Owner's interest in the Land
- 3.1.5 shall be enforceable by the Council as local planning authority
- 3.1.6 is executed by the Owner as a Deed

4. Commencement

The provisions of this Deed shall take effect on the completion of this Deed of undertaking by the Owner

5. Contributions

The Owner undertakes to pay to the Council the Affordable Housing Contribution on or before commencement of the Development under S56 of the Act to be authorised by any Planning Permission issued pursuant to the Application

- 6.2 For the avoidance of doubt the Council shall be entitled to utilise a proportion of any monetary contributions specified in this Deed for related

project costs up to a maximum of 5% of the sum or £15,000 which ever shall be the larger

6.3 For the avoidance of doubt the above charges are standard charges and shall not preclude the Council from claiming and receiving any additional monitoring and legal or enforcement costs above and beyond these standard charges when circumstances require that they be incurred in pursuing full compliance with this Deed whether through the courts or otherwise

7. Registration of this Unilateral Undertaking

The Owner acknowledges that this Unilateral Undertaking shall be registered as a local land charge in the Register of Local Land Charges maintained by the Council

8. Repayment Clause

The Sum of the Contribution payable under this Deed shall be repaid to the Owner as the Original Payer but without incurring any interest or any other costs on :-

- (a) Withdrawal of the Planning Application
- (b) Refusal of the Planning Application by the Local Planning Authority or ,in the event of an appeal ,on appeal whichever is the later
- (c) Expiry of Planning Permission without commencement of the Development

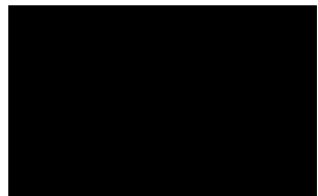
8 Costs

The Owner undertakes to pay to the Council the sum of its reasonable legal costs of £200 on or before Completion of this Deed.

9. General

9.1 This Deed shall not bind :-

- (a) Statutory undertakers within the meaning of S262 of the Act
- (b) Householder Purchasers of sub plots from the Owner



9.2 This Deed shall be applicable and relate to the Applications and renewals re submissions and variations thereof provided that in the case of variations this shall only apply if the sum of Affordable Housing Contribution stays the same

SIGNED AS A DEED by the Owners and Mortgagee the day and year first above written



JOANNE LEE

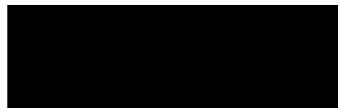


WILLIAM HISLOP

SIGNED as a DEED

By Micasa Developments Ltd

In the presence of:-



WITNESS NAME

PAUL MARK DAILLY

WITNESS ADDRESS

19 REGENTS WAY, WEST MEAD, BOGNOR REGIS,
WEST SUSSEX. PO21 5QU

WITNESS OCCUPATION

ACCOUNTANT - M.A.A.T.

No mortgagee

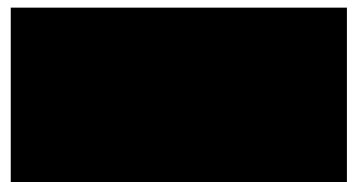
THE CORPORATE SEAL OF

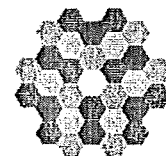
The Mortgagee was hereunto affixed

In the presence of :-

Director/Secretary/Authorised under

Power of Attorney





Official copy of register of title

Title number WSX354819

Edition date 08.01.2013

- This official copy shows the entries in the register of title on 8 January 2013 at 14:17:07.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 8 January 2013.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1 - *A guide to the information we keep and how you can obtain it*.
- This title is dealt with by Land Registry Durham Office.

A: Property register

This register describes the land and estate comprised in the title.

WEST SUSSEX : ARUN

- 1 (08.01.2013) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being 4 Lake Lane, Barnham, Bognor Regis (PO22 0AD).

B: Proprietorship register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (08.01.2013) PROPRIETOR: MICASA DEVELOPMENTS LIMITED (Co. Regn. No. 07600828) of Potwell Copse, Arundel Road, Walberton, Arundel, West Sussex BN18 0QP.
- 2 (08.01.2013) The price stated to have been paid on 21 December 2012 was £140,000.

End of register

Land Registry

Title number **WSX354819**

Ordnance Survey map reference **SU9604NW**

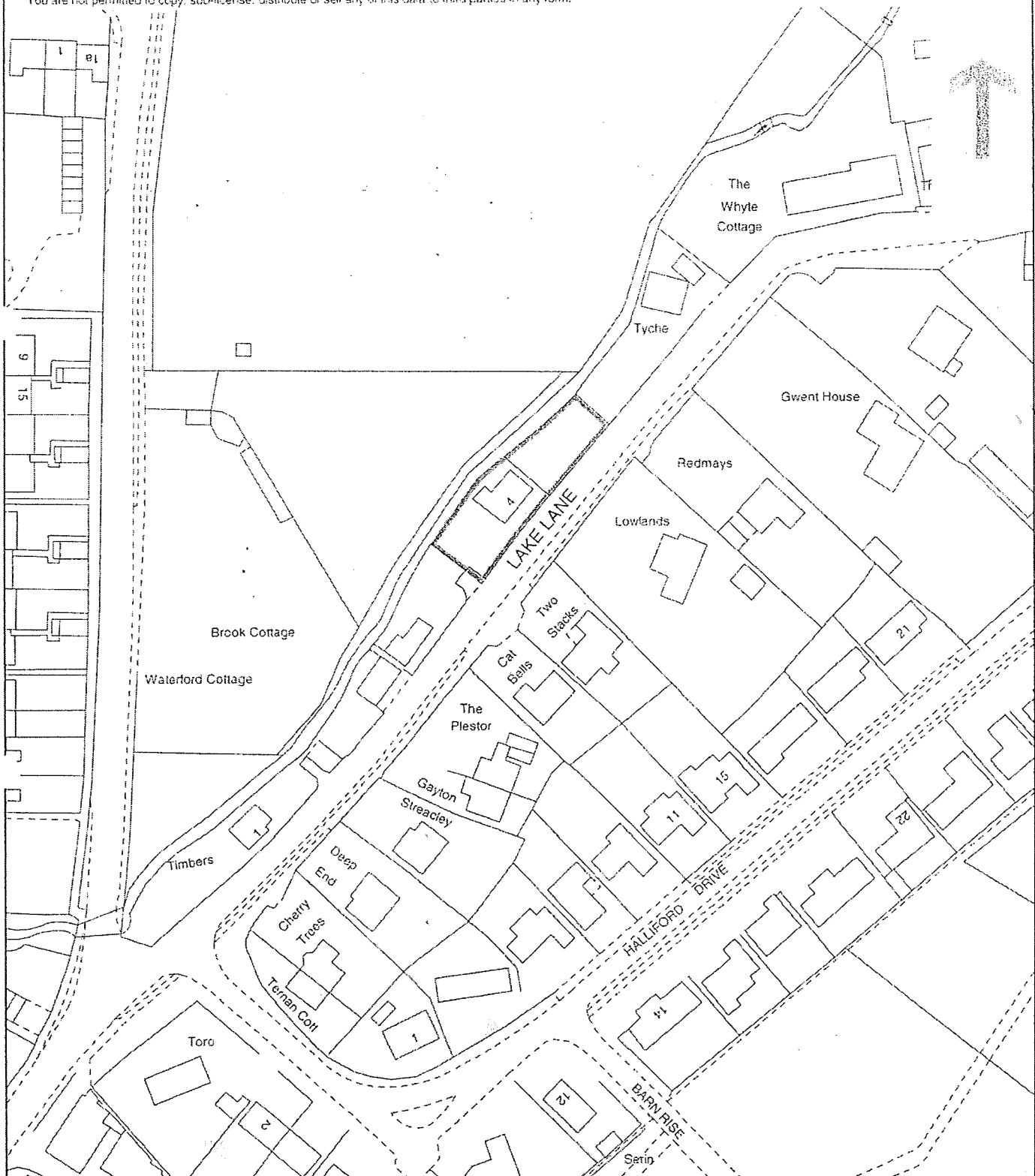
Scale **1:1250** enlarged from 1:2500

Administrative area **West Sussex: Arun**



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This official copy issued on 8 January 2013 shows the state of this title plan on 8 January 2013 at 14:17:07. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.

This title is dealt with by Land Registry, Durham Office.

