Clarke Willmott

Dated 6th March 2006

Churchill Retirement Living Limited

to

West Sussex County Council

PLANNING OBLIGATION

By way of Unilateral Undertaking

Under section 106 of the Town & Country Planning Act 1990

relating to land at Ingleby Lodge and

24 and 26a Upper Bognor Road, Bognor Regis

ARUN DISTRICT COUNCIL BR/306/05/

This Planning Obligation is made the 6th day of March 2006 and is given in the form of a Unilateral Undertaking

BY

1. **Churchill Retirement Living Limited** Company Registration Number **1866076** whose registered office is situated at **Millstream House, Parkstone, Ringwood, Hampshire, BH24 3SG** (hereinafter called "the Owner")

TO

WEST SUSSEX COUNTY COUNCIL of County Hall, Chichester, West Sussex PO19 1RQ (hereinafter called "the County Council")

WHEREAS

1. Chichester District Council ('the District Council') is the District Council for the area in which the Land is situated and have resolved to refuse the Planning Permission

2. The County Council is the County Planning Authority and the Authority responsible for libraries in the area in which the Land is situated and is the Planning Authority by whom the obligations in this Deed are enforceable.

3. The Owner is the owner of the freehold of the Land edged red on Plan 1.

4. The Owner has made the Application and has appealed against the District Council's refusal to grant the Planning Permission and in the event that Planning Permission is granted is proposing to carry out the Development

5. The Owner is willing to give this Unilateral Undertaking to the County Council and has agreed to comply with the terms and conditions contained herein.

6. The County Council has indicated that it will not object to the Development provided that the Library Contribution is paid prior to Commencement of Development.

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PLAN NUMBER 1

TITLE NUMBER

WSX273541

WEST SUSSEX : ARUN

N

ORDNANCE SURVEY MAP REFERENCE: SZ9399NE

SCALE 1:1250

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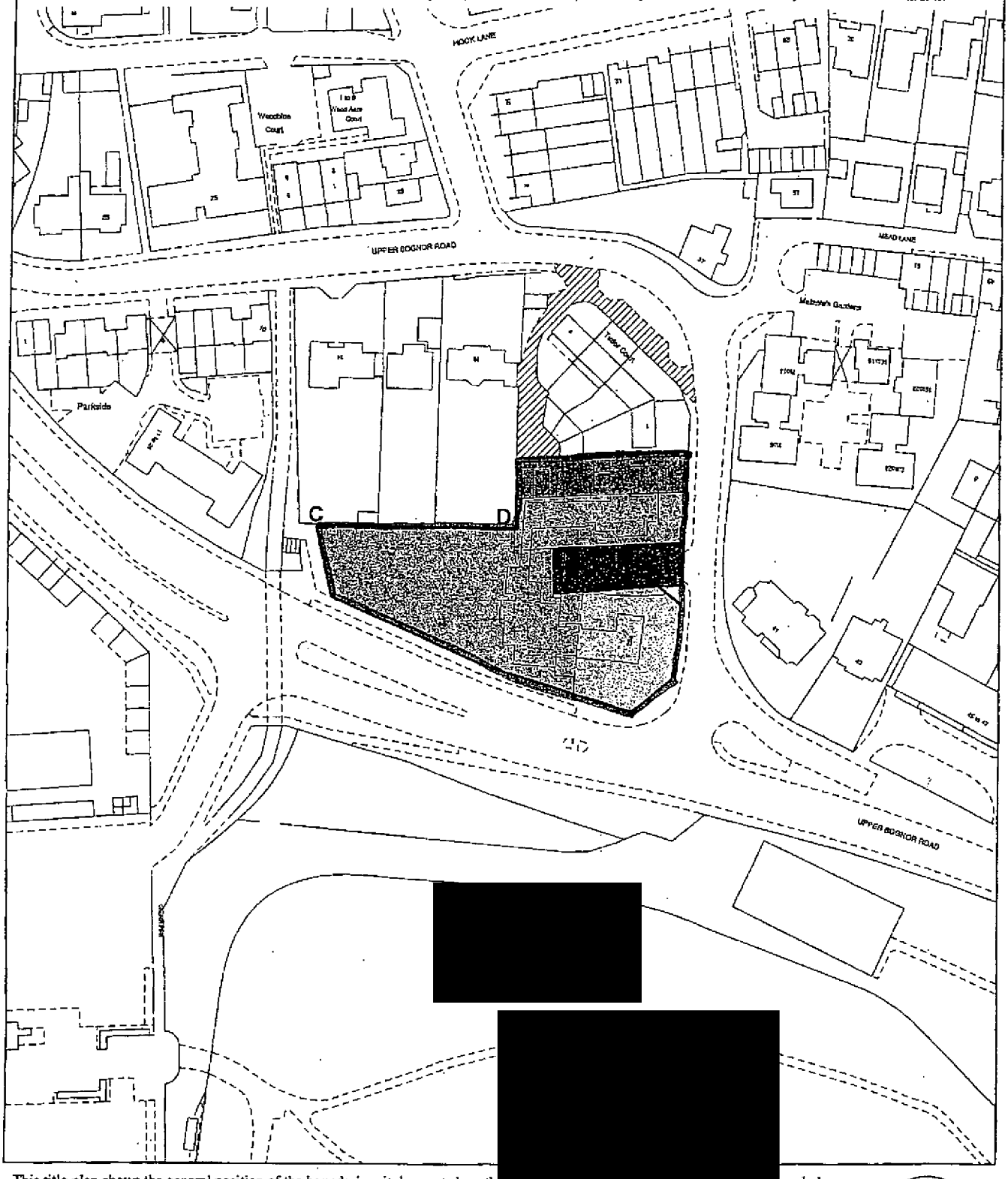

This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - *Title Plans*.

This official copy shows the state of the title plan on **9 February 2006** at **11:52:57**. It may be subject to distortions in scale.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

Issued on 9 February 2006.

This title is dealt with by the **Portsmouth District Land Registry**.

H.M. LAND REGISTRY MW 10/2005

1443010005

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NOW THIS DEED WITNESSETH as follows:

1. Interpretation

1.1 In this Unilateral Undertaking unless otherwise stated the following expressions shall where the context so admits have the following meanings:

"the 1990 Act" shall mean the Town and Country Planning Act 1990 (as amended).

"the Appeal" means the appeal against the refusal by the District Council to grant Planning Permission for the Development.

"the Application" means an application for planning permission made to the District Council under reference number BR/306/5

"Commencement of Development" shall mean the carrying out of a material operation as defined in Section 56(4) of the Act in respect of the Development.

"the Development" shall mean the development authorised by the Planning Permission in the event that Planning Permission is granted on appeal.

"the Land" shall mean land at 22-26a Upper Bognor Road, Bognor Regis, PO21 1HT registered under Title Number WSX273541 and WSX293541 shown edged red on Plan 1

" Plan 1" shall mean the plan annexed hereto and marked Plan Number 1

"the Planning Permission" shall mean the planning permission granted on appeal in the event that the Appeal is successful

"the Library Contribution" shall mean the sum of £2016.00 for the provision of services at Bognor Regis Library.

1.2 Words importing the singular includes the plural and vice versa

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1.3 References to clauses sub clauses recitals annexes and schedules are unless otherwise stated references to clauses sub clauses recitals annexes and schedules to this agreement

2. Statutory Provisions.

2.1 This Deed constitutes a Planning Obligation for the purposes of Section 106 of the Act Section 111 of the Local Government Act 1972 and all other powers and the obligations contained herein are planning obligations for the purposes of Section 106 of the Act and are entered into by the Owner with the intention that they bind the Owner's respective interests in the Land and those of his successors and assigns

2.2 This Unilateral Undertaking shall have full force and effect from the date hereof

2.3 The Planning Obligations contained in this Deed are enforceable by the County Council

3. The Owner's covenants.

3.1.1 The Owner hereby covenants with the County Council that in the event that The Planning Permission is granted and prior to Commencement of Development the Owner shall pay to the County Council the Library Contribution

3.2 It is hereby acknowledged for the avoidance of doubt and without prejudice to the above that the County Council is authorised to apply the Library Contribution to the provision of library services at Bognor Regis Library.

4. Local Land Charge

4.1 This Deed is a Local Land Charge and shall be registered as such by the District Council

IN WITNESS whereof this Unilateral Undertaking has been executed as a Deed and Delivered on the day and year written above.

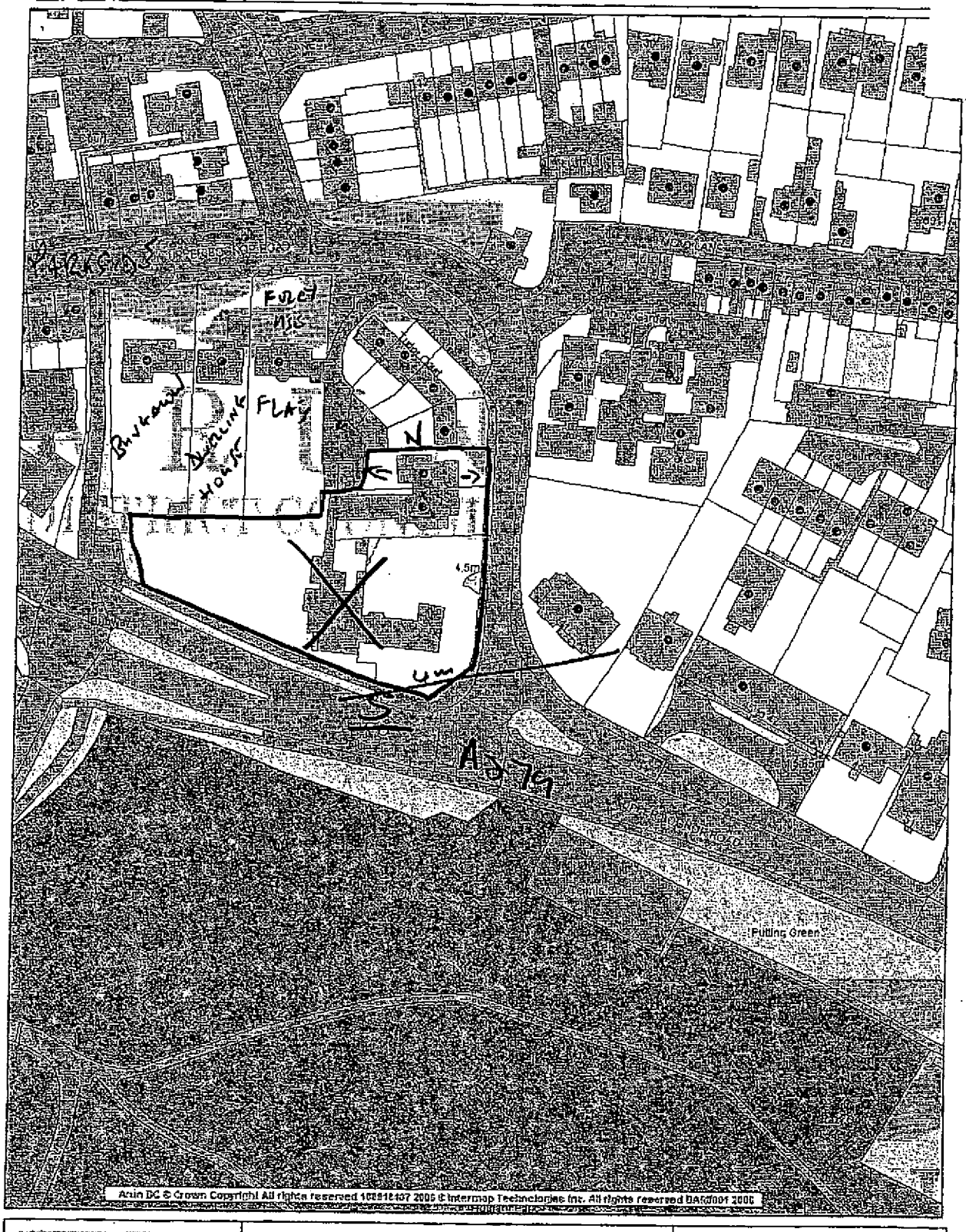
ARUN DISTRICT COUNCIL BR/306/05/

Executed as a Deed by
Churchill Retirement Living Limited
acting by 2 Directors or
a Director and its Secretary

Director : [redacted]

Director/Secretary [redacted]

Appendix 1



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Arun District Council, 100018487, 2005.

Scale 1/1250

Date 20/2/2006

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