

SECTION 106 AGREEMENT UNDER THE TOWN & COUNTRY PLANNING ACT 1990
RELATING TO LAND AT THE REAR OF HOLMLEA TOWN CROSS AVENUE BOGNOR REGIS

This Planning Obligation is made the 25th day of March 2013
and is given in the form of a Unilateral Undertaking

BY

REED SUSSEX LIMITED whose registered office address is at 93 Aldwick Road
Bognor Regis West Sussex PO21 2NW (hereinafter called "the Owner")

TO

ARUN DISTRICT COUNCIL of Arun Civic Centre 1 Maltravers Rd, Littlehampton,
West Sussex BN17 5LF (hereinafter called the "Local Planning Authority")

WHEREAS

1. Arun District Council is the Local Planning Authority for the area in which the Land is situated and will consider any Planning Application along with this Deed when it is submitted to its Planning Department
2. The Owner is the owner of the freehold of the Land edged red on Plan 1
3. The Owner has made the Application and is proposing to carry out the Development
4. The Owner is willing to give this Unilateral Undertaking to the Local Planning Authority and has agreed to comply with the terms and conditions contained herein

5. The Local Planning Authority may resolve that subject to the completion of this Unilateral Undertaking Planning Permission shall be granted subject to any conditions for the Development

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 Application" means the application made to the Local Planning Authority under reference: BR/41/13

"the Contribution" means the financial contribution delivered under this Deed which is the Affordable Housing Contribution set out at Schedule 1.

"First Occupation" means the occupation of any of the units comprising any part of the Development subject to a planning permission granted in respect of the application

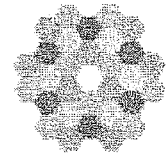
"the Land" shall mean the land at the rear of Holmlea Town Cross Avenue Bognor Regis West Sussex PO21 2DN registered at HM Land Registry under Title Number WSX296579 shown edged red on Plan 1

"the Planning Permission" shall mean a planning permission granted under the 1990 Act (as amended) by the Local Planning Authority in respect of the application or that granted upon appeal to the Secretary of State in respect of the Application

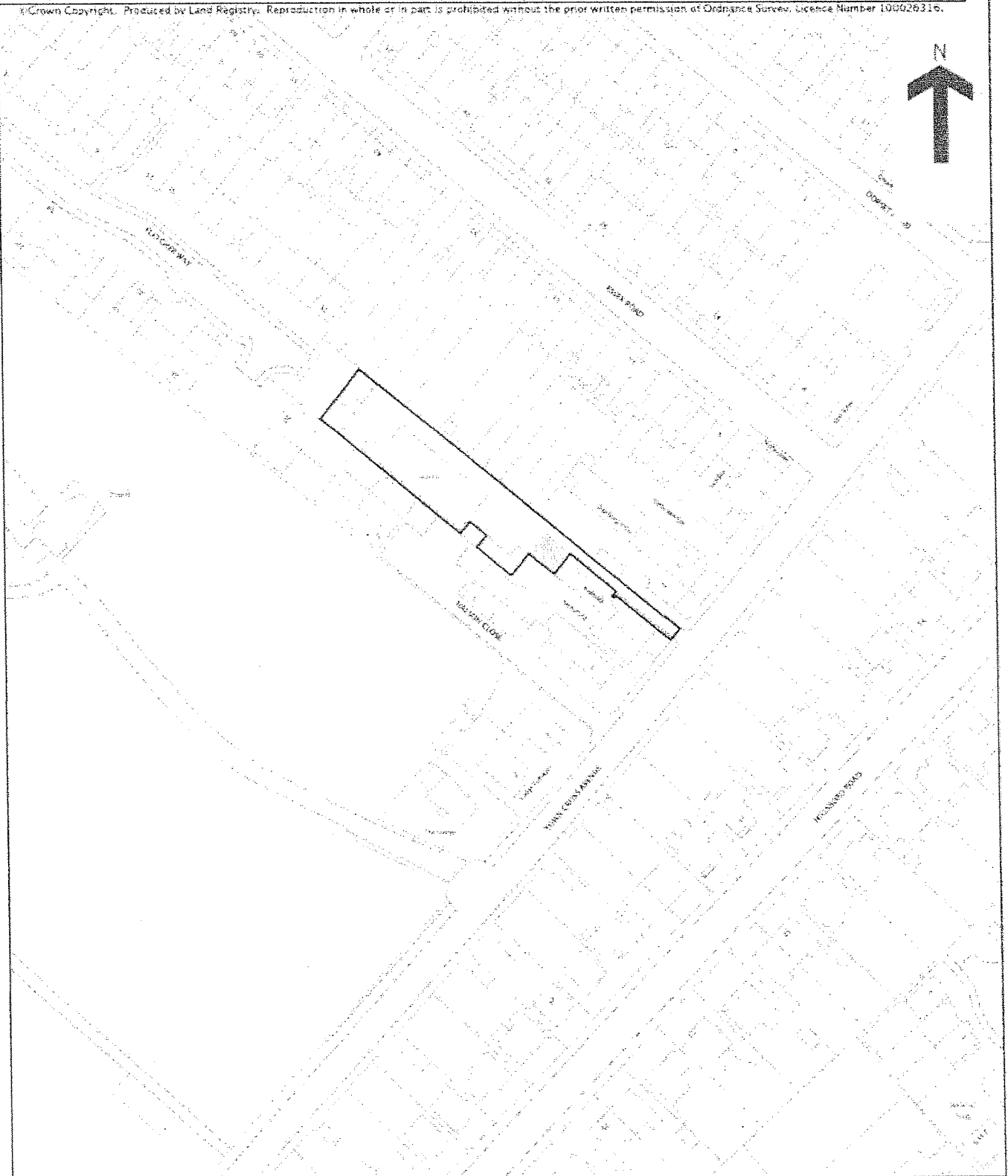
Land Registry
Official copy of
title plan

Title number **WSX296579**
Ordnance Survey map reference **SZ9399NW**
Scale **1:1250**
Administrative area **ARUN**

PLAN 1.



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- 1.2 Words importing the singular includes the plural and vice versa
- 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
- 1.4 If Planning Permission is not granted for this Application this Deed shall cease to have effect

2. Statutory Provisions

- 2.1 This Deed constitutes a planning obligation for the purposes of the 1990 Act Section 111 of the Local Government Act 1972 and all other enabling powers and the obligations contained herein are planning obligations for the purposes of Section 106 of the 1990 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 Local Planning Authority

3. The Owner's covenant

- 3.1.1 The Owner hereby covenants with the Local Planning Authority that it will pay to Arun District Council on or before First Occupation the Contribution as set out in The Schedule to this Deed

4. Interest

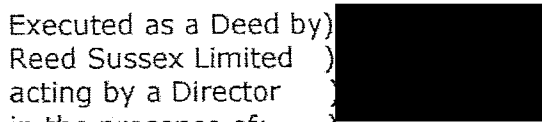
4.1.1 IN respect of sums not paid to the Arun District Council on the due date for payment in accordance with this Deed the Owner covenants to pay interest on such sums from the due date for payment until actual date for payment at 4% above the base lending rate of the Bank of England applicable at the date the payment is received

THE SCHEDULE

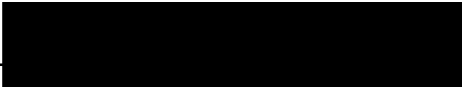
1. The Affordable Housing Contribution shall be in the sum of Nine Thousand Nine Hundred and Thirty Six Pounds (£9936.00)

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

Executed as a Deed by)
Reed Sussex Limited)
acting by a Director)
in the presence of:)



Signature (of Witness)


Full Name (of Witness)
Nigel J. Neville
Solutions
200 Aldwick Road
Signor Regis, West Sussex PO21 2YQ
Business Consultant
Address (of Witness)

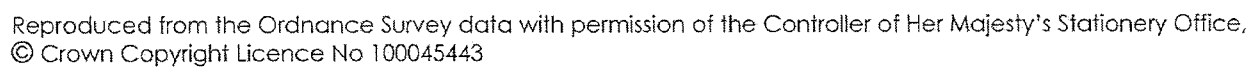
TO ARUN DISTRICT COUNCIL

**PLANNING OBLIGATION By
WAY OF UNILATERAL UNDERTAKING**

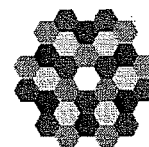
Under section 106 of the Town & Country Planning Act 1990

relating to land at the rear of Holmlea Town Cross Avenue Bognor Regis

↑
north



ARUN DISTRICT COUNCIL BR/41/13/



Official copy of register of title

Title number WSX296579

Edition date 10.09.2012

- This official copy shows the entries on the register of title on 11 APR 2013 at 15:39:06.
- 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 11 Apr 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 (17.02.2006) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Industrial premises at Town Cross Avenue, Bognor Regis.

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 (10.09.2012) PROPRIETOR: REED SUSSEX LIMITED (Co. Regn. No. 08077197) of 93 Aldwick Road, Bognor Regis, West Sussex PO21 2NW.
- 2 (10.09.2012) The price stated to have been paid on 14 August 2012 was £200,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (17.02.2006) A Conveyance of the land in this title and other land dated 2 September 1898 made between (1) Henry Geall (2) Henry Jepson and (3) Charles Frederick Mortlock contains the following covenants:-

COVENANT by the said Charles Frederick Mortlock for himself his heirs and assigns with the said Henry Geall his heirs and assigns that all dwellinghouses to be erected on said land should be of the annual value of Twelve pounds at least.
- 2 (17.02.2006) The parts of the land affected thereby are subject to the

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Title number WSX296579

C: Charges Register continued

following rights reserved by a Conveyance of the land tinted pink and blue on the title plan and other land dated 31 December 1949 made between (1) Annie Culverwell (Vendor) and (2) Ada Florence Whiteley:-

"EXCEPT and RESERVED unto the Vendor and her successors in title a right of way over and along the strip of land coloured blue on the said plan."

NOTE:-Copy plan filed under WSX223969.

- 3 (17.02.2006) The parts of the land affected thereby are subject to the following rights granted by a Transfer of land tinted pink on the title plan dated 15 January 1999 made between (1) Alan John Reed and Veronica Claire Reed (Transferors) and (2) Paul John Brennan and Sarah Burr ridge (Transferees) :-

"The Transferors hereby grant to the Transferees and their successors in title the owners and occupiers for the time being of land hereby transferred to pass and re-pass over the land coloured blue on foot only and the transferees must pay to the transferors on demand a sum equal to a fair and reasonable proportion of all payments costs and expenses incurred by or on behalf of the transferors in maintaining the land coloured blue".

NOTE: The land coloured blue referred to is shown hatched blue on the title plan.

- 4 (25.02.2010) The land is subject to the lease set out in the schedule of leases hereto.
- 5 (25.02.2010) Option to purchase in favour of RPD Eastern Limited contained in an Agreement dated 29 January 2010 made between (1) Alan John Reed and (2) RPD Eastern Limited which will subsist until 28 January 2015.

NOTE:-Copy filed.

- 6 (20.03.2012) The land is subject to the rights granted by a Conveyance of other land dated 25 November 1957 made between (1) Michal Busko and (2) The Southern Electricity Board.

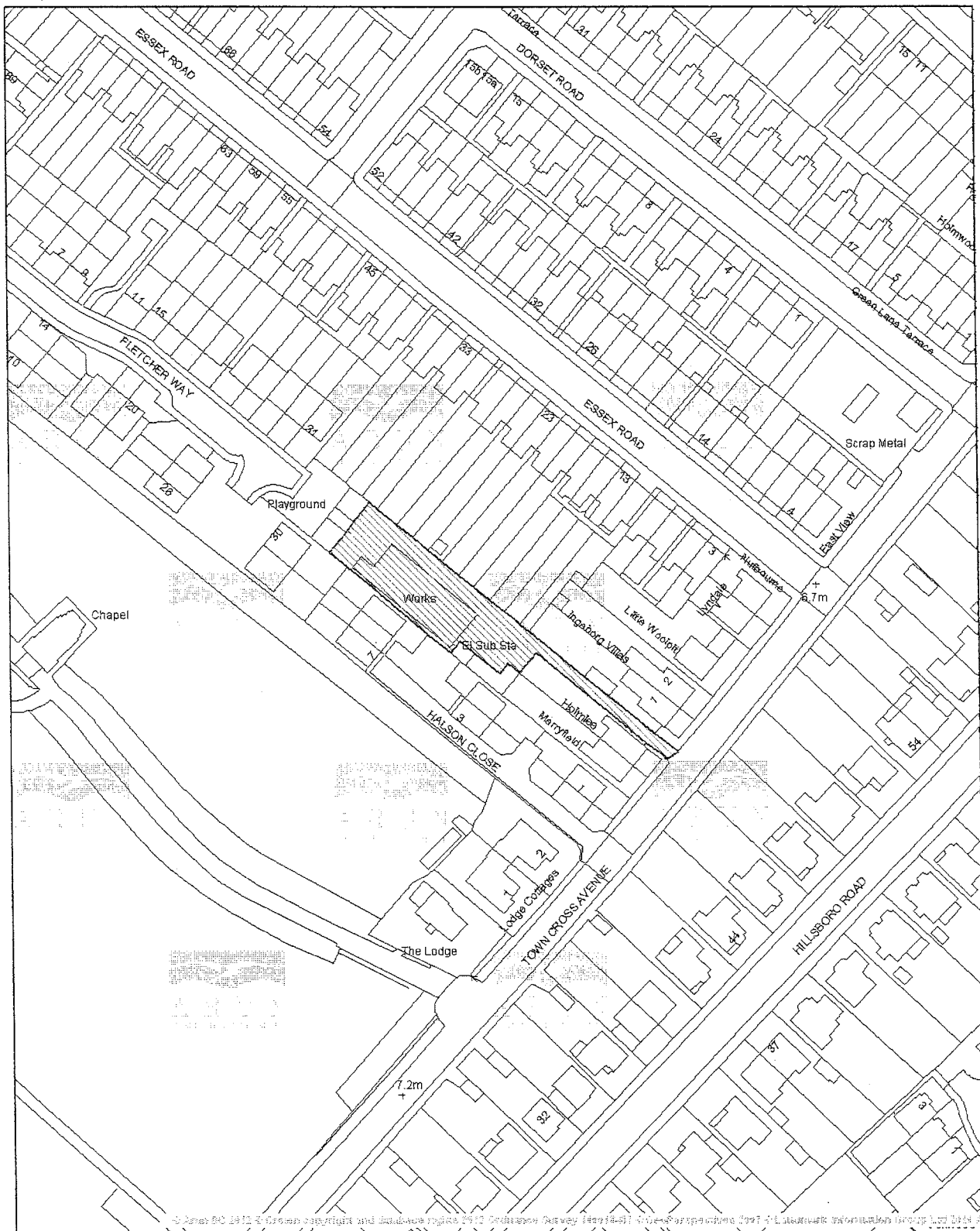
NOTE: Copy filed under WSX349068.

Schedule of notices of leases

1	25.02.2010	Industrial premises at Town Cross Avenue	29.01.2010 10 years from and including 25.2.2010	WSX333581
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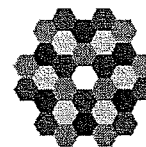
End of register

Works Rear of Holmlea, Bognor Regis



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Arun District Council 100018487.

Scale 1/1250
Date 11/4/2013
Centre = 493141 E 99916 N



Official copy of register of title

Title number WSX333581

Edition date 20.03.2012

- This official copy shows the entries on the register of title on 22 MAR 2013 at 14:14:51.
- 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 11 Apr 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. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

WEST SUSSEX : ARUN

- 1 (25.02.2010) The Leasehold land shown edged with red on the plan of the above title filed at the Registry and being Industrial premises at Town Cross Avenue, Bognor Regis.

NOTE: The airspace is excluded from the title.

- 2 (25.02.2010) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
Date : 29 January 2010
Term : 10 years from and including 29 January 2010
Parties : (1) Alan John Reed
(2) RPD Eastern Limited
(3) CNC Engineering (UK) Limited

- 3 (25.02.2010) The Lease prohibits or restricts alienation.

- 4 (25.02.2010) The landlord's title is registered.

- 5 (22.12.2011) A notice dated 9 December 2011 by liquidator of CNC Production & Services Group Limited stated that the registered estate in this title was being disclaimed under section 178 of the Insolvency Act 1986.

NOTE: Copy filed.

B: Proprietorship Register

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

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Applications are pending in Land Registry, which have not been completed against this title.

Title number WSX333581

Title absolute

- 1 (25.02.2010) PROPRIETOR: RPD EASTERN LIMITED (Co. Regn. No. 03793136) of Unit 85, Chalk Lane, Snetterton, Norfolk NR16 2JZ.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (25.02.2010) A Conveyance of the freehold estate in the land in this title and other land dated 2 September 1898 made between (1) Henry Geall (2) Henry Jepson and (3) Charles Frederick Mortlock contains the following covenants:-

COVENANT by the said Charles Frederick Mortlock for himself his heirs and assigns with the said Henry Geall his heirs and assigns that all dwellinghouses to be erected on said land should be of the annual value of Twelve pounds at least.
- 2 (25.02.2010) The parts of the land affected thereby are subject to the following rights reserved by a Conveyance of the freehold estate in the land tinted pink and blue on the title plan and other land dated 31 December 1949 made between (1) Annie Culverwell (Vendor) and (2) Ada Florence Whiteley:-

"EXCEPT and RESERVED unto the Vendor and her successors in title a right of way over and along the strip of land coloured blue on the said plan."

NOTE:-Copy plan filed under WSX223969.
- 3 (25.02.2010) The parts of the land affected thereby are subject to the following rights granted by a Transfer of the freehold estate in the land tinted pink on the title plan dated 15 January 1999 made between (1) Alan John Reed and Veronica Claire Reed (Transferors) and (2) Paul John Brennan and Sarah Burrige (Transferees) :-

"The Transferors hereby grant to the Transferees and their successors in title the owners and occupiers for the time being of land hereby transferred to pass and re-pass over the land coloured blue on foot only and the transferees must pay to the transferors on demand a sum equal to a fair and reasonable proportion of all payments costs and expenses incurred by or on behalf of the transferors in maintaining the land coloured blue".

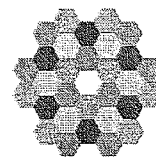
NOTE: The land coloured blue referred to is shown hatched blue on the title plan.
- 4 (20.03.2012) The land is subject to the rights granted by a Conveyance of other land dated 25 November 1957 made between (1) Michal Busko and (2) The Southern Electricity Board.

NOTE: Copy filed under WSX349068.

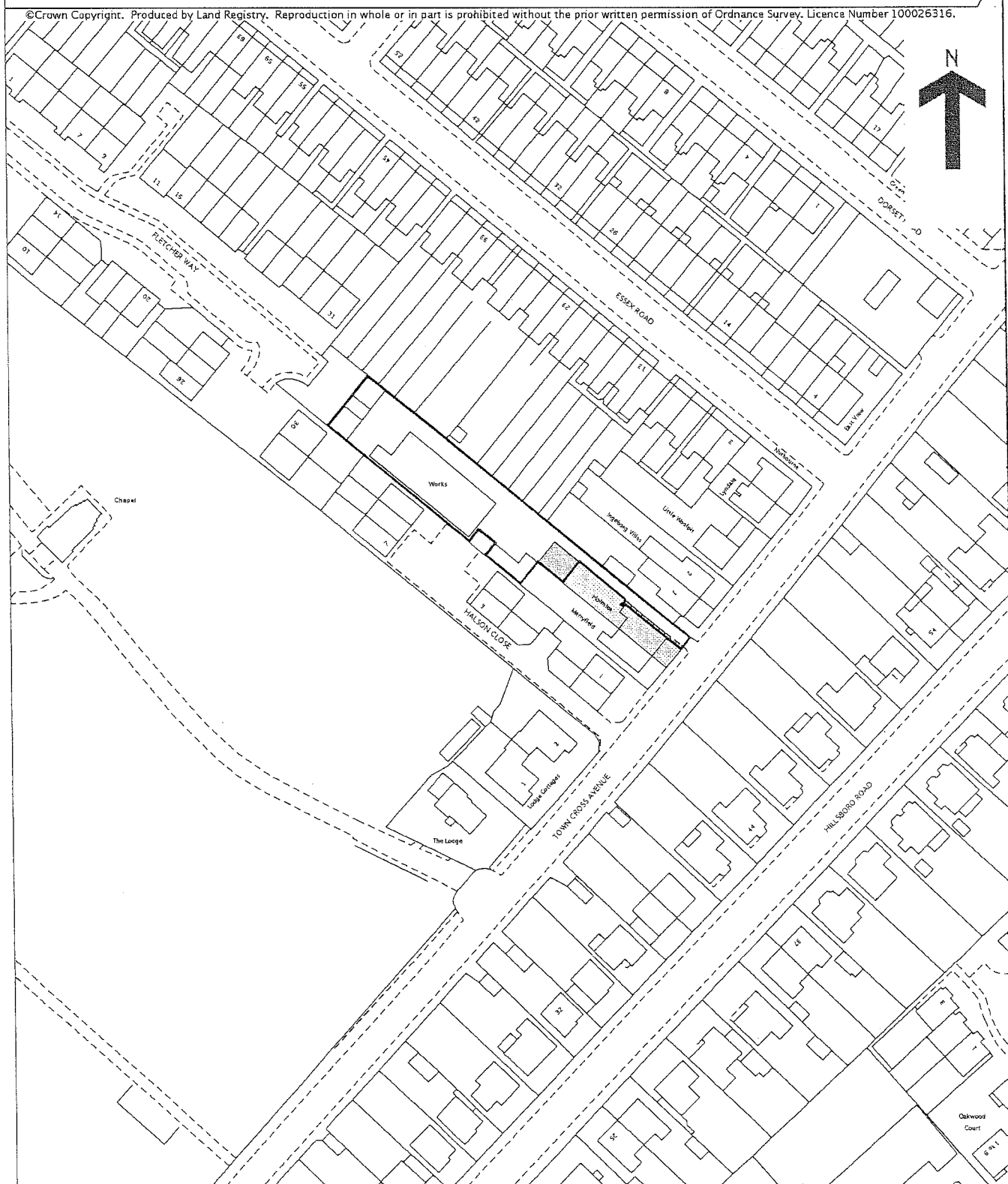
End of register

Land Registry
Official copy of
title plan

Title number **WSX296579**
Ordnance Survey map reference **SZ9399NW**
Scale **1:1250**
Administrative area **West Sussex : Arun**



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These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

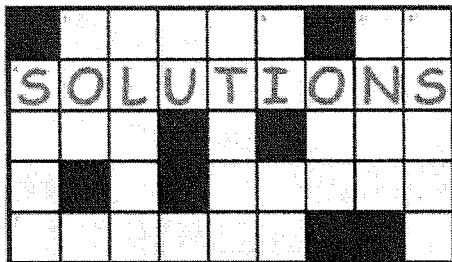
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

If any mapping work in respect of any pending application(s) has been completed, additional references, which are not referred to in the register of title, may appear on the title plan or be referred to in the certificate of inspection in form CI. References may also have been amended by, or not be shown on the title plan, where these are being removed as a result of a pending application(s).

This official copy is issued on 11 April 2013 shows the state of this title plan on 11 April 2013 at 15:39:06. 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 the Land Registry, Durham Office .



SOLUTIONS

Legal Consultancy Services

200 Aldwick Road - Bognor Regis - West Sussex - PO21 2YQ

Our Ref: NJN/ETB
Nigel Neville – Direct Line 07850 463203

24th April 2013

Dear Mr Collins,

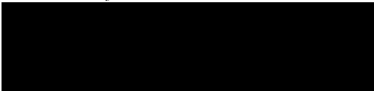
Re: Application BR/41/30 Reed Sussex Limited – Land at the Rear of
Holmlea Town Cross Avenue, Bognor Regis

I refer to our recent telephone conversation and the copy email you forwarded to me from Delwyn Jones at the ADC to you of the 18th April last concerning the above matter.

So far as I am concerned the Section 106 Agreement dated the 25th March last which has been signed for and of behalf of the Company, and has been prepared on the basis of this being the standard accepted document which covers all the necessary aspects of such an Agreement. The proposed alterations now required by the ADC do not affect the validity or enforceability of the obligations contained therein but merely outline administrative procedures which in no way should form part of the legal obligations.

With regard to the question of RPD Eastern Limited being a party to the application, when this Company went into administration the appointed liquidator Jamie Playford disclaimed his interest in the Lease and we are currently in the process of having these entries removed at the Land Registry. I attach a copy of Parker Andrews letter to the Land Registry dated the 20th March last and therefore there is no need for this Company to be a party to the Agreement. I trust that this satisfactorily explains the situation.

Yours truly,


Nigel Neville
Solutions Legal Consultancy

Mr P Collins BA (Hons) DipTP MRTPI
Associate Planner Strutt & Parker LLP
31 North Street, Chichester,
West Sussex, PO19 1LY

Dispute Resolution; Personal, Business & Property Consultancy;
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2-4 Queen Street
Norwich
NR2 4SQ

LICENSED INSOLVENCY PRACTITIONERS • BUSINESS RECOVERY • INSOLVENCY • TURNAROUND

Please contact: Anne-Marie Harding

Telephone:

Email:

Our Ref:

Property

Your Ref: WSX296579

Date: 20 March 2013

Land Registry
Southfield House
Southfield Way
Durham
DH1 5TR

Dear Sir / Madam

CPSG ASSETS LIMITED (formerly CNC PRODUCTION & SERVICES GROUP LIMITED & RPD EASTERN LIMITED) - IN LIQUIDATION ("the Company")
RE: TOWN CROSS AVENUE, BOGNOR REGIS, WEST SUSSEX, PO21 2DN (TITLE NUMBER WSX296579) ("the Premises")

I write further to my appointment as Liquidator of the Company on 8 December 2011. Please find enclosed a copy of my Certificate of Appointment for your records.

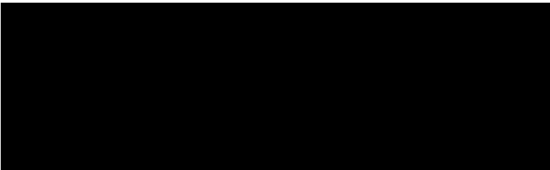
I write to inform you that I was also appointed Administrator of RPE Assets Limited (formerly Reco Precision Engineering Limited) ("RPE") on 7 November 2011, and I enclose a copy of my Notice of Appointment for your records. RPE occupied the premises, but vacated upon my appointment.

As Liquidator of the Company, I disclaimed my interest in the lease on the Premises on 9 December 2011, copy enclosed for your information.

Furthermore, I write to inform you that as Liquidator of the Company, I have no intention of exercising the Option Agreement between the Company and Mr Reed and I request that the entries relating to the lease and the Option Agreement for the Premises be removed from the title.

If you have any queries, please contact Anne-Marie Harding at this office.

Yours faithfully


Jamie Playford MABRP MIPA
Liquidator

Cc: Nigel Neville, Solutions, 200 Aldwick Road, Bognor Regis, West Sussex, PO21 2YQ



TR3

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www.parkerandrews.co.uk

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