Planning Application Reference:	**EP/4/05**
Document Type:	**Unilateral Undertaking**
Date of Agreement:	**8th March 2005**

NB: Above text in bold to be included in free text field.

Check thoroughly for **telephone numbers/email addresses & signatures** and block.
Check **maps** for signatures and block.

Please return original to s106 Monitoring Officer

THIS UNDERTAKING is made the 8th day of March 2005 by

McCARTHY & STONE (DEVELOPMENTS) LIMITED whose registered office is at Homelife House 26-32 Oxford Road Bournemouth BH8 8EZ ("the Applicant")

TO

ARUN DISTRICT COUNCIL The Arun Civic Centre Maltravers Road Littlehampton West Sussex BN17 5LF (" the District Council")

1. DEFINITIONS AND INTERPRETATION

1.1 Wherever the context so permits the following words and phrases shall have the meanings in this Deed attributed to them:-

1.1.1	"The Act":	the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991
1.1.2	"the Application":	the planning application made by or on behalf of the Applicant and bearing the Local Authority reference number EP/4/05/
1.1.3	"the County Council"	The West Sussex County Council County Hall West Street Chichester PO19 1RQ
1.1.4	"the Development":	Category II sheltered accommodation comprising 58 apartments associated communal facilities house managers accommodation landscaping and car parking
1.1.5	"Dwellinghouse":	any unit of residential accommodation forming part of the Development for the sole use as a private residence of the occupier other than the House Managers Accommodation and any guest suite

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1.1.6	"Elderly Persons"	1.1.6.1 being a single resident any person who has attained the age of sixty years unless the survivor of those persons mentioned in Clause 1.1.6.2 1.1.6.2 being joint residents one of whom has attained the age of sixty years and the other the age of fifty five years
1.1.7	"the Contribution"	Ten Thousand Pounds (£10,000.00)
1.18	"the Land":	the land and buildings situate at Gerrard House Station Road East Preston which is registered at HM Land Registry under Title Number WSX 4520 and shown edged red on the plan annexed to this Deed
1.1.9	"the Planning Permission":	The permission which may be granted by the Local Authority pursuant to the Application
1.1.10	"First Occupation"	The first occupation of any Dwellinghouse at the Development

1.2 Where the context so admits:

1.2.1 words of the masculine gender shall incorporate the feminine gender and words of the singular shall include the plural and vice versa

1.2.2 any reference in this Undertaking to any statute or section of a statute includes any statutory re-enactment or modification thereof

1.2.3 any reference to a clause or a schedule is unless the context otherwise requires a reference to a clause or a schedule of this Undertaking and any reference to a sub clause is a reference to a sub clause of the clause in which the reference appears

1.2.4 The expression "the Applicant" "the District Council" and "the County Council" shall except where the context otherwise requires include their respective successors in title and assigns

2. RECITALS

2.1 The District Council is the appropriate Local Planning Authority for the purposes of the Act in respect of the area which includes the Land and shall be responsible for the enforcement of the obligations contained in this Undertaking

2.2 The Applicant has submitted to the District Council the Application seeking planning permission for the Development

2.3 The Applicant intends by this Undertaking to enter into the obligations contained in this Undertaking for the purpose of restricting or regulating the Development or use of the Land

2.4 The County Council is the Highway Authority for highways in the area which includes the Land and shall be responsible for the implementation of matters appertaining thereto

3. UNDERTAKING

The Applicant undertakes with the District Council to the intent that the undertakings shall be planning obligations for the purposes of the Act and shall be binding on and enforceable against them and their successors in title to the Land as set out in the First Schedule hereto subject to the conditions set out in the Second Schedule hereto

4. LIMITATIONS

4.1 The planning obligations contained in this Undertaking shall only become binding on the Applicant upon the granting and implementation of the Planning Permission

4.2 No person shall be liable for any breach of Clause 3 occurring after he shall have parted with his interest in the Land or the part in respect of which such breach occurs

5. OTHER MATTERS

5.1. Nothing in this Undertaking benefits or is intended to benefit a third party under the Contract (Rights of Third Parties) Act 1999 (other than the County Council)

5.2. This Undertaking is a Local Land Charge under The Local Land Charges Act 1975 and consent is given to its registration as such by the District Council

5.3. This Undertaking shall apply to the Development as authorised by the Planning Permission given by the District Council or as renewed or varied from time to time

IN WITNESS WHEREOF the Applicant has executed this Undertaking as a Deed the day and year first before written

THE FIRST SCHEDULE

The Applicants Covenants

1. To ensure that no Dwellinghouse shall be used for any purpose other than as a private residence for the occupation of Elderly Persons
2. To pay to the County Council the Contribution prior to First Occupation

THE SECOND SCHEDULE

The Conditions upon which the Contribution shall be paid

1. That the County Council shall use the Contribution towards the provision of a Pedestrian Crossing on Station Road East Preston within a period of five years from First Occupation
2 If the Contribution or any part thereof shall remain unspent at the end of the period five years from First Occupation such part as remains unspent shall be returned to the Applicant together with interest thereon calculated at the daily base rate of the National Westminster Bank Plc

The Common Seal of McCARTHY

& STONE (DEVELOPMENTS) LIMITED

was hereunto affixed in the presence of:

Director [redacted]

Secretary ~~Secretary~~
Director

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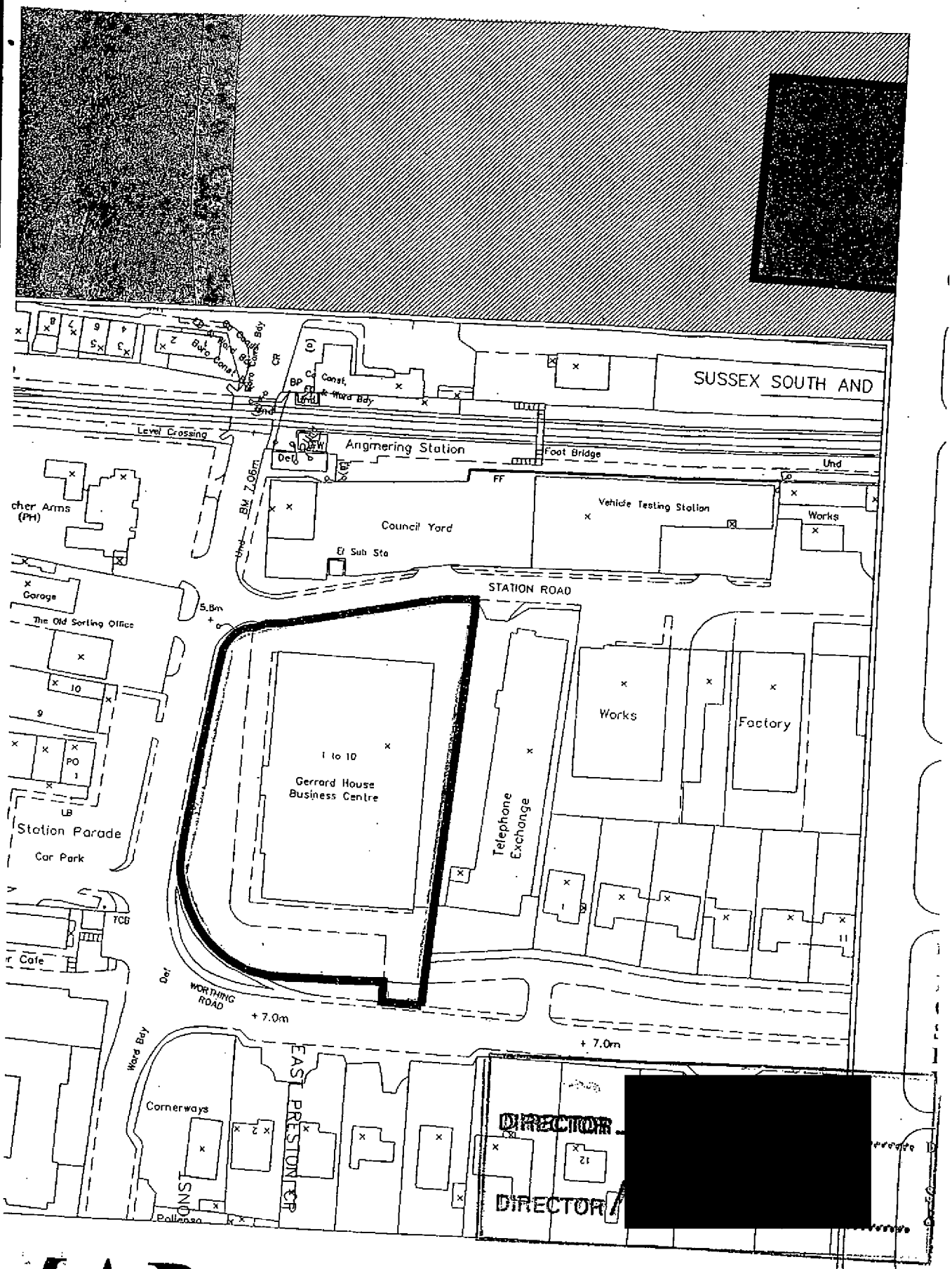

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