WB/08/0499/FUL

DATED 10TH SEPTEMBER 2008

UNILATERAL UNDERTAKING

by

LEMO (UK) Ltd

Relating to

Development at North Street Worthing

West Sussex

THIS UNILATERAL UNDERTAKING is made the 10TH day of September Two thousand and Eight.

BY LEMO (UK) Ltd, Registered company number 01078059, whose registered address is at 15/16 Hazelwood Trading Estate Worthing BN14 8NP

RECITALS:-

A. The owner is the owner of the land known as 12 and 16 – 20 North Street, Worthing (registered at the H M Land Registry under Title Numbers WSX24304 and WSX285946) shown edged red on the plan attached hereto

B. Worthing Borough Council (the Council) the Local Planning Authority for the purposes of the Act and for the Administrative Area in which the land is situated

C. The owner has now made an application to the Council for Planning Permission and Planning Reference Number WB/08/0497/FULL

D. The owner considers that the land should be bound by this Planning obligation in the manner hereinafter contained.

DEFINITIONS

1. In this Deed the following words and expressions shall where the context so admits have the following meanings:

1.1 **The Act** means the Town and Country Planning Act 1990 as amended

1.2 **All requisite Consents** means all Consents Orders or Agreements Authorisations Licences or Permissions necessary to implement the development.

1.3 **Application** means Planning Application allocated reference No. WB/08/0497/FULL by the Council to the land known as 12 and 16 – 20 North Street Worthing

1.4 **Development** means the demolition of existing industrial/ office building and the erection of a two and four storey building comprising replacement light industrial and office floor space including basement.

1.5 **Commencement of the Development** means implementation by the carrying out of a material operation as defined in Section 56(4) of the Act

1.6 **The Owner** shall include its successors in title and assigns

1.7 **The Plan** means the plan annexed hereto

1.8 **The Land** means All That land being shown edged red on the plan attached hereto known as the land at 12 and 16 – 20 North Street Worthing, West Sussex BN11 1DU

1.9 **The Planning Obligation** means the Planning Obligation set out in the Schedule to this Agreement

1.10 The Planning Permission is the Permission granted under Application Number WB/08/0497/FULL

MAIN OPERATIVE CLAUSES

2.1 THIS Undertaking is an Agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), Section 111 of the Local Government Act 1972 and all other powers and enactments thereby enabling and which may be relevant for the purposes of the enforcement of covenants and or obligations contained herein to the intent that it shall bind the Owner and its successors in title and assigns, each and every part of the land

2.2 THE Owner hereby covenants with the Council that it will in all respects comply with the conditions that may be contained in the Planning Permission and that it will comply in all respects with Planning Obligations set out and contained in the Schedule hereto to the effect that the land and every part thereof shall be permanently subject thereto.

2.3 **THIS** Planning Obligation is conditional upon and shall be of no effect until the Planning Permission has been granted. If the Planning Permission is cancelled, revoked or otherwise withdrawn this Deed shall cease to have effect.

2.4 **A** person (other than the Council) who is not a party to this Deed shall have no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Deed.

2.5 **THIS** Deed is a Local Land Charge and is registerable as such by the Council.

2.6 **THIS** Deed shall be governed by and construed in accordance with the Laws of England and each of the parties hereby submits to the exclusive jurisdiction of the English Courts.

2.7 **ANY** notice, consent or approval required to be given under this Agreement shall be in writing and shall be delivered personally, or sent by prepaid first class recorded delivery post, telex or facsimile transmission. The address for service of any such notice consent or approval as aforesaid shall in the case of the parties be the address given in the above hereto or such address for service as shall have previously been notified by the party in the case of the Council be Worthing Borough Council Town Hall Chapel Road Worthing West Sussex BN11 1H

2.8 **THE** Owner agrees t o paying the Council's reasonable legal costs in checking the contents of this agreement is correct and the Owners title valid.

THE SCHEDULE

The Owner hereby covenants with the Council that it will within seven days of the occupation of the development at North Street Worthing in relation to

the provisions of the TAD contribution pay the sum of £27,372 (index linked from May 2006) to the Council towards transport infrastructure improvements.

PROVIDED THAT where the date for payment of the sum in respect of transport is after the date of this Deed then that payment or payments shall be increased by an amount equal to the proportionate increase in the All-in Tender Price Index published by the Building Costs Information Service of the Royal Institution of Chartered Surveyors between the quarter preceding the date of this Agreement and the quarter preceding the Operative Date of payment.

SIGNED by)
.)
) Alexandre Pesci
) Corporate CEO

~~Owner/Company Secretary/Director/Authorised Signatory~~

In the presence of Judit Hollos Spoerli

Witness name JUDIT HOLLOS SPOERLI
Address c/o LEMO SA, Ch. des Champs-Courbes 28
1024 Ecublens, Switzerland

Occupation Executive assistant

SIGNED by)
.)
) RICHARD THOMAS

~~Mortgagee/Company Secretary/Director/Authorised Signatory~~

In the presence of

Witness name MISS V. COOY
Address 154 BRAUGHAM ROAD, WORTHING BN11 2PH

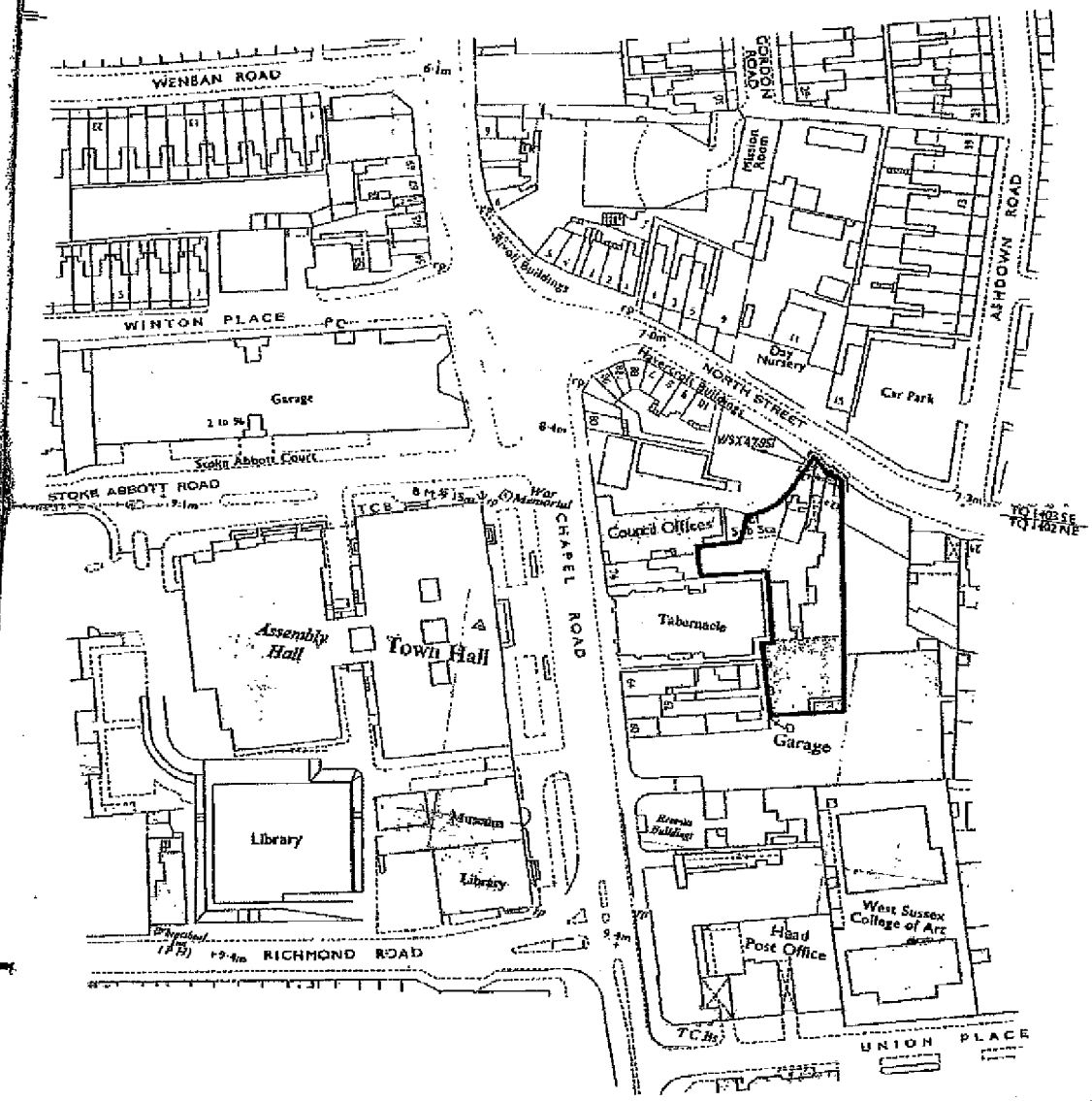
Occupation MANAGEMENT ACCOUNTANT

essary.
istered

below,
Notes

Remarks

H.M. LAND REGISTRY		TITLE NUMBER WSX24304	
ORDNANCE SURVEY PLAN REFERENCE	TQ1402	SECTION S	Scale 1/1250
COUNTY WEST SUSSEX	DISTRICT WORTHING		© Crown copyright 1976



CERTIFICATE COPY OF FILED PLAN
H.M. LAND REGISTRY

TITLE NUMBER

WSX285946

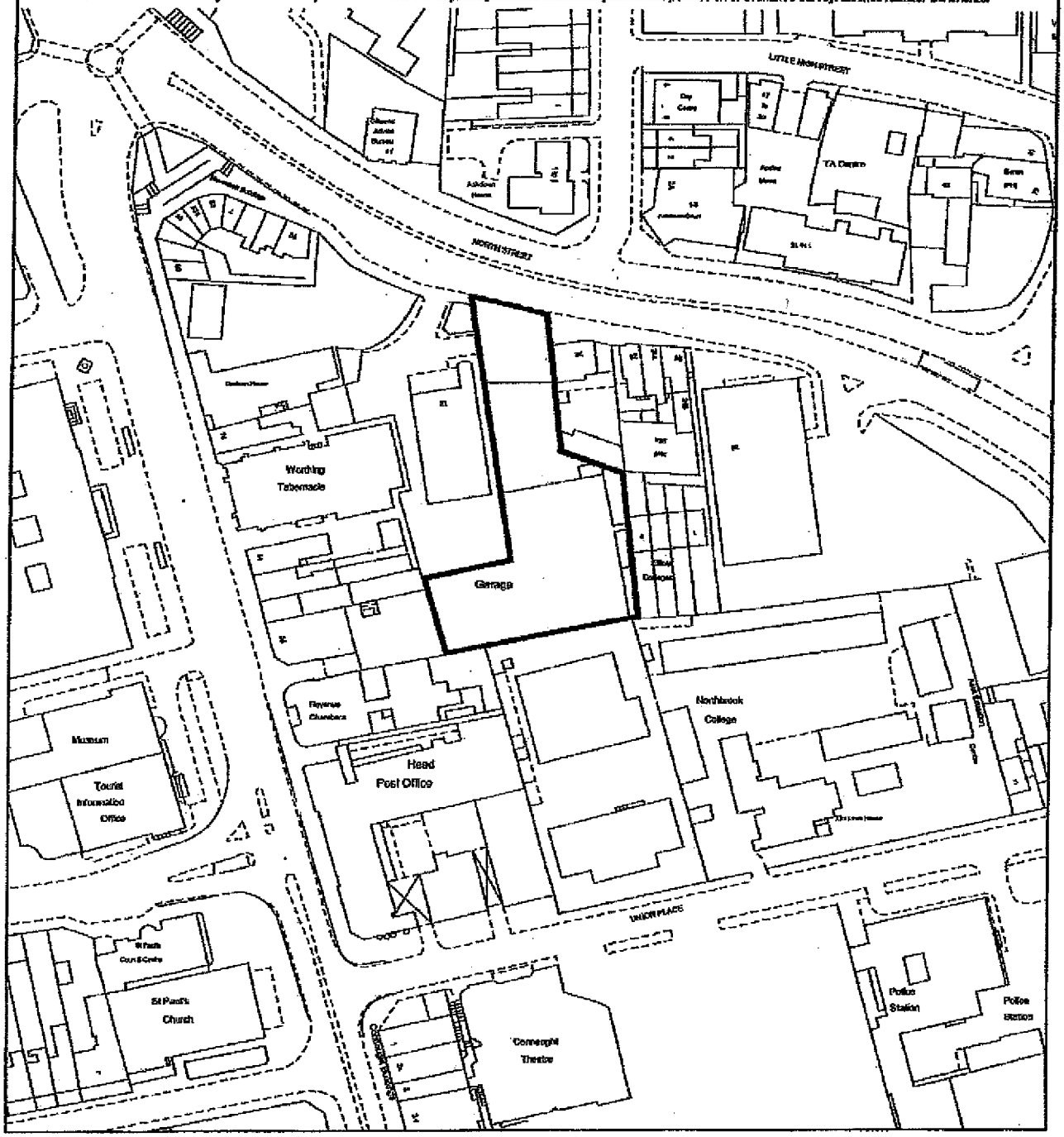
WEST SUSSEX : WORTHING

N

ORDNANCE SURVEY MAP REFERENCE: TQ1402NE

SCALE 1:1250

©CROWN COPYRIGHT. Produced by HMLR. Further reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number GD 272728.



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 **16 August 2005 at 17:23:19**. It may be subject to distortions in scale.

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

Issued on 16 August 2005.

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

H.M. LAND REGISTRY DB 09/2005