WB/08/0254/FUL

DATED 5TH JUNE 2008

UNILATERAL UNDERTAKING

by

Worthing Society for the Blind

75 Richmond Road, Worthing

West Sussex, BN11 4AQ

(Registered Charity Number 1078504)

Relating to

Wraysbury Home for the Blind, Beccles Road

Worthing, West Sussex, BN11 4AJ

THIS UNILATERAL UNDERTAKING is made the 5TH day of JUNE Two thousand and Eight

BY Worthing Society for the Blind whose registered office is at 75 Richmond Road, Worthing, West Sussex, BN11 4AQ (the Owner)

RECITALS:-

A. The owner is the owner of the land known as Wraysbury Home for the Blind, Beccles Road, Worthing, West Sussex, BN11 4AJ,
(registered at the H M Land Registry under Title Number WSX313249) shown edged red on the plan attached hereto

B. Worthing Borough Council (the Council) is 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/08/0254/FULL

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/08/0254/FULL by the Council to the land known as Wraysbury Home for the Blind, Beccles Road, Worthing, West Sussex, BN11 4AJ.

1.4 **Development** means the change of use and conversion of existing residential care home including demolition of existing conservatory and replacement with a single storey extension to provide 12 no. self contained flats.

1.5 **Occupation of the Development** means legal completion of the first flat sale

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 Wraysbury Home for the Blind, Beccles Road, Worthing, West Sussex, BN11 4AJ.

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/08/0254/FULL

1.11 **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 1HA.

2.8 **THE** Owner agrees to paying the Council's reasonable legal costs in checking the contents of this agreement are correct and the Owners title valid.

THE SCHEDULE

1. The Owner hereby covenants with the Council that it will within seven days of the completion of the first flat sale.

2. (i) in relation to the provisions of a transport TAD contribution pay the sum of £6,040 to the Council.

   (ii) and in relation to the provisions of Outdoor Recreation Space pay the to the Council the sum of £13,850

   making a total of £19,890

PROVIDED THAT where the date for payment of the sums in respect of transport and/or outdoor recreation 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

SIGNED [redacted])
JOHN EDWARD ORME BAKER
CHIEF EXECUTIVE OFFICER
WORTHING SOCIETY FOR THE BLIND

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

WORTHING SOCIETY FOR THE BLIND
75 RICHMOND ROAD
WORTHING
WEST SUSSEX BN11 4AQ

In the presence of [redacted]

Witness name MRS FRANCES PRITCHARD
Address 75 RICHMOND ROAD
WORTHING WEST SUSSEX
BN11 4AQ

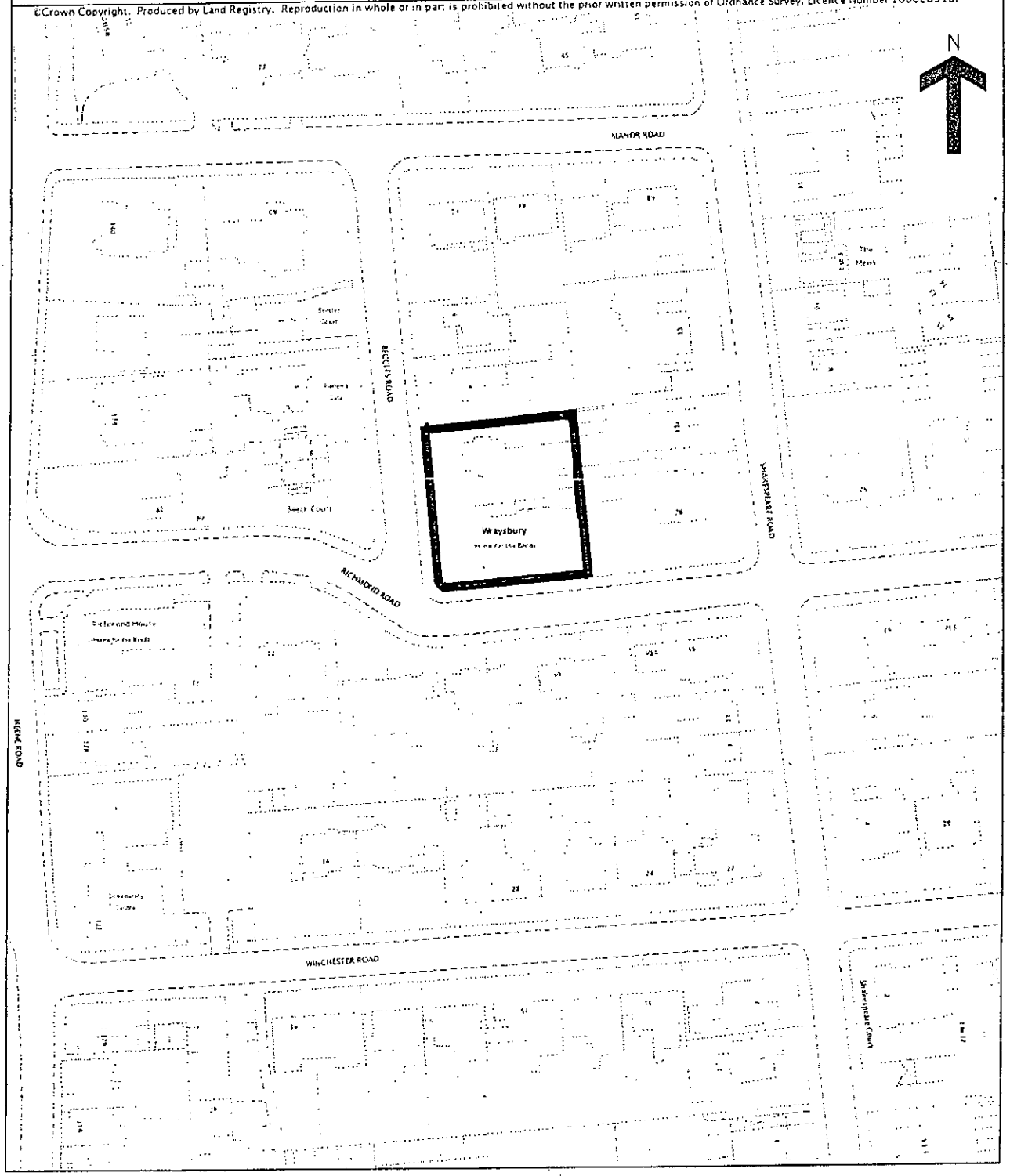
Occupation OFFICE MANAGER

SIGNED by [redacted])
MRS F PRITCHARD

Land Registry
Current title plan

Title number WSX313249
Ordnance Survey map reference TQ1302NE
Scale 1:1250
Administrative area WEST SUSSEX: WORTHING

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This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 04 June 2008 at 17:03:58. 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, Portsmouth Office.