

DATED

28 October

2014

3/3992 ✓

AL-19-80
AL-AS-80-18

3/289/14
5/12/14
CAB

ARUN DISTRICT COUNCIL

- and -

WILSON HOUSE LIMITED

- and -

ANDREW HARVEY WILSON, CHRISTINE PEGGY WILSON &
PORTSOKEN TRUSTEES LIMITED

DEED OF VARIATION

under Section 106A of the Town & Country Planning Act 1990 relating to Land
at Milliards Pig Farm, Westergate Street, Westergate in the County of West
Sussex

Arun District Council
Arun Civic Centre
Maltravers Road
LITTLEHAMPTON
West Sussex
BN17 5LF
[☎ 01903 737737]

Ref: AL/73/14/pl

28 28/05/14

THIS DEED OF VARIATION is made the _____ day of _____ 2014

BETWEEN:

- (1) "the Council" Arun District Council of the Arun Civic Centre Maltravers Road Littlehampton West Sussex BN17 5LF and
- (2) "the Owner" Wilson House Limited (Company registration number 05439198) whose registered office is situate at Wilson House, Waterberry Drive, Waterlooville PO7 7XX
- (3) "the Mortgagee " Andrew Harvey Wilson and Christine Peggy Wilson both of Wilson House, Waterberry Drive, Waterlooville PO7 7XX and Portsoken Trustees Limited (Company registration number 01962495) whose registered office is situate at 6 Crutched Friars, London EC3N 2PH as Trustees for the time being of the Wilson Trust SSAS

NOW THIS DEED WITNESSETH: as follows:-

1. Definitions

In this Deed:-

- 1.1. "the Property" means to Land at Milliards Pig Farm, Westergate Street, Westergate in the County of West Sussex
- 1.2. "the Original Agreement" means an Agreement made pursuant to Section 106 Town & Country Planning Act 1990 on 21st December 2012 between the Council (1) the then Owner being Brian Alder Reginald Riggs (2) and the said Wilson House Limited (3)

2. Recitals

- 2.1 This Deed is supplemental to the Original Agreement
- 2.2 The Owner is successor in title to the Owner specified in the Original Agreement
- 2.3 The Original Agreement related to planning application reference AL/114/12 and a new application has been submitted to the Council by the Owner for a variation to the existing Planning Permission under new application reference AL/73/14 for the substitution of two in number three bedroom semi-detached houses in place of the existing four bedroom detached house on Plot 1 authorised under Planning reference AL/114/12
- 2.4 The Council and the Owner agree that the Affordable Housing Contribution as defined in the Original Agreement will if planning is granted for the said substitution

increase from the sum of Eight thousand eight hundred and thirty two pounds (£8,832.00) to the sum of Ten thousand three hundred and seventy six pounds (£10,376.00) and agree to join in this Deed to give effect to such agreement

- 2.5 The Mortgagee holds a Legal Charge on the Property by virtue of a Deed made between the Owners and the Mortgagee and has agreed to join in this Deed to give effect to the agreement referred to at clause 2.4

3. Operative powers

The Council enters into this Deed under its powers contained in S106B S106 BA and S106BC Town and Country Planning Act 1990 S111 and S135 Local Government Act 1972 and all other powers enabling

4. Variation

The Council and the Owner AGREE that if the Council grants planning permission in respect of the said application reference AL/73/14/PL The Original Agreement shall be varied in that:-

- 4.1 In sub-clause 2.4 the sum of Eight thousand eight hundred and thirty two pounds (£8,832.00) should be replaced by the sum of Ten thousand three hundred and seventy six pounds (£10,376.00)
- 4.2 The Agreement shall otherwise continue in full force and shall have the same legal effect as before this amendment or variation.
- 4.3 The Mortgagee joins herein to confirm its agreement with the contents of this Deed

5. Costs

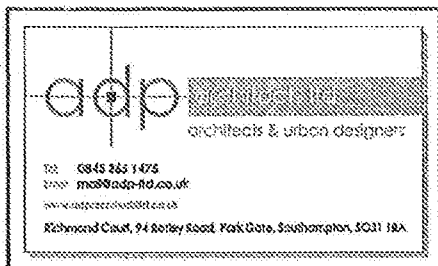
The Owners shall pay the Council's reasonable legal costs on completion of this Agreement.

6. Local Land Charge

The Original Agreement is a local land charge and this Deed shall be entered in the relevant register so as to record the variation

7. Limitation of Liability

Notwithstanding any provision to the contrary herein the liability of Portsoken Trustees Limited shall not be personal and shall be limited to the extent of the Assets for the time being which are in its possession or under its control as a trustee of the Wilson Trust SASS 3251 and further that Portsoken Trustees Limited shall have no such liability after it ceases to be a trustee of that arrangement



project name/address:

**Residential Development
Land adjoining Sunnyside (B1)
Westergate Street
Westergate PO20 3QR**

client:

Wilson House Ltd

drawing title:

Location Plan

Copyright

Reproduced from Ordnance Survey's 1:1250 scale map
with permission of Controller, HMSO Crown copyright,
ADP Architects Ltd AR 100010051

job number:

1558

drawing number:

L02

revision:

A

drawing scale/size:

1:1250 (A4)

date:

Jul 14

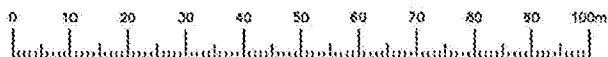
drawn:

rev date:

A 14/09/14

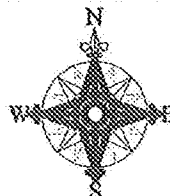
note:

Blue line shown



LINEAR SCALE 1:1250

A4@1:1250



Indicative



Crown Copyright. All rights reserved. Licence number 100020449

IN WITNESS whereof the Council has hereunto caused its Common Seal to be affixed and the Owners have hereunto set their hands as a Deed the day and year first before written.

THE COMMON SEAL OF
Arun District Council was hereunto
affixed in the presence of

AUTHORISED SIGNATURE
SEAL BOOK NO



EXECUTED as a DEED by
WILSON HOUSE LIMITED
acting by a director in the presence of: -

Witness signature.....

Witness Name..... MARK WILCOCKS

Address..... 7 SONNINGDALE ROAD

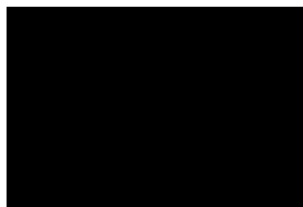
PORTCHESTER

HANTS, PO16 9PD

Occupation..... SURVEYOR.

SIGNED as a deed by the said
ANDREW HARVEY WILSON
in the presence of:

}



Witness signature...



Witness Name... MARK WILLOCKS.

Address 7 SUNNINGDALE RD.
PORTCHESTER,
HAMPSHIRE, PO16 9PD.

Occupation SURVEYOR

SIGNED as a deed by the said
CHRISTINE PEGGY WILSON
in the presence of:

}

C.P.W.J

Witness signature...

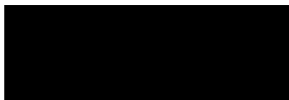


Witness Name... MARK WILLOCKS.

Address 7 SUNNINGDALE RD.
PORTCHESTER,
HAMPSHIRE, PO16 9PD.

Occupation SURVEYOR

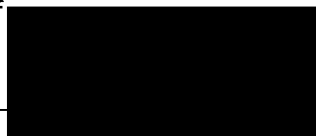
SIGNED as a deed by



A Woodman

as attorney for Portsoken Trustees Limited under
a power of attorney dated 31/3/14
in the presence of

Signature of witness



Name (in BLOCK CAPITALS)

A J Kelly

Address JLT PREMIER PENSION SERVICES

Fitzalan House
Fitzalan Court
Fitzalan Road
Cardiff
CF24 0EL