

Dated: 9th November 2015

Between:

- [1] Shopland Gray Developments Limited
JW Potter HC Potter VG Farrow SM Polhill
[The Owner]
- [2] Arun District Council [ADC]

PLANNING OBLIGATION

under Section 106 of the Town & Country Planning Act 1990
and other powers relating to Land at 21 Bucksham Avenue, Bersted
West Sussex PO21 5DT

Affordable Housing Contribution £13,132
Open Space /play provision £7,000
Accessible Natural Open Green Spaces" ANOGS" £8,925

Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF
DX57406 LITTLEHAMPTON
Reference: BE/60/15/PL

I hereby certify this to be
a true copy



Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

1. **THIS DEED** is by undertaking and is dated 9th November 2015 and is a Planning Obligation for the purposes of Section 106 Town and Country Planning Act 1990 ("The Act") and is made in favour of Arun District Council

2. PARTIES

Owner	Shopland Gray Developments Limited "the first owner" Co Reg No 09032754 of 60 Plainwood Close Chichester PO19 5YB and John William Potter of 4 Bucksham Avenue North Bersted Bognor Regis PO21 5DT Henry Charles Potter of The White House The Street Boxgrove Chichester PO18 0DX Violet Georgina Farrow of 38 Cotman Fields Norwich Norfolk NR1 4EN and Sheila Mary Polhill of Silverwings Arundel Road Walberton Arundel BN18 0QP "the second owners" and all hereinafter collectively called "Owner"
ADC	Arun District Council, Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex BN17 5LF

3. CAPACITIES TO ENTER INTO DEED AND BASIC DEFINITIONS

Party	Capacity
Owner	The first owner is Freehold owner under HMLR registered Title no WSX101976 and WSX109319 being 21 Bucksham Avenue and land lying to the north of Bucksham Avenue, Bognor Regis, West Sussex and the second owner is Freehold owner under HMLR registered Title no WSX294256 of land lying to the north east of Bucksham Avenue, North Bersted, Bognor Regis, West Sussex ("the Land") the whole of which land is shown for identification only edged black on the attached plan and the first owner is the applicant for the planning permission described below
Planning Application	A planning application seeking authorisation in respect of the Land under Planning Application Ref: BE/60/15/PL for Demolition of Existing Dwelling and erection of 8 No. three bedroom dwellings with new access & car parking and "Planning Permission" and "Development" shall be construed accordingly
ADC	Local Planning Authority under Town and Country Planning Act 1990 and (as relevant) as payee in relation to the statutory functions and purposes identified herein in clause 5 namely affordable housing provider/facilitator, provider of open space and leisure and recreation services

4. BACKGROUND

- 4.1 The Planning Application has been made and the payments in this Deed are required under the Act and Planning Policy Guidance to mitigate any ill effects of the Development and in particular the shortage of affordable housing as identified in the Affordable Housing Policy and Public Open Space and Accessible Natural Open Green Spaces (ANOGS)

5. CONTRIBUTIONS PAYABLE

- 5.1 The Owner undertakes with the ADC to:-

- (i) make the payments specified below
- (ii) to the payee specified below
- (iii) for the purposes specified below
- (iv) and at the time specified below

Payee	Time for Payment ("the Due Date")	Amount	Statutory Function and Purpose
ADC	On start of the Development	£13,132	Affordable Housing throughout the Arun District

		£7,000	Open Space /play provision allocated to Bersted Park Play Area, for improvements to play provision and which Area is immediately adjacent to the Land.
		£8,925	Accessible Natural Open Green Spaces" ANOGS"

5.2 The Owner undertakes with ADC not to start the Development until the above payments have been made.

5.3 The first owner hereby agrees to indemnify the second owners against all claims, costs, charges, expenses and liabilities arising out of or in connection with this Deed.

6. ADDITIONAL CLAUSES

It is agreed that:

6.1 Start Date of this Deed and Obligations

6.1.1. This Deed will take effect on the grant of the Planning Permission but not otherwise and the obligations and liabilities of the Owner contained in this Deed shall be conditional upon the commencement of the Development.

6.1.2. S56 of the Act will apply to determine commencement of the Development and in the event of any uncertainty or disagreement concerning this date the determination of ADC shall be final.

6.1.3. On commencement of the Development the first owner will send to ADC written Notice of that event in the Form of the Notice in Schedule 1.

6.1.4. The second owners shall not be liable for breach of an obligation contained in this Deed after the second owners have parted with all interest in the Land or relevant part.

6.2 Index Linking

6.2.1 The Owner undertakes to ADC that any sums payable by the Owner under this Deed shall be increased by the application of the following formula:

$$A = B \times \frac{C}{D}$$

where:

- A is the sum actually payable on the Due Date/ Payment Date
- B is the original sum mentioned in this Deed
- C is the Building Cost Information Service National All-In Tender Price Index for the quarter preceding the Due Date/Payment Date
- D is the Building Cost Information Service National All-In Tender Price Index for the quarter preceding the date of this Deed
- C
- D is equal to or greater than 1

6.2.2 The adjustment in clause 6.2.1 shall only be made where the Due Date /Payment Date is more than 6 months after the date of this Deed

6.3 Interest on Payments

The Owner undertakes with ADC to pay interest on sums due to ADC under this Deed but not paid on the Due Date from the Due Date until actual payment. The rate of interest shall be 4% above the HSBC Bank base rate from time to time.

6.4 Payment Notice

All payments due under this Deed will be sent to the payee with a duly completed Notice in the Form of Schedule 2.

6.5 Legal Costs

6.5.1 The first owner undertakes with ADC prior to completion of this Deed to pay to ADC its reasonable legal costs of ADC entering into this Deed in the sum of £450 receipt of which ADC hereby acknowledges

6.5.2 For the avoidance of doubt ADC shall be entitled to utilise a proportion of any monetary contributions specified in this Deed for related project costs up to a maximum of 5% of the sum or £15,000 whichever shall be the larger

6.5.3 For the avoidance of doubt the above charges are standard charges and shall not preclude ADC from claiming and receiving any additional monitoring and legal or enforcement costs above and beyond these standard charges when circumstances require that they be incurred in pursuing full compliance with this Deed whether through the courts or otherwise

7. GENERAL

7.1 This Deed is not a Planning Permission or any other form of consent under any other function of ADC.

7.2 This Deed does not restrict or fetter the statutory powers of ADC.

- 7.3 If more than one party to this Deed agrees or undertakes with another then that agreement or undertaking shall be enforceable against that person jointly or severally.
- 7.4 This Deed confers no benefit on any Third Party under the Contracts (Third Party Rights) Act 1999.
- 7.5 This Deed shall apply to the Development as authorised by the Planning Permission or as varied or renewed from time to time.
- 7.6 This Deed is a Local Land Charge and shall be registered as such.
- 7.7 No statutory undertaker as defined by S262 of the Act shall be bound by this Deed
- 7.8 No individual householder who buys an individual plot from a commercial developer nor their successors in title shall be bound by this Deed.

THIS DEED is signed and sealed by the parties as a Deed on the date first appearing.

SCHEDULE 2

Payment Notice

Payment of Monies due under a Section 106 Planning Obligation.

Failure to use this form may mean problems with acknowledgment of payment and may prejudice your ability to prove compliance with the planning obligation.

If ADC is Payee :
Head of Planning Services Arun District Council Arun Civic Centre Maltravers Road Littletownhampton West Sussex BN 17 5LF DX 57406 Littlehampton

Please answer all the questions.

1. Payment to be made by/on behalf of.....
2. Land at:.....
3. Agreement dated:.....
4. Planning application reference number *[where applicable]*
5. Obligation in Agreement

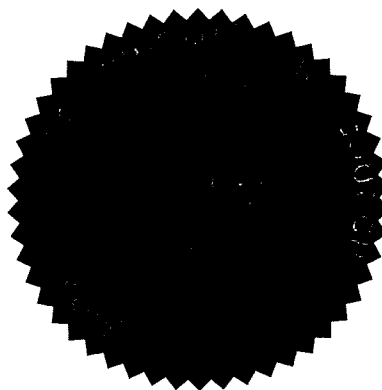
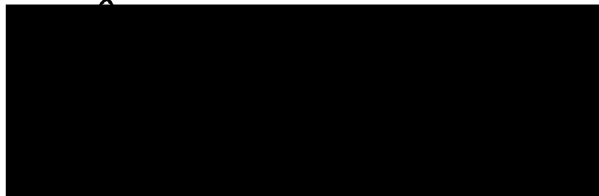
[a]	Clause No.	
[b]	Contribution towards affordable housing	
[c]	Amount of contribution	
[d]	Date upon which contribution is due	
[e]	Amount of contribution enclosed	

SIGNED AS A DEED BY

Shopland Gray Developments Limited *acting by a director*
IN THE PRESENCE OF

DIRECTOR
NAME Christopher R.A. Spirit
ADDRESS Solicitor
OCCUPATION CHARLES-HILL-HUBBARD
27/28 Southgate
Chichester
West Sussex PO19 1ES

SEALED WITH THE CORPORATE SEAL
OF ARUN DISTRICT COUNCIL



AUTHORISED SIGNATORY
SEAL BOOK NUMBER :-

258/2015

SIGNED AS A DEED BY
JOHN WILLIAM POTTER
IN THE PRESENCE OF

NAME
ADDRESS
OCCUPATION

SIGNED AS A DEED BY
HENRY CHARLES POTTER
IN THE PRESENCE OF

NAME
ADDRESS
OCCUPATION

SIGNED AS A DEED BY
VIOLET GEORGINA FARROW
IN THE PRESENCE OF

NAME
ADDRESS
OCCUPATION

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SIGNED AS A DEED BY
Shopland Gray Developments Limited
IN THE PRESENCE OF

DIRECTOR
NAME
ADDRESS
OCCUPATION

SEALED WITH THE CORPORATE SEAL
OF ARUN DISTRICT COUNCIL
IN THE PRESENCE OF

AUTHORISED SIGNATORY
SEAL BOOK NUMBER :-

SIGNED AS A DEED BY
JOHN WILLIAM POTTER X
IN THE PRESENCE OF

NAME GUY SACKETT
ADDRESS THOMAS EGGER HOUSE, FRIARY LANE, CHICHESTER, PO19 1VF.
OCCUPATION SOLICITOR

SIGNED AS A DEED BY
HENRY CHARLES POTTER X
IN THE PRESENCE OF

NAME GUY SACKETT
ADDRESS THOMAS EGGER HOUSE, FRIARY LANE, CHICHESTER, PO19 1VF.
OCCUPATION SOLICITOR

SIGNED AS A DEED BY
VIOLET GEORGINA FARROW X
IN THE PRESENCE OF

NAME MONICA HEMBER.
ADDRESS 13, COTMAN FIELDS.
OCCUPATION RETIRED.

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SIGNED AS A DEED BY
SHEILA MARY POLHILL IN THE PRESENCE OF



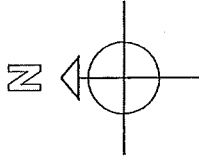
NAME CAROL MILLS
ADDRESS 62 LIMERLANE BOGNOR REGIS PO22 7HD
OCCUPATION RETIRED

Notes

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Rev	Description	Date	By
1	Issue for planning	26/03/15	PJD
2	Issue for construction	26/03/15	PJD

BLOCK PLAN (1:500)



The Barn, Calvert Mount Business Park, Calvert Lane,
Cuddesley, Southampton, Hampshire, SO2 2BN
Tel: 0447 766096
Email: info@vividstudio.co.uk
Website: www.vividstudio.co.uk

Project

Proposed Residential Development
21 Bucksham Avenue
Bognor Regis
West Sussex

Title

Block Plan

Client

Shopland Gray Developments Ltd

Scale

1:500 (@A3)

Drawn By

PJD

Checkd By

PJD

Date

26/03/15

Proj. No.

120096

Rev.

02

C

SIGNED AS A DEED BY
SHEILA MARY POLHILL IN THE PRESENCE OF

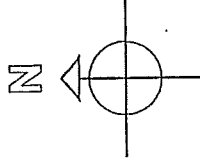
NAME
ADDRESS
OCCUPATION

Notes

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Rev	Description	Date	By	CHKD
1	Issue for planning	25/03/15	JD	JD
2	Issue for construction	25/03/15	JD	JD
3	Issue for construction	25/03/15	JD	JD

BLOCK PLAN (1:500)



The Barn, Canon Mount, Buxham Park, Chichester, West Sussex, PO19 1JH
Tel: 01243 766490
Email: info@vividstudio.co.uk
Website: www.vividstudio.co.uk

Project:
Proposed Residential Development
21 Buxham Avenue
Bognor Regis
West Sussex

Title:
Block Plan

Client:
Shopland Gray Developments Ltd

Scale:
1:500 (@A3)

Drawn By:	JD	Checked By:	JD
Date:	25/03/15	Date:	25/03/15
Job No:	120096	Rev:	02
			C



Official copy of register of title

Title number: WSX101976 Edition date 14.11.2014

- This official copy shows the entries in the register of title on 17 November 2014 at 18:02:38.
- 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 21 November 2014.
- 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 (01.07.1986) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 21 Bucksham Avenue, Bognor Regis (PO21 5DT).

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 (14.11.2014) PROPRIETOR: SHOPLAND GRAY DEVELOPMENTS LIMITED (Co. Regn. No. 09032754) of 60 Plainwood Close, Chichester PO19 5YB and of 28 Landport Terrace, Portsmouth PO1 2RG.
- 2 (14.11.2014) The price stated to have been paid on 3 November 2014 for the land in this title and in WSX109319 was £250,000.

End of register



Title information document

This document has been issued following a change to the register. It has been supplied for information only. It should not be sent to Land Registry in connection with any subsequent application.

Attached is an official copy of the register showing the entries subsisting following the recent completion of the application to change the register.

Please note: The attached official copy shows the state of the individual register of title as at the date and time stated on it.

If in future you wish to apply for an official copy of the register or the title plan, please apply using form OC1 (available from our website, any Land Registry local office and law stationers). A fee is payable for each copy issued.

If you have any queries, or you require this correspondence in an alternative format, please contact us at the address shown, quoting the title number shown on the top of the official copy.

Important information about the address for service

If we need to write to an owner, chargee or other party who has an interest noted on the register, we will write to them at the address shown on the register. We will also use this address if we need to issue any formal notice to an owner or other party as a result of an application being made. Notices are often sent as a measure to safeguard against fraud. It is important that this address is correct and up to date. If it is not you may not receive our letter or notice and could suffer a loss as a result.

You can have up to three addresses for service noted on the register. At least one of these must be a postal address, whether or not in the United Kingdom; the other two may be a DX address, a UK or overseas postal address or an email address.

Please let us know at once of any changes to an address for

Land Registry
Durham Office
Southfield House
Southfield Way
Durham DH1 5TR

DX 60200 Durham 3

Tel 0300 006 0010
Fax 0300 006 0030
durham.office
@landregistry.gsi.gov.uk

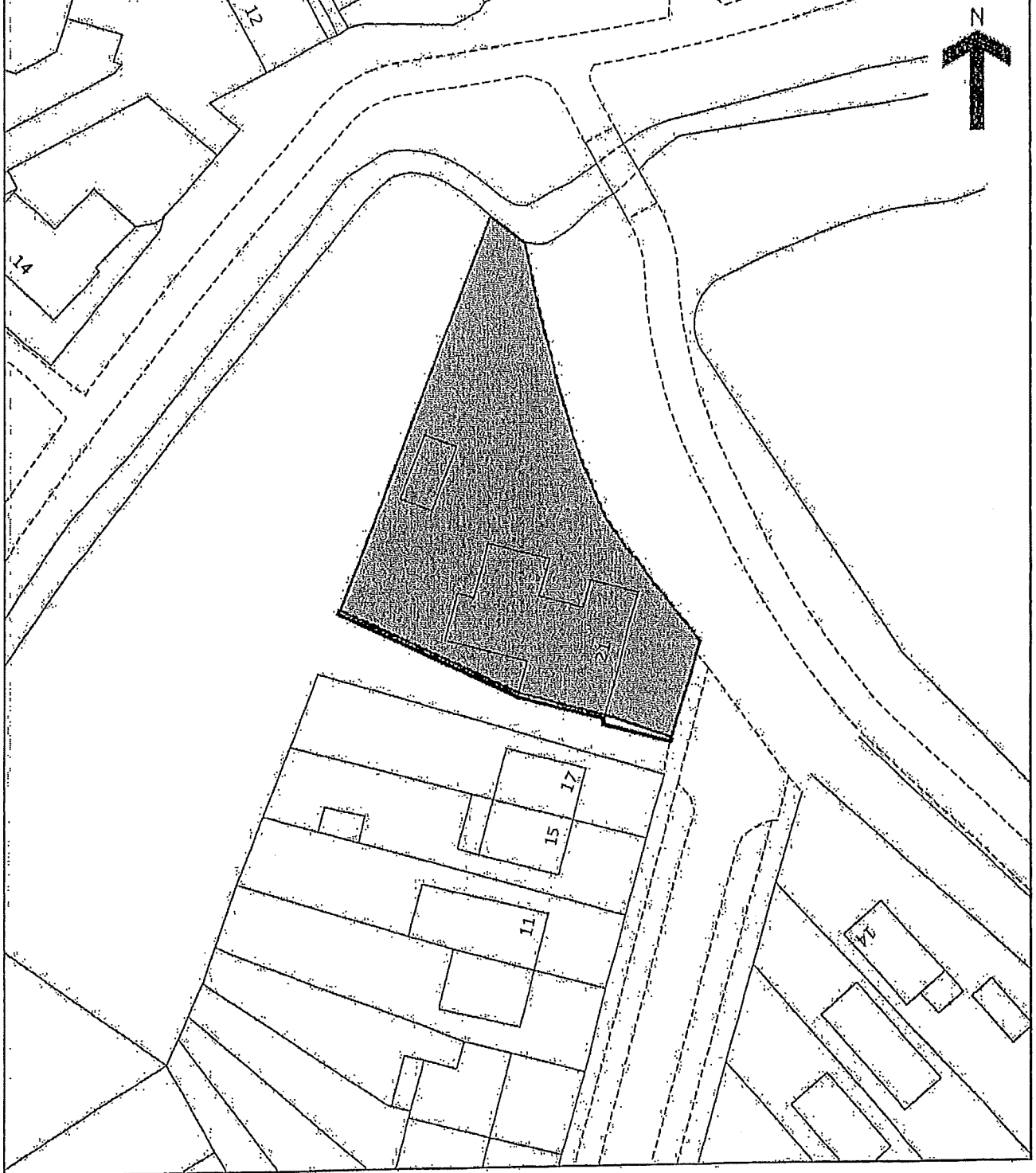
www.gov.uk/land-registry

Land Registry
Official copy of
title plan

Title number **WSX101976**
Ordnance Survey map reference **SU9101SE**
Scale **1:500 enlarged from 1:1250**
Administrative area **West Sussex : Arun**



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Official copy of register of title

Title number WSX109319

Edition date 14.11.2014

- This official copy shows the entries in the register of title on 8 December 2014 at 15:08:54.
- 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 9 December 2014.
- 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 (01.07.1986) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being LAND LYING TO THE NORTH OF Bucksham Avenue, Bognor Regis.

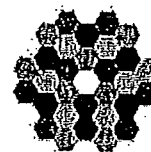
B: Proprietorship register

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

Title absolute

- 1 (14.11.2014) PROPRIETOR: SHOPLAND GRAY DEVELOPMENTS LIMITED (Co. Regn. No. 09032754) of 60 Plainwood Close, Chichester PO19 5YB and of 28 Landport Terrace, Portsmouth PO1 2RG.
- 2 (14.11.2014) The price stated to have been paid on 3 November 2014 for the land in this title and in WSX101976 was £250,000.

End of register



Title information document

This document has been issued following a change to the register. It has been supplied for information only. It should not be sent to Land Registry in connection with any subsequent application.

Attached is an official copy of the register showing the entries subsisting following the recent completion of the application to change the register.

Please note: The attached official copy shows the state of the individual register of title as at the date and time stated on it.

If in future you wish to apply for an official copy of the register or the title plan, please apply using form OC1 (available from our website, any Land Registry local office and law stationers). A fee is payable for each copy issued.

If you have any queries, or you require this correspondence in an alternative format, please contact us at the address shown, quoting the title number shown on the top of the official copy.

Important information about the address for service

If we need to write to an owner, chargee or other party who has an interest noted on the register, we will write to them at the address shown on the register. We will also use this address if we need to issue any formal notice to an owner or other party as a result of an application being made. Notices are often sent as a measure to safeguard against fraud. It is important that this address is correct and up to date. If it is not you may not receive our letter or notice and could suffer a loss as a result.

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Please let us know at once of any changes to an address for

Land Registry
Durham Office
Southfield House
Southfield Way
Durham DH1 5TR

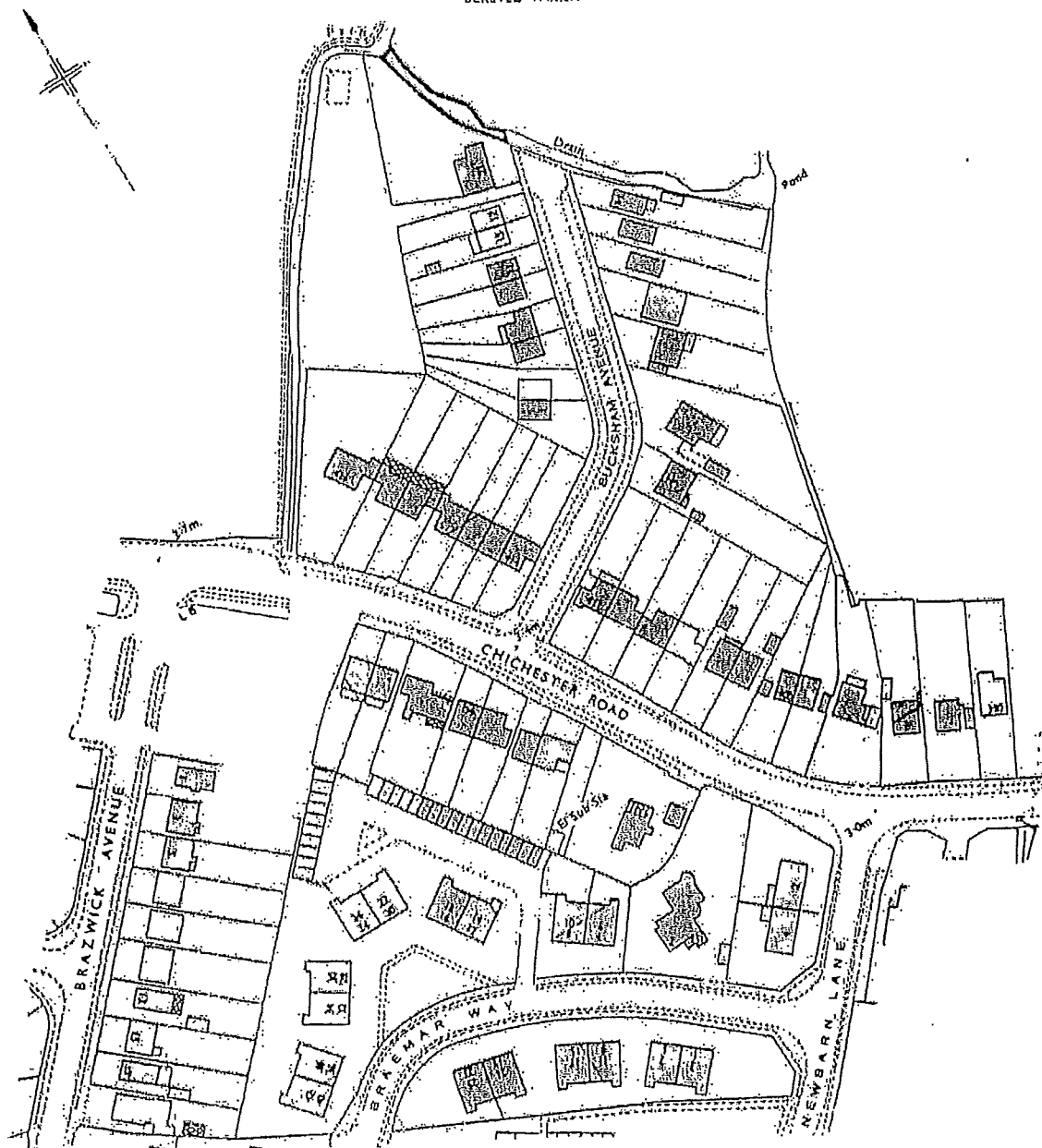
DX 60200 Durham 3

Tel 0300 006 0010
Fax 0300 006 0030
durham.office
@landregistry.gsi.gov.uk

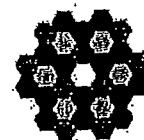
www.gov.uk/land-registry

H.M. LAND REGISTRY		TITLE NUMBER WSX109319	
ORDNANCE SURVEY PLAN REFERENCE	SU 9101	SECTION A	Scale 1/1250
COUNTY WEST SUSSEX	DISTRICT ARUN	© Crown copyright 1980	

BERSTED PARISH



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Official copy
of register of
title

Title number WSX294256

Edition date 01.07.2014

- This official copy shows the entries on the register of title on 21 OCT 2014 at 11:05:55.
- 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 21 Oct 2014.
- 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 (22.11.2005) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land lying to the north east of Bucksham Avenue, North Bersted, 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 (22.11.2005) PROPRIETOR: JOHN WILLIAM POTTER of 4 Bucksham Avenue, North Bersted, Bognor Regis, West Sussex PO21 5DT and HENRY CHARLES POTTER of The White House, The Street, Boxgrove, Chichester, West Sussex PO18 0DX and VIOLET GEORGINA FARROW of 38 Cotman Fields, Norwich, Norfolk NR1 4EN and SHEILA MARY POLHILL of Silverwings, Arundel Road, Walberton, Arundel, West Sussex BN18 0QP.
- 2 (22.11.2005) The value stated as at 22 November 2005 was £60,000.
- 3 (22.11.2005) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.
- 4 (22.11.2005) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by Ronald Henry Potter of Gumnut Cottage, 180 Browns Road, Cranbourne, South Victoria, 3977 and Andrew Nicholas Dinnage of 28 The Ashway, Brixworth, Northants NN6 9TZ as executor of the late James Gordon Dinnage.

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 WSX294256

C: Charges Register

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

- 1 (22.11.2005) The land is subject to the following rights reserved by a Conveyance of the land in this title dated 23 July 1943 made between (1) William Robert Metcalfe and (2) Violet Hermione Potter:-

"EXCEPT AND RESERVING unto the Vendor or other the owner or owners occupier or occupiers of the premises situate and known as Number 8 Bucksham Avenue North Hersted aforesaid of a right of way at all times and for all purposes with or without horses carts carriages motor cars and other vehicles over the piece of land coloured pink hatched black"

NOTE: "Number 8 Bucksham Avenue" referred to is now known as 17 Bucksham Avenue. "The land coloured pink hatched black" referred to is tinted blue on the title plan.

End of register

Land Registry
Official copy of
title plan

Title number **WSX294256**
Ordnance Survey map reference **SU9101SE**
Scale **1:1250**
Administrative area **West Sussex : Arun**



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This official copy is incomplete without the preceding notes page.

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.

This official copy is issued on 21 October 2014 shows the state of this title plan on 21 October 2014 at 11:05:55. 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 .