ARUN DISTRICT COUNCIL
- 4 JAN 2016
RECEIVED

Dated 19th December 2015

The Owner: 32 Victoria Drive Limited and Sarah Helen Pollard

With Consent of mortgagee: none

In favour of Arun District Council

UNILATERAL UNDERTAKING

Under Section 106 of the Town and Country Planning Act 1990 Concerning Land
At 32 Victoria Drive Bognor Regis PO21 1RA

Planning Application Ref: BR/262/15/PL for 1 bedroom flat

Contributions for:
Affordable Housing within Zone b of Pagham Harbour (Access Management at Pagham Harbour)
Affordable Housing Contribution £1104 Access Management Contribution £1275

Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF
Tel: 01903 737500
DX: 57406 Littlehampton

ARUN DISTRICT COUNCIL BR/262/15/PL

THIS UNILATERAL UNDERTAKING is given this 19th December 2015

By 32 Victoria Drive Limited Co Reg No 7218094 of Flat 3 32 Bognor Regis as to the land fronting Victoria Drive and Sarah Helen Pollard of Top Flat 32 Victoria Road above mentioned as to part of the land to the rear ("the Owner")

IN FAVOUR OF Arun District Council of Arun Civic Centre Maltravers Road Littlehampton BN17 5LF ("the Council")

1. Background

1.1 The Owner is the freehold owner of the Land.

1.2 Arun District Council is the local planning authority for the purposes of this Deed for the area within which the Land is situated

1.3 The Owner has by the Application applied to the Council for planning permission to develop the Land

1.4 The Council has not determined the Application

1.5 In order to secure the best use of land and a properly planned environment the Owner is desirous of binding the Land in the terms set out hereinafter

2. Definitions

In this Undertaking

2.1 Any reference to a clause is to one in this Deed and the headings of clauses are for ease of reference and do not form part of this Deed

2.2 In the absence of contrary provision any reference to a statute includes any statutory modification or re-enactment of it and every statutory instrument, direction, specification made or issued under the statute or deriving validity from it

2.3 "The Act" means the Town and Country Planning Act 1990 (as amended)

2.4 "Natura 2000 network" means a site designated under European Directives 92/43/EEC The Habitats Directive and 2009/147/EC (consolidated version of 92/47/EEC and amendments) The Birds Directive. Transposed into UK law through the Conservation of Habitat and Species Regulations 2010.

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2.5 "Application" means the planning application number Ref BR/262/15/PL for planning permission made by the Owner to develop the Land by

2.6 "Affordable Housing Contribution" means the sum of £1104 for the purpose of providing or helping to provide Affordable Housing as Affordable Housing is defined within Annex 2 Glossary National Planning Policy Framework dated 27 March 2012 as amended from time to time

2.7 "Access Management Contribution" means the sum of £1275 for the purpose of delivering mitigatory actions at Pagham Harbour, which is a designated part of the European Natura 2000 network, arising from this development. This shall include the employment of a 0.5 FTE warden, dog project, additional signage and interpretation material and future monitoring.

2.8 "Land" means the land at 32 Victoria Drive BognorRegis PO21 1RA shown on WSX 338194 and 12397 shown on the plan

2.9 "Development" means the development authorised by the Planning Permission issued pursuant to the Application

3 Enabling Provisions

3.1 This Unilateral Undertaking:

3.1.1 is given by the Owner to the Council

3.1.2 is made pursuant to the provisions of S106 of the Act

3.1.3 is a planning obligation for the purposes of that S106 of the Act

3.1.4 is given with the intent to bind the Owner's interest in the Land

3.1.5 shall be enforceable by the Council as local planning authority

3.1.6 is executed by the Owner as a Deed

4. Commencement

The provisions of this Deed shall take effect on the completion of this Deed of undertaking by the Owner

5. Contributions

5.1 The Owner undertakes to pay to the Council the Affordable Housing and Access Management Contributions on or before commencement

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of the Development under S56 of the Act to be authorised by any Planning Permission issued pursuant to the Application

5.2 For the avoidance of doubt the Council 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 which ever shall be the larger

5.3 For the avoidance of doubt the above charges are standard charges and shall not preclude the Council 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. Registration of this Unilateral Undertaking

The Owner acknowledges that this Unilateral Undertaking shall be registered as a local land charge in the Register of Local Land Charges maintained by the Council

8. Repayment Clause

The Sum of the Contribution payable under this Deed shall be repaid to the Owner as the Original Payer but without incurring any interest or any other costs on:

(a) Withdrawal of the Planning Application

(b) Refusal of the Planning Application by the Local Planning Authority or ,in the event of an appeal ,on appeal whichever is the later

(c) Expiry of Planning Permission without commencement of the Development

8 Costs

The Owner undertakes to pay to the Council the sum of its reasonable legal costs of £200 on or before Completion of this Deed.

9. General

9.1 This Deed shall not bind:

(a) Statutory undertakers within the meaning of S262 of the Act

(b) Householder Purchasers of sub plots from the Owner

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9.2 This Deed shall be applicable and relate to the Applications and renewals re submissions and variations thereof provided that in the case of variations this shall only apply if the sum of Affordable Housing Contribution stays the same

SIGNED AS A DEED by both the Owners the day and year first above written

SIGNED as a DEED
By 32 Victoria Drive Limited
in the presence of:-

[redacted]

WITNESS NAME
WITNESS ADDRESS

[redacted]

WITNESS OCCUPATION

SIGNED as a DEED
By Sarah Helen Pollard
in the presence of:-

[redacted]

WITNESS NAME
WITNESS ADDRESS

[redacted]

WITNESS OCCUPATION

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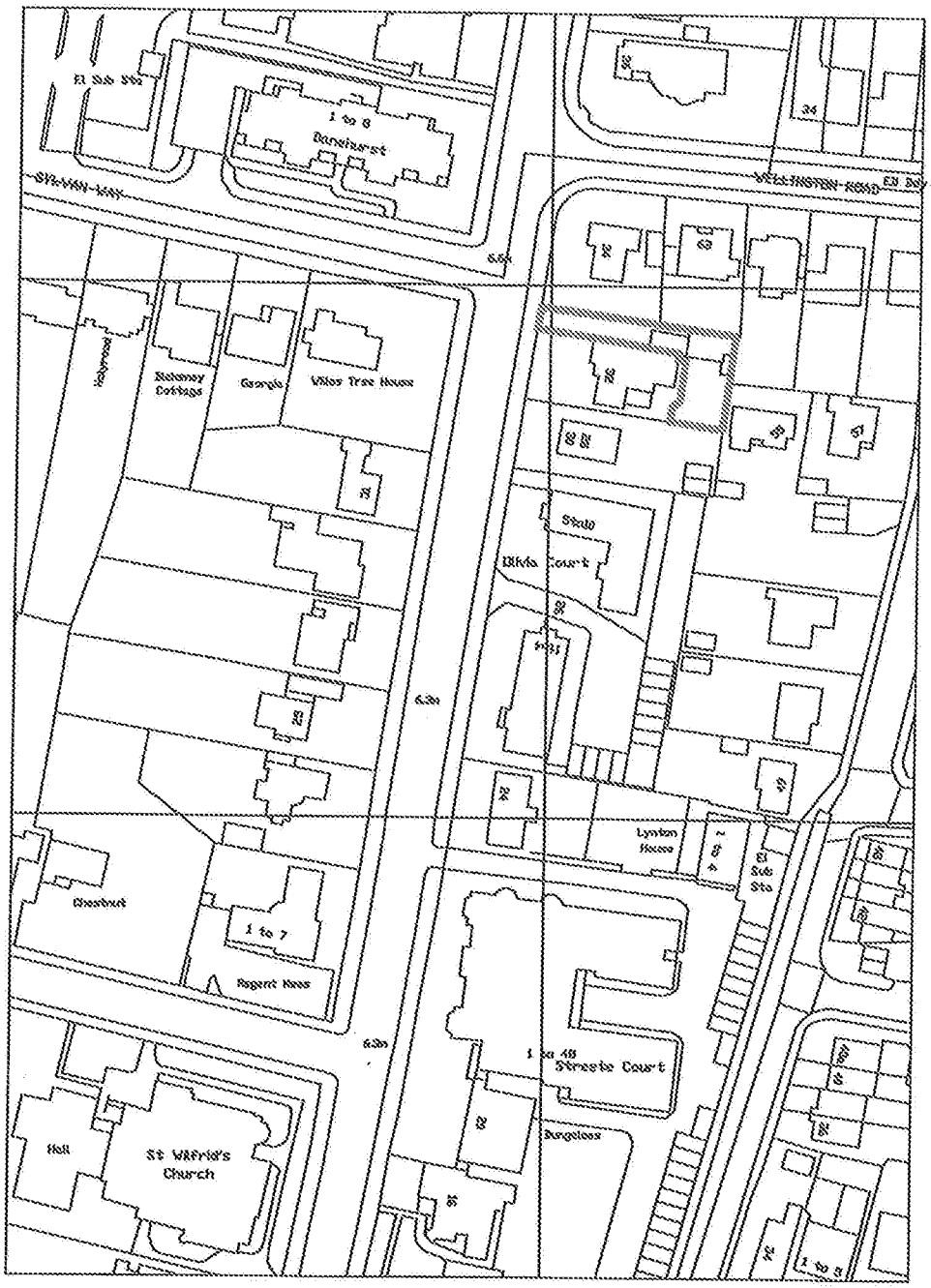

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Drawing 1 - Location Plan
Scale 1:1250 @ A4

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