

Please use this Form if your planning application is for between 1 to 6 houses

Dated

15 SEPTEMBER

2014

[1] The Owner: Carolyn Pannell and Sarah Pannell

[2] Mortgagee : Nationwide Building Society

UNILATERAL UNDERTAKING

Under Section 106 of the Town and Country Planning Act 1990 concerning land at
37 Orchard Road, East Preston, Littlehampton, West Sussex, BN16 1RB.

Planning Application Ref : EP/96/14
Contributions for Affordable Housing of £6,123.00
Monitoring Fee £150.00

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

THIS UNILATERAL UNDERTAKING is given this 15 SEPTEMBER 2014

by Carolyn Pannell and Sarah Pannell

of 37 Orchard Road, East Preston, Littlehampton, West Sussex, BN16 1RB,

("the Owner") IN FAVOUR OF Arun District Council of Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF, with the agreement and consent of :-

Nationwide Building Society of Nationwide House, Pipers Way, Swindon L, SN38 1NW, ("The Mortgagee")

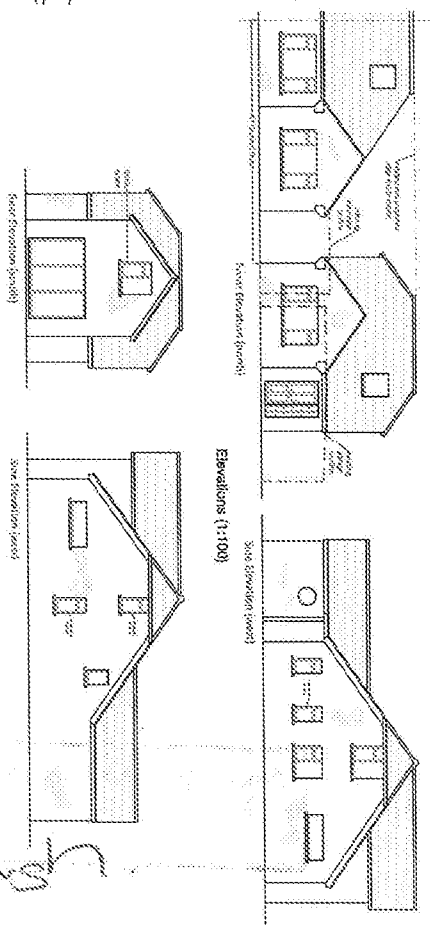
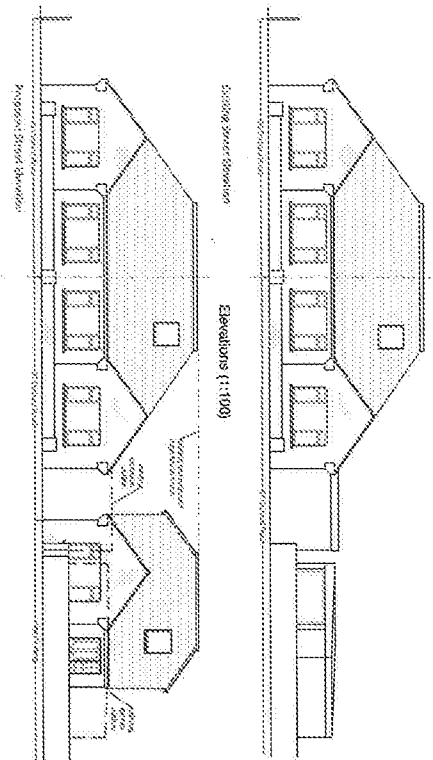
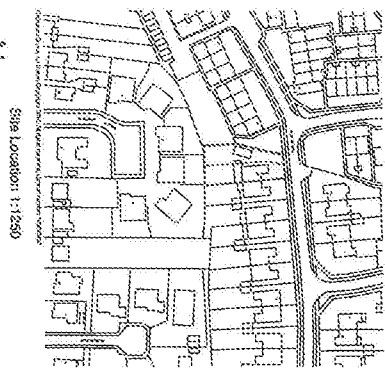
1. Background

- 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 applied or intends to apply 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 and the Mortgagee agrees to join in this Deed and for the Land to be bound by its terms

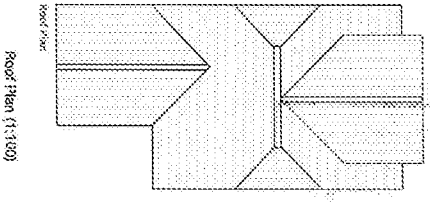
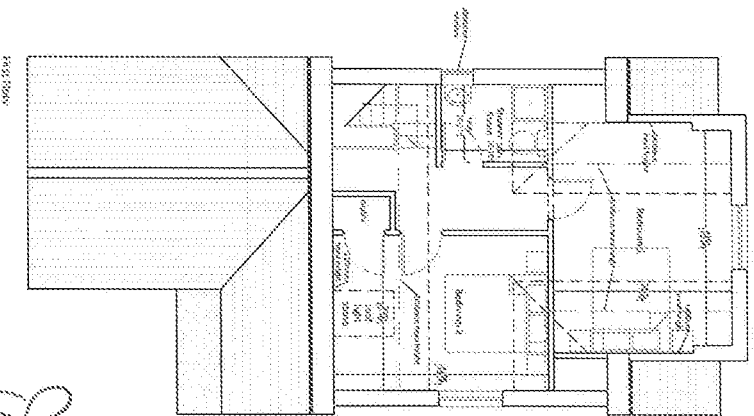
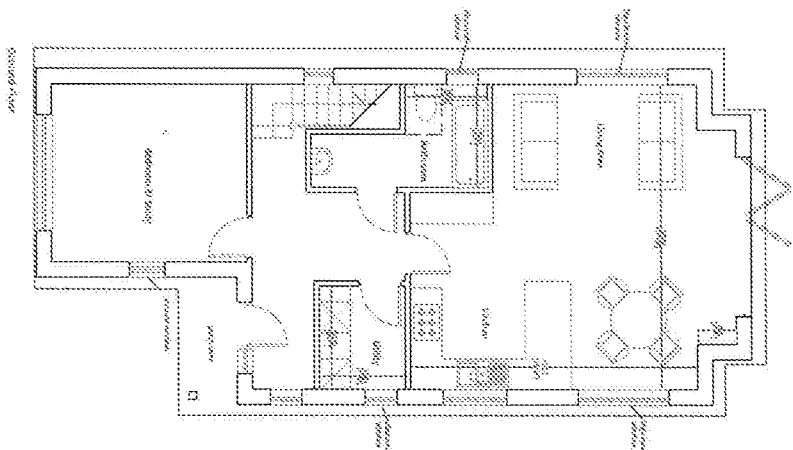
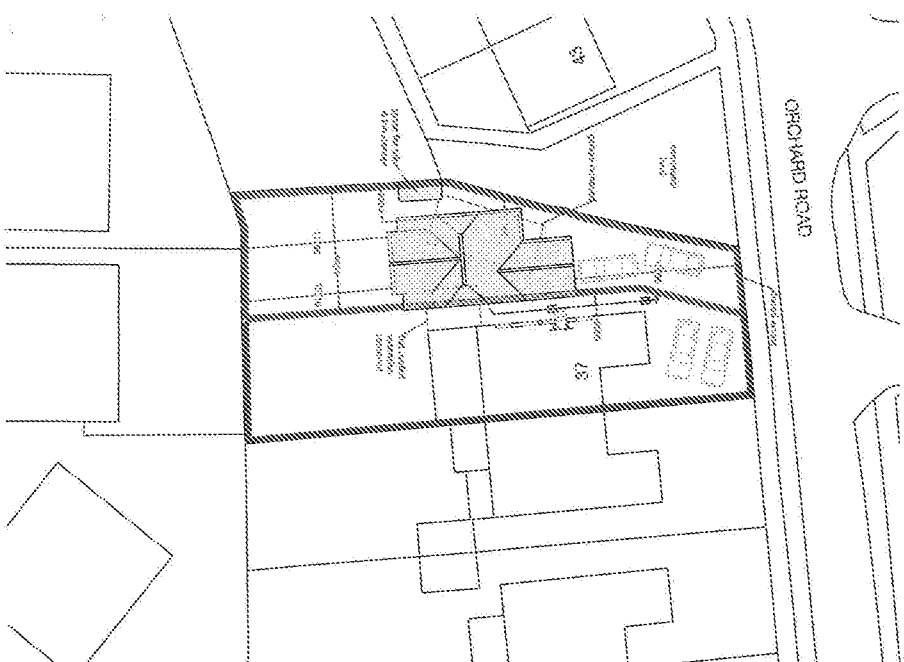
2. Definitions

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)



ORCHARD ROAD



Plans (1:50)

Handwritten signatures: L. Parnell and A. Gush

No.	Description	Quantity
1	Landscaping	100
2	Planting	100
3	Landscaping (existing)	100
4	Landscaping (existing)	100
5	Landscaping (existing)	100
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100	Landscaping (existing)	100

- 2.4 'Application' means the planning application submitted or to be submitted by the Owner seeking planning permission to develop the Land by building houses in the manner described in the Application
- 2.5 'Affordable Housing Contribution' means the sum of £6,123.00 for the purpose of providing or helping to provide Affordable Housing as defined within Annex 2 The Glossary to The National Planning Policy Framework within the whole of the Arun District
- 2.6 'Land' means the land at 37 Orchard Road, East Preston, West Sussex, BN16 1RB, shown edged red on the attached Plan.
- 2.7 '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

The Owner undertakes to pay to the Council the Affordable Housing Contribution on or before commencement of the Development to be authorised by any Planning Permission issued pursuant to the Application

6. Monitoring and Implementation Costs

6.1 The Owner and the Applicant undertakes with the Council to :-

- [a] pay in addition to the above Contribution
- [b] the sums set out in the table below
- [c] at the time or times set out in the table below and
- [d] for the purposes set out in the table below

Payee	Time for Payment	Amount	Purpose
The Council	On Commencement of the Development	£150	ADC Monitoring of compliance with the Deed and subsequent expenditure of the Contribution Sum by the Council

6.2 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

6.3 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. 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. Mortgagee Consent Clause

Nationwide acknowledge and declare that this Deed has been entered into by the Owner with its consent to the intent that the planning obligations shall be binding on the Land and that the security of the mortgage on 37 Orchard Road East Preston Littlehampton West Sussex BN16 1RB dated 8 June 2011 and registered on 29 June 2011 shall take effect subject to this Deed PROVIDED THAT Nationwide shall only be liable for any breach whilst mortgagee in possession and shall not be liable itself for any pre-existing breach

SIGNED as a DEED

By the Owner Carolyn Pannell

in the presence of

KELLY LAND
14 WOLSTENBURY RD, RUSTINGTON, BN16 3LB
PRE-SCHOOL ASSISTANT

SIGNED as a DEED

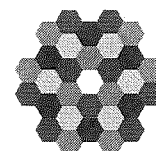
By the Owner Sarah Pannell

in the presence of

KELLY LAND
14 WOLSTENBURY RD, RUSTINGTON, BN16 3LB
PRE-SCHOOL ASSISTANT

SIGNED as a DEED

By the Mortgagee Nationwide
Building Society in the
presence of



Official copy of register of title

Title number SX29130

Edition date 29.06.2011

- This official copy shows the entries on the register of title on 08 FEB 2013 at 15:49:42.
- 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 08 Feb 2013.
- 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 (25.02.1956) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 37 Orchard Road, East Preston, Littlehampton (BN16 1RB).
- 2 By a Transfer dated 14 August 1957 made between (1) J. W. Stratton Limited and (2) Eric Walter Roffey the land in this title was expressed to be transferred together with certain rights. The said Deed also contains exceptions and reservations and this registration takes effect subject thereto.

NOTE: Original filed.

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 (29.06.2011) PROPRIETOR: CAROLYN PANNELL and SARAH PANNELL of 37 Orchard Road, East Preston, Littlehampton, West Sussex BN16 1RB.
- 2 (09.08.2002) The price stated to have been paid on 18 July 2002 for the land in this title and in title WSX263550 was £222,500.
- 3 (29.06.2011) 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 (29.06.2011) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

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.

C: Charges Register

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

- 1 A Conveyance dated 31 October 1935 made between (1) Walter James Langmead (Vendor) and (2) Richard Gardner (Purchaser) contains covenants details of which are set out in the schedule of restrictive covenants hereto.
- 2 By Deed of Release dated 25 March 1937 and made between (1) Walter James Langmead and (2) Richard Gardner the following stipulation was substituted for stipulation No. 1 in the First Schedule to the Conveyance dated 31 October 1935 referred to above.
 1. NO buildings shall be erected upon the premises hereby conveyed other than detached or semi-detached private dwellinghouses or dwellinghouses in blocks of four with or without private garages cyclehouses summerhouses or greenhouses appurtenant thereto no building shall be erected until the plans and elevations thereof have been submitted to and approved by the Vendor or his Surveyor (such approval not to be unreasonably withheld) All dwellinghouses to be erected shall be constructed of brick with dark clay tiled roofs or some other material to be approved by the Vendor and no dwellinghouse shall be built of less value than £300 such value to be taken to be the net first cost in materials and labour of construction only calculated at the lowest current prices exclusive of the cost of fences and of the site.
- 3 (29.06.2011) REGISTERED CHARGE dated 8 June 2011 affecting also title WSX263550.
- 4 (29.06.2011) Proprietor: NATIONWIDE BUILDING SOCIETY of Nationwide House, Pipers Way, Swindon L SN38 1NW.
- 5 (29.06.2011) The proprietor of the Charge dated 8 June 2011 referred to above is under an obligation to make further advances. These advances will have priority to the extent afforded by section 49(3) Land Registration Act 2002.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 31 October 1935 referred to in the Charges Register:-

COVENANT by the Purchaser to the intent and so as to bind (so far as practicable) the premises thereby conveyed into whosoever hands the same might come and to benefit and protect the adjoining lands of the Vendor (but not so as to render the Purchaser personally liable in damages for any breach of covenant committed after he should have parted with all interest in the premises in respect of which such breach should occur) with the Vendor that the Purchaser and his successors in title would at all times thereafter observe and perform the stipulations and regulations in regard to the premises thereby assured which were contained in the first schedule thereto.

THE FIRST SCHEDULE above referred to

1. NO buildings should be erected upon the premises thereby conveyed other than detached or semi-detached private dwellinghouses with or without private garages cycle-houses summerhouses or greenhouses appurtenant thereto. No buildings should be erected until the plans and elevations thereof had been submitted to and approved by the Vendor or his surveyor (such approval not to be unreasonably withheld) All dwellinghouses to be erected should be constructed of brick with dark clay tiled roofs or some other material to be approved by the Vendor and no dwellinghouses should be built of less value than £600 such value to be taken to be the net first cost in materials and labour of construction only calculated at the lowest current prices exclusive of the cost of fences and of the site.

2. NO trade manufacture or business should be carried on upon the premises thereby conveyed nor should any building thereon be erected or used for any other purpose than a private dwellinghouse and appurtenants thereto provided nevertheless that nothing therein

Schedule of restrictive covenants continued

contained should be deemed to prevent (1) the practice of any recognised profession or the placing of a brass or similar plate on the front wall or door or gate of any of the houses nor (2) the erection by the Purchaser of such shops and kindred business premises as might be prescribed and permitted by the Town Planning proposals or Scheme of the Local Authorities or any Interim Development Order issued affecting the premises thereby conveyed or any part thereof.

3. NO hut shed caravan house on wheels or other chattel adapted or intended for use as a sleeping apartment nor any shows booths swings roundabouts or hoardings nor any advertising station should be erected made placed or used or be allowed to remain upon the premises thereby conveyed.

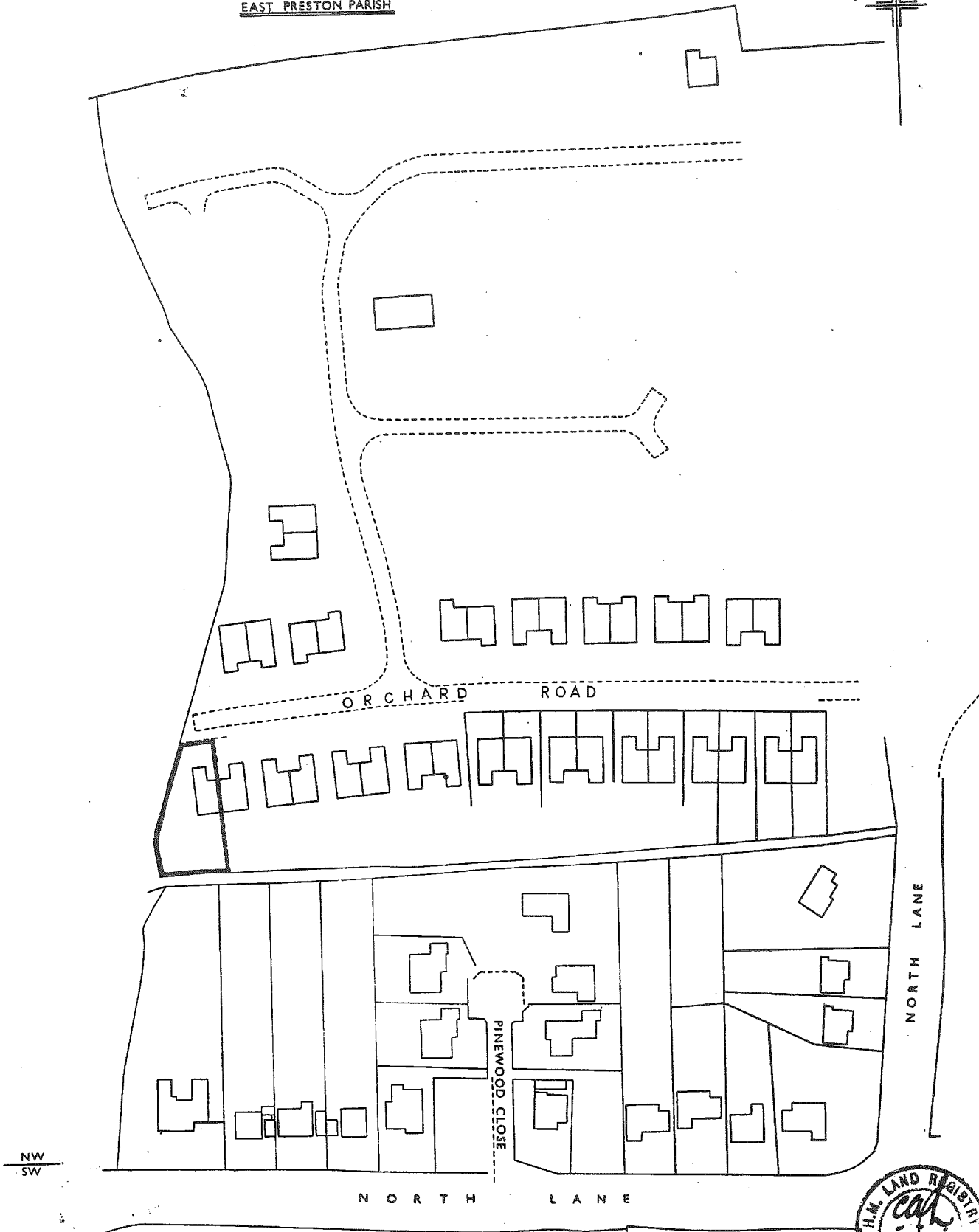
4. NO bricks pipes or tiles should be made or burned on the premises thereby conveyed nor should anything be done thereon which should in anyway detract from the amenities of the Vendor's property as a residential estate or be a nuisance to the Vendor or the adjoining owners except during the course of building operations.

End of register

NATIONAL GRID PLAN TQ 0702 NW.

(SUSSEX)

EAST PRESTON PARISH



Filed Plan of Title No. **SX 29130**

These are the notes referred to on the following official copy

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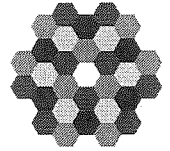
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If any mapping work in respect of any pending application(s) has been completed, additional references, which are not referred to in the register of title, may appear on the title plan or be referred to in the certificate of inspection in form CI. References may also have been amended by, or not be shown on the title plan, where these are being removed as a result of a pending application(s).

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Official copy of register of title

Title number WSX263550 Edition date 29.06.2011

- This official copy shows the entries on the register of title on 08 FEB 2013 at 15:53:43.
- 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.
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- 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 (02.05.2002) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being land adjoining 37 Orchard Road, East Preston, Littlehampton (BN16 1RB).
- 2 (02.05.2002) The land has the benefit of the rights granted by but is subject to the rights reserved by the Transfer dated 13 March 2002 referred to in the Charges Register.

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 (29.06.2011) PROPRIETOR: CAROLYN PANNELL and SARAH PANNELL of 37 Orchard Road, East Preston, Littlehampton, West Sussex BN16 1RB.
- 2 (29.06.2011) 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.
- 3 (29.06.2011) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

C: Charges Register

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

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Title number WSX263550

- 1 (02.05.2002) By a Conveyance dated 13 April 1937 made between (1) Richard Gardner (Vendor) (2) The Melton Mowbray Building Society and (3) The Rural District Council of Worthing (Purchaser) the land in this title together with other land was conveyed:-

.....
..

"subject to the stipulations and conditions contained in the Second Schedule hereto and as to stipulation Number 1 modified by a Deed of Variation dated the twenty fifth day of March One thousand nine hundred and thirty seven and made between the said Walter James Langmead of the one part and the Vendor of the other part so far as the same stipulations and conditions are now subsisting and capable of taking effect (which said stipulation and condition Number 1 as modified by the said Deed of Variation is contained in the Third Schedule hereto)." Details of the second and third Schedules referred to are set out in the schedule of restrictive covenants hereto.

NOTE: No further particulars of the Deed creating the stipulations and conditions was supplied at first registration.

- 2 (02.05.2002) A Transfer of the land in this title dated 13 March 2002 made between (1) Arun District Council and (2) Andrew Standing and Helen Standing contains restrictive covenants.

NOTE: Original filed.

- 3 (29.06.2011) REGISTERED CHARGE dated 8 June 2011 affecting also title SX29130.
- 4 (29.06.2011) Proprietor: NATIONWIDE BUILDING SOCIETY of Nationwide House, Pipers Way, Swindon L SN38 1NW.
- 5 (29.06.2011) The proprietor of the Charge dated 8 June 2011 referred to above is under an obligation to make further advances. These advances will have priority to the extent afforded by section 49(3) Land Registration Act 2002.

Schedule of restrictive covenants

- 1 (02.05.2002) The following are details of the stipulations contained in the Second and Third Schedules to the Conveyance dated 13 April 1937 referred to in the Charges Register.

"THE SECOND SCHEDULE above referred to

1. No buildings shall be erected upon the premises hereby conveyed other than detached or semi-detached private dwellinghouses with or without private garages cycle-houses summerhouses or greenhouses appurtenant thereto. No building shall be erected until the plans and elevations thereof have been submitted to and approved by the Vendor or his Surveyor (such approval not to be unreasonably withheld) All dwellinghouses to be erected shall be constructed of brick with dark clay tiled roofs or some other material to be approved by the Vendor and no dwellinghouse shall be built of less value than Six hundred pound such value to be taken to be the net first cost in materials and labour of construction only calculated at the lowest current prices exclusive of the cost of fences and of the site.

2. No trade manufacture or business shall be carried on upon the premises hereby conveyed nor shall any building thereon be erected or used for any other purpose than a private dwellinghouse and appurtenances thereto provided nevertheless that nothing herein contained shall be deemed to prevent (1) the practice of any recognised profession or the placing of a brass or similar plate on the front wall or door or gate of any of the houses nor (2) the erection by the Purchaser of such shops and kindred business premises as may be prescribed and permitted by the Town Planning Proposals or Scheme of the Local Authorities or any Interim Development Order issued affecting the premises hereby conveyed or any part thereof.

3. No hut shed caravan house on wheels or other chattel adapted or intended for use as a sleeping apartment nor any shows booths swings roundabouts or hoardings nor any advertising station shall be erected

Schedule of restrictive covenants continued

made place or used or be allowed to remain upon the premises hereby conveyed.

4. No bricks pipes or tiles shall be made or burned on the premises hereby conveyed nor shall anything be done thereon which shall in anyway detract from the amenities of the Vendors property as a residential estate or be a nuisance to the Vendor or the adjoining owners except during the course of building operations.

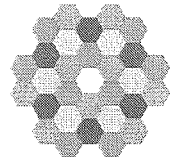
THE THIRD SCHEDULE above referred to

1. No buildings shall be erected upon the premises hereby conveyed other than detached or semi-detached private dwellinghouses or dwellinghouses in blocks of four with or without private garages cyclehouses summerhouses or greenhouses appurtenant thereto. No building shall be erected until the plans and elevations thereof have been submitted to and approved by the Vendor or his Surveyor (such approval not to be unreasonably withheld) All dwellinghouses to be erected shall be constructed of brick with dark clay tiled roofs or some other materials to be approved by the Vendor and no dwellinghouse shall be built of less value than Three hundred pounds such value to be taken to be the net first cost in materials and labour of construction only calculated at the lowest current prices exclusive of the cost of fences and of the site."

End of register

Land Registry Official copy of title plan

Title number **WSX263550**
Ordnance Survey map reference **TQ0702NW**
Scale **1:1250**
Administrative area **West Sussex : Arun**



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These are the notes referred to on the following official copy

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This title is dealt with by the Land Registry, Durham Office .

Rosemary E. Hensby

SOLICITORS

Incorporating

AKERMANS
SOLICITORS

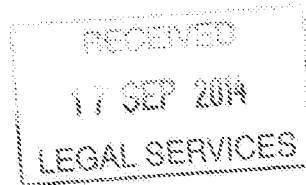
Your Ref.

Our Ref: Delwyn Jones

AG/CB6/Pannell/26390

20 Mulberry Lane
Goring by Sea
Worthing
West Sussex BN12 4NS

15 September 2014

Ms D Jones
Arun District Council
Planning Department
DX 57406
LITTLEHAMPTON

Fax: 01903 708336

Conveyancing
Quality17/9/14
Speed

Dear Delwyn

37 Orchard Road East Preston West Sussex BN16 1RB

I enclose herewith the Section 106 duly signed by my clients and their mortgagees Nationwide Building Society and dated 15 September 2014

I also enclose cheque drawn by my clients in favour of the Council for £200.00 in respect of the relevant fee.

Please kindly acknowledge receipt.

Yours sincerely,

Ashley Grant
Senior Solicitor
ashley.grant@hensbysolicitors.co.uk

Enc Agreement
Cheque

Delwyn Jones

From: Andy Elder
Sent: 24 January 2013 09:32
To: 'Carolyn Pannell'
Cc: Julie Grieves; Delwyn Jones
Subject: RE: 3 BEDROOM PROPOSED DWELLING, 37 ORCHARD ROAD

Dear Mrs Pannell,

I have now had the opportunity to assess the information you provided to me recently regarding the costs for your proposed development. In accordance with the Council's Affordable Housing Policy you are required to include a commuted sum in-lieu of on-site affordable housing of **£10,345** in your s106 agreement.

However, in recognition of the viability challenges you face with development the Council would be prepared to accept a reduced commuted sum of **£6,123**. Details of how to proceed with an application are set out on the Council's web site on the Planning and Building Control section.

The Council will not be prepared to reduce this sum further so you will need to decide whether you wish to proceed with your application based on this sum which would be payable in full on commencement of the development.

Regards,

Andy

Andy Elder | , Housing Strategy and Enabling Manager,
Strategy Department, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
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Save the environment - think before you print.

From: Carolyn Pannell [mailto:carolyn_pannell@yahoo.co.uk]
Sent: 23 January 2013 20:10
To: Andy Elder
Subject: RE: 3 BEDROOM PROPOSED DWELLING, 37 ORCHARD ROAD

Hello Andy,

Just emailing you to find out if you had everything you needed and to find out if we were now moving forward with this application.

Regards, CAROLYN PANNELL