

- 2 OCT 2013

RECEIVED

Dated: 25 October 2013

Between:

[1] RH Davies Investments Limited [The Owner]

[2] Arun District Council [ADC]

PLANNING OBLIGATION

Under Section 106 of the Town and Country Planning Act 1990 and other powers relating to land at Church House Felpham Road Felpham West Sussex PO22 7PG

To pay affordable housing contribution £9,128

Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF
DX57406 LITTLEHAMPTON
Reference:

1. THIS DEED is by undertaking and is dated 25 October 2012 and is a Planning Obligation for the purposes of Section 106 Town & Country Planning Act 1990 ("The Act") and is made in favour of Arun District Council.

2. PARTIES

Owners	R H Davies Investments Limited Co. Reg No 00375161 of No. 168 Church Road Hove East Sussex BN3 2DJ
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 owner under title No WSX 343765 OF THE LAND AT Church House 94 Felpham Road Felpham PO22 7PG in relation to which a Planning Permission has been sought under Application Ref _____ for a change of use of offices to two flats and "Planning Applications" and "Development" shall be construed accordingly
ADC	Local planning authority under Town & Country Planning Act 1990 and (as relevant) as payee in relation to the statutory functions and purposes identified herein clause 5 namely affordable housing provider/ facilitator.

4. BACKGROUND

- 4.1 ADC is minded to grant subject to the making of the payment specified within this Deed which 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.

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 or before commencement of the development for any purposes of the planning permission	£9,128.00	Affordable Housing within the whole of the Arun District

- 5.2 The Owner undertakes with ADC not to start the development until the payment is made.

6 LEGAL AND MONITORING COSTS

The Owner undertakes with ADC to:-

- [a] pay in addition to the above Conditions
- [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

Payee	Time for Payment	Amount	Purpose
ADC	Before completion of this deed	£200.00	ADC Legal Fees
ADC	On Commencement of the development for the purpose of the Planning Permission	£150.00 Minor application	ADC Monitoring of compliance with the deed

Legal Cost of ADC

6.1 ADC acknowledges the receipt of the sum of £200.00 to pay its reasonable fees

Monitoring Costs of ADC

6.2 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 £15,000.00 which ever shall be the larger.

6.3 For the avoidance of doubt the above charges are standard charges when circumstances require that they be incurred in pursuing full compliance with this deed whether through the courts or otherwise.

7 ADDITIONAL CLAUSES

The owner undertakes with ADC as follows:-

7.1 Start date of this Deed and Obligations

7.1.1 This Deed will take effect on the grant of the Planning Permission.

7.1.2 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.

7.1.3 On commencement of the Development the owner will send to ADC written Notice of that event in the form of the Notice in Schedule 1.

7.2 Index Linking

General

7.2 The Owner ~~and the Lessee~~ undertake to ADC that any sums payable by the Owner ~~or the Lessee~~ 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 Specified 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 Specified 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
- $\frac{C}{D}$ is equal to or greater than 1

The adjustment in this clause shall only be made where the Specified /Payment Date is more than 6 months after the date of this undertaking

8.3 Interest of Payments

The Owner ~~and the Lessee~~ undertakes with ADC 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.

9.4 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.

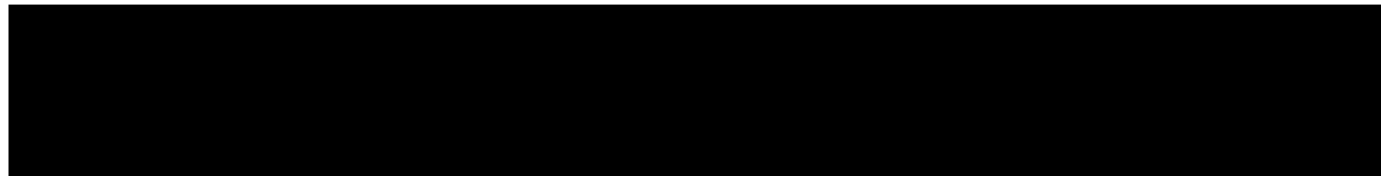
10. GENERAL

- 10.1 This Deed is not a Planning Permission or any other form of consent under any other function of ADC .
- 10.2 This Deed does not restrict or fetter the statutory powers of ADC .
- 10.3 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.
- 10.4 This Deed confers no benefit on any Third Party under Contracts (Third Party Rights) Act 1999.
- 10.5 This Deed shall apply to the Development as authorised by the Planning Permission or as varied or renewed or re submitted from time to time.
- 10.6 This Deed is a Local Land Charge and shall be registered as such.

1990 1990 1990

10.9 No covenants or obligations contained in this Deed shall be binding upon any part of the Land that may in future be acquired by a statutory undertaker for the purposes of its undertaking or operational Land as defined in the S262 of the Act

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



Director

SCHEDULE 1

Commencement Notice

Pursuant to Clause 4.2 in Planning Obligation Described Below

Failure to use this form may prejudice your ability to prove compliance with the planning obligation.

I advise you that the Development described below was commenced on the Start Date stated in this Notice.

Dated this 1 day of COV 2008

Signed _____

On Behalf Of: _____

TO:	[1] Head of Planning Services, Arun District Council, Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex BN17 5LF (DX: 57406) Littlehampton
FROM:	
DEVELOPMENT AT:	
NATURE OF DEVELOPMENT:	
PLANNING PERMISSION DATE & REFERENCE	
PLANNING OBLIGATION DATE & PARTIES	
START DATE:	

2000

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 Littlehampton West Sussex BN 17 5LF DX 57406 Littlehampton

Please answer all the questions.

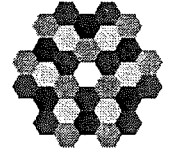
1. Payment to be made by/on behalf of.....
2. Land at:.....
3. Agreement dated:.....
4. Planning application reference number [where applicable]
5. Obligation in Agreement

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

SIGNED AS A DEED BY
THE OWNER IN THE
PRESENCE OF

14 NORTHERN
CLYDE ROAD
FELPHAM
PO22 7AH

11/10/13



Official copy of register of title

Title number WSX343765

Edition date 24.06.2011

- This official copy shows the entries on the register of title on 02 AUG 2012 at 14:57:17.
- 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 02 Aug 2012.
- 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 (24.06.2011) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Church House, 94 Felpham Road, Felpham, Bognor Regis (PO22 7PG).

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 (24.06.2011) PROPRIETOR: R. H. DAVIES (INVESTMENTS) LIMITED (Co. Regn. No. 00375161) of Church House, 94 Felpham Road, Felpham, Bognor Regis, West Sussex PO22 7PG and of PO Box 1053, Littlehampton, West Sussex BN16 4NN.
- 2 (24.06.2011) The value stated as at 24 June 2011 was £450,000.
- 3 (24.06.2011) The Conveyance 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.

- 1 (24.06.2011) The land is subject to the rights granted by a Deed of Release dated 17 November 1967 made between (1) Peter Russell William Harper and (2) Aylwin Blundell & Co. Limited.

NOTE: Copy filed.

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 continued

- 2 (24.06.2011) The land is subject to the rights, provisions & restrictive covenants contained in the various Deeds referred to in a Conveyance of the land in this title dated 10 April 1969 made between (1) Peter Russell William Harper (Vendor) (2) P B Harper (Construction) Limited and (3) Roy Desmond Cheeseman (Purchaser).

NOTE 1:- No further details of the Deeds referred to, apart from the Deed dated 17 November 1967 referred to above, were supplied on first registration.

NOTE 2: Copy filed.

- 3 (24.06.2011) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.
The leases grant and reserve easements as therein mentioned.

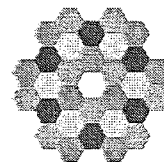
Schedule of notices of leases

1	24.06.2011	Suite 6	17.09.2007	WSX318242
	Edged and		10 years from	
	numbered 1 in		01.06.2007	
	blue (part of)			

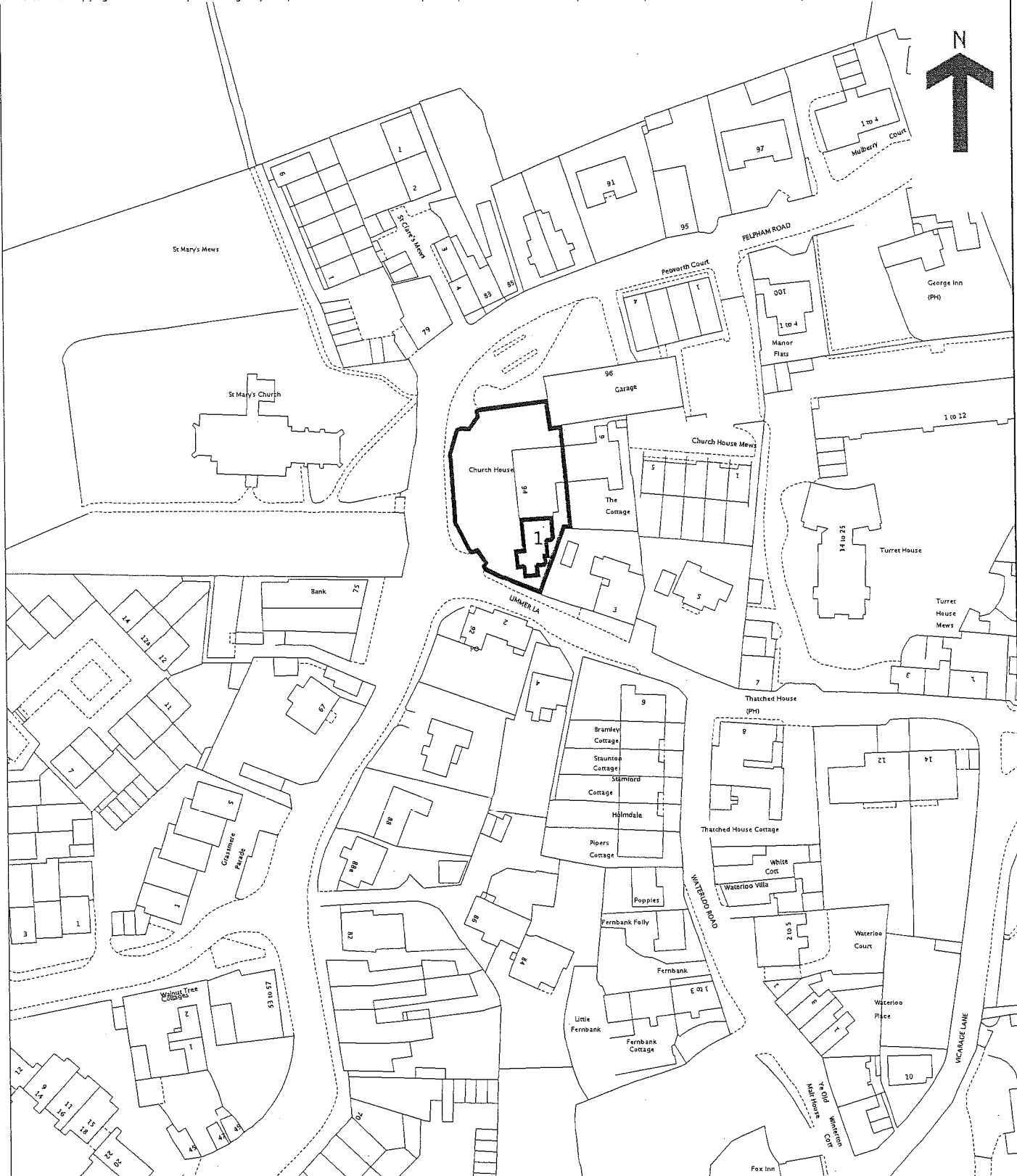
End of register

Land Registry Official copy of title plan

Title number **WSX343765**
Ordnance Survey map reference **SZ9499NE**
Scale **1:1250**
Administrative area **ARUN**



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These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

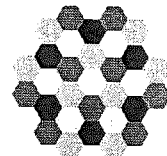
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

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.

Additional references, which are not referred to in the register of title, may appear on the title plan in respect of any pending applications.

This official copy is issued on 02 August 2012 shows the state of this title plan on 02 August 2012 at 14:57:18. 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 7 - *Title Plans*.

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



Official copy of register of title

Title number WSX318242 Edition date 10.04.2008

- This official copy shows the entries in the register of title on 6 August 2012 at 11:16:05.
- 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 6 August 2012.
- 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 (10.04.2008) The Leasehold land shown edged with red on the plan of the above title filed at the Registry and being Suite 6, 94 Felpham Road, Bognor Regis (PO22 7PG).

NOTE 1: As to the part tinted pink on the title plan only the Ground Floor is included in the title.

NOTE 2: As to the part tinted blue on the title plan only the Ground and First Floors are included in the title.

NOTE 3: As to the part tinted yellow on the title plan only the First floor is included in the title.

- 2 (10.04.2008) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:

Date : 17 September 2007
Term : 10 years from 1 June 2007
Parties : (1) R H Davies Investments Limited
 (2) AVN Petersons Limited

- 3 (10.04.2008) The title includes any legal easements referred to in clause LR11.1 of the registered lease but is subject to any rights that are granted or reserved by the lease and affect the registered land.

- 4 (10.04.2008) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.

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 (10.04.2008) PROPRIETOR: AVN PETERSONS LIMITED (Co. Regn. No. 04396447) of Suite 2, Church House, Felpham, Bognor Regis, West Sussex PO22 7PG.

C: Charges register

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

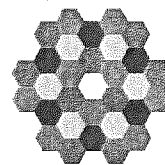
- 1 (10.04.2008) The land is subject to the rights, provisions & restrictive covenants contained in the various Deeds referred to in a Conveyance of the freehold estate in the land in this title and other land dated 10 April 1969 made between (1) Peter Russell William Harper (Vendor) (2) P B Harper (Construction) Limited and (3) Roy Desmond Cheeseman (Purchaser).

NOTE:- No further details of the Deeds referred to were supplied on first registration.

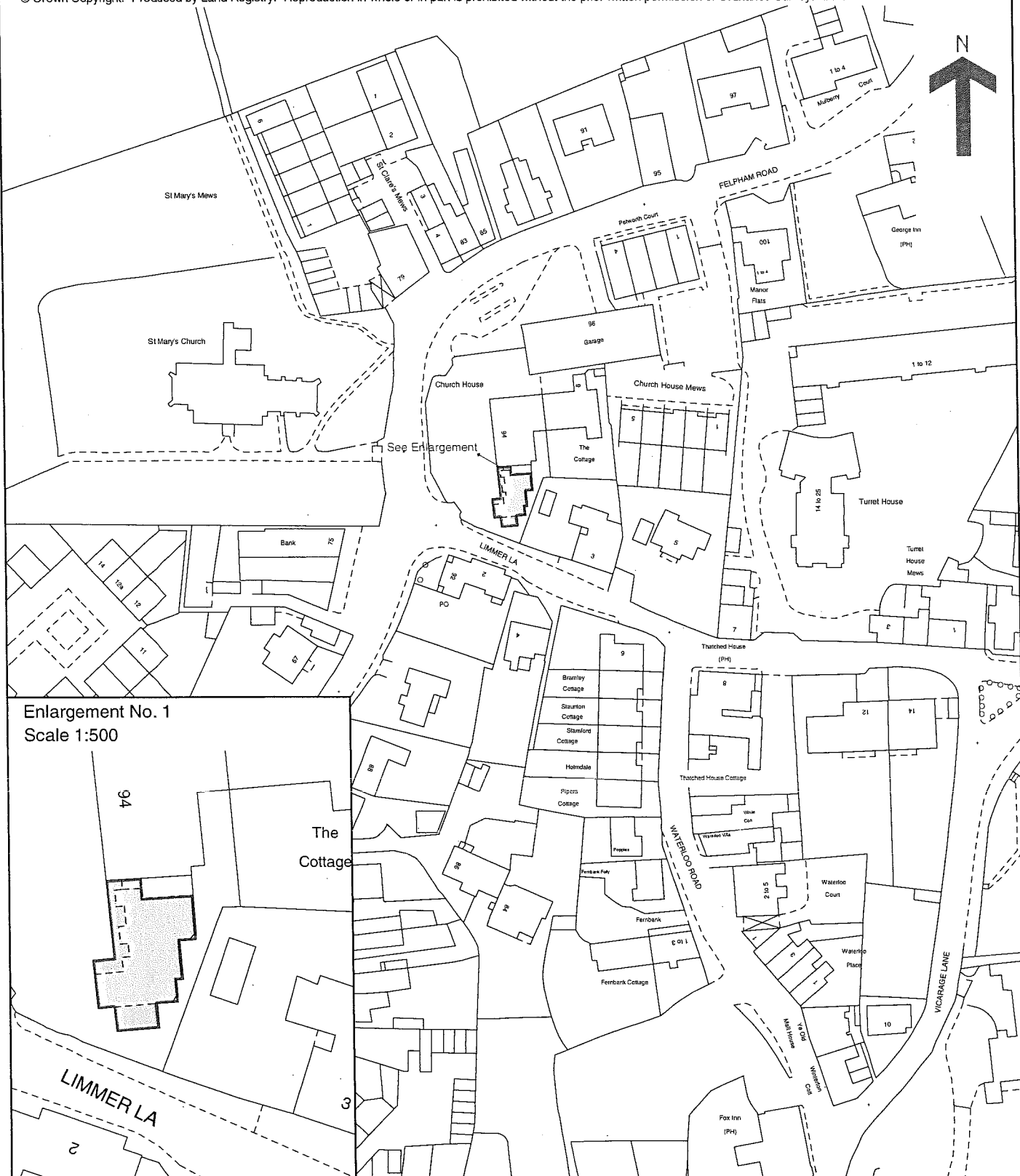
End of register

Land Registry Official copy of title plan

Title number **WSX318242**
Ordnance Survey map reference **SZ9499NE**
Scale **1:1250**
Administrative area **West Sussex: Arun**



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Enlargement No. 1
Scale 1:500

This official copy issued on 6 August 2012 shows the state of this title plan on 6 August 2012 at 11:16:05. 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 Land Registry, Durham Office.

