

DATED

5th March

2013

ARUN DISTRICT COUNCIL

- and -

MADEHURST COURT RESIDENTS ASSOCIATION LIMITED

-and-

BR. ELKINGTON

DEED OF VARIATION

under Section 52 Town and Country Planning Act 1971 and Section 106A of the Town & Country Planning Act 1990 relating to Land at Flat 8 Madehurst Court Gloucester Road Littlehampton in the County of West Sussex BN17 7BX

Arun District Council
Arun Civic Centre
Maltravers Road
LITTLEHAMPTON
West Sussex
BN17 5LF
[☎ 01903 737737]
Ref: LU/283/12PO/VAR

5th March

THIS DEED OF VARIATION is made the _____ day of _____ 2013

BETWEEN:

- | | | |
|-----|---------------|--|
| (1) | "the Council" | Arun District Council of the Arun Civic Centre Maltravers Road Littlehampton West Sussex BN17 5LF and |
| (2) | "the Owners" | Madehurst Court Residents Association Limited Co Reg No 2040811 of 28 High Street Littlehampton the freeholder and Betty Roma Elkington of Flat 8 Madehurst Court Gloucester Road Littlehampton BN17 7BX the lessee of Flat No 8 |

NOW THIS DEED WITNESSETH: as follows:-

1. Definitions

In this Deed:-

- 1.1. "the Property" means Flat 8 Madehurst Court Gloucester Road Littlehampton Bn17 7BX
- 1.2. "the Original Agreement" means an Agreement made pursuant to Section 52 Town & Country Planning Act 1971 on 1 August 1986 between the Council (1) and the then Owners being MR De Mey (Builders) Limited (2)

2. Recitals

- 2.1 This Deed is supplemental to the Original Agreement
- 2.2 The Owners are successors in title to the Owner specified in the Original Agreement
- 2.2 The Council and the Owners agree that the original total prohibition on occupancy of the flat by persons under state pensionable age can be modified so as to allow persons of 50 years or age or over and agree to join in this Deed to give effect to such agreement

3. Operative powers

The Council enters into this Deed under its powers contained in S52 Town and Country Planning Act 1971 and S106B Town and Country Planning Act 1990 1990 and S111 and S135 Local Government Act 1972 and all other powers enabling

4. **Variation**

4.1 The Council and the Owners AGREE that the Original Agreement shall be varied in that:-

[a] Flat 8 shall be freed from the original prohibition against occupation by persons of less than state pensionable age contained in Clause 3(a) of the Original Agreement

[b] Flat 8 shall instead have a prohibition against persons of less than 50 years of age being in occupation of Flat 8 and the Original Agreement including the exemptions at Clause 3(a)(i) (ii) (iii) shall be read as if the Original Agreement were so worded

4.2 The Original Agreement shall otherwise continue in full force and shall have the same legal effect as before this amendment or variation.

4. **Costs**

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

5. **Local Land Charge**

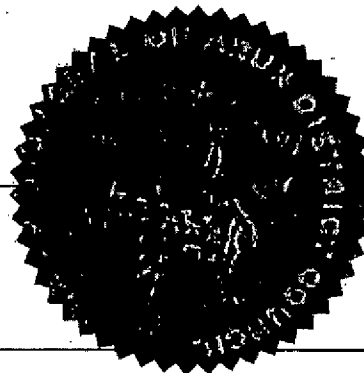
The Original Agreement is a local land charge and this Deed shall be entered in the relevant register [so as to record the variation]

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.

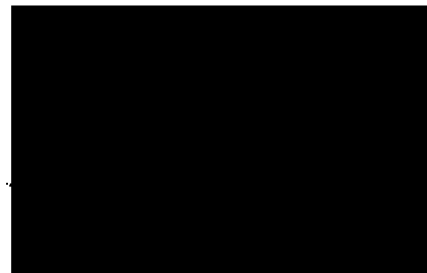
THE COMMON SEAL OF

Arun District Council was hereunto
affixed in the presence of:

AUTHORISED
SEAL BEARING



SIGNED by the said Betty Roma Elkington
As a Deed in the presence of:



SEALED BY THE MADEHURST COURT
RESIDENTS ASSOCIATION LIMITED
AS A Deed in the presence of:



Planning

11/4

LAND CHARGES

DATED

1st August

1986

ARUN DISTRICT COUNCIL

- and -

M.R. DE MEY (BUILDERS) LIMITED

A G R E E M E N T

Under Section 52 of the Town and Country
Planning Act 1971 relating to Old Police
Station Gloucester Road Littlehampton
West Sussex

THIS AGREEMENT is made the 1st day of August
One thousand nine hundred and eighty-six BETWEEN ARUN DISTRICT
COUNCIL of Council Offices Littlehampton in the County of West
Sussex BN17 5EP (hereinafter called "the Council") of the one part
and M.R. DE MEY (BUILDERS) LIMITED whose registered office is at
6 Sea Lane Rustington in the County of West Sussex (hereinafter
called "the Owner") of the other part

W H E R E A S:

(1) The Council is the local planning authority for the purposes of the Town and Country Planning Act 1971 for the area within which the property the subject of this agreement is situated

(2) The Owner is the owner in fee simple in possession free from incumbrances of the property situate and known as Old Police Station Gloucester Road Littlehampton in the County of West Sussex (hereinafter referred to as "the Property")

(3) An application (Reference No. LU/283/85) dated 4th June 1985 has been made to the Council for permission to develop the Property and the Council is satisfied that the development disclosed by the said application is such as may be approved under the said Act subject to the covenants hereinafter contained

NOW THIS DEED WITNESSETH as follows:-

1. THIS Agreement is made in pursuance of Section 52 of the Town and Country Planning Act 1971 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and in consideration of the covenants by the Owner hereinafter contained

2. THE Council hereby approve the said development (Reference No. LU/283/85) subject to the conditions set out in the Notice of Approval of even date

3. THE Owner hereby covenants with the Council as follows:-

(a) That without the payment of compensation the owner will not permit the nine flats numbered 1 4 7 8 10 11 13 14 and 16 and coloured pink on the attached plans to be occupied by persons of less than State Pensionable Age or younger as the Council may at their absolute discretion agree on application by the owner in individual cases provided that there shall not be deemed to be a breach of this covenant in the case of occupation of any of the said nine flats comprised in the property by:

(i) a husband and wife where one of them has not attained the said age or _____

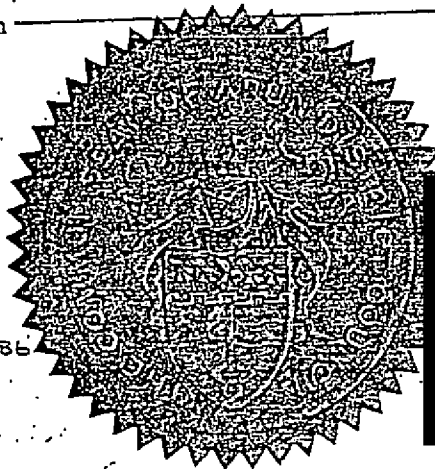
(ii) a spouse below the said age following the death of his or her spouse who had acquired State Pensionable Age _____

(b) Not to use the property for any purpose than is permitted by the permission and in particular for any purpose which would give rise to any future change of use and require the provision of a greater number of car parking spaces in accordance with the Council's adopted car parking standards than is required in connection with the development as hereby permitted _____

(c) To comply with the conditions set out in the Notice of Approval of even date _____

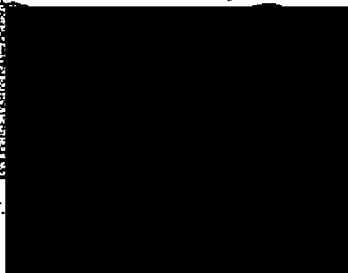
4. THE expressions "the Council" and "the Owner" shall include their respective successors in title and assigns _____

IN WITNESS whereof the Council and the Owner have set their respective Common Seals the day and year first hereinbefore written _____

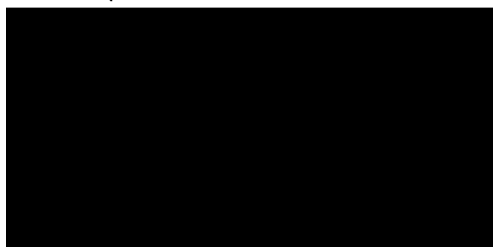


9490/86

(THE COMMON SEAL of the
(ARUN DISTRICT COUNCIL was
(hereunto affixed in the
(presence of:-



(THE COMMON SEAL of M.R. DE MEY
((BUILDERS) LIMITED was
(hereunto affixed in the
(presence of:-

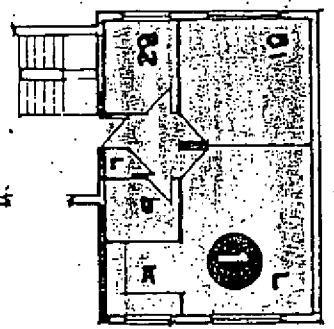
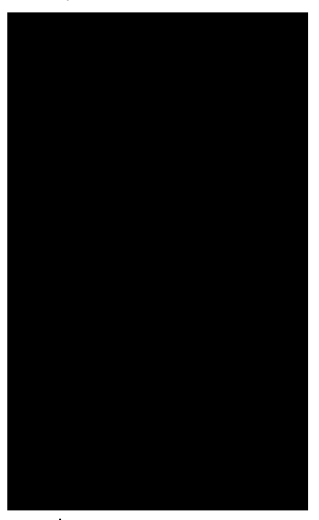
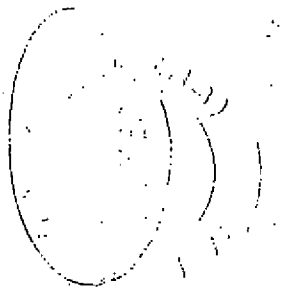


Director

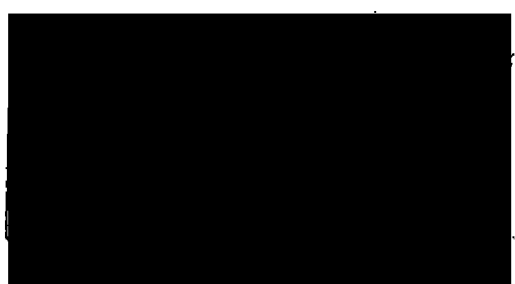
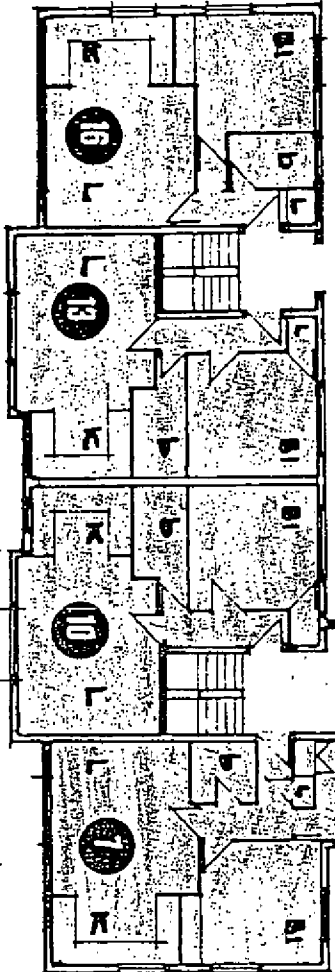
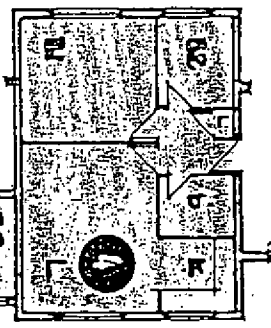
Secretary

Head Plot not restricted 7 10:00 1.2 8.4
2nd Plot restricted for elderly 4 10:00 0.5 2.0
2nd Plot not restricted 2 10:00 1.7 3.4

GROUND FLOOR 1:200



FLATS RESTRICTED
FOR ELDERLY 60%
FLATS NOT RESTRICTED
FOR ELDERLY NIL

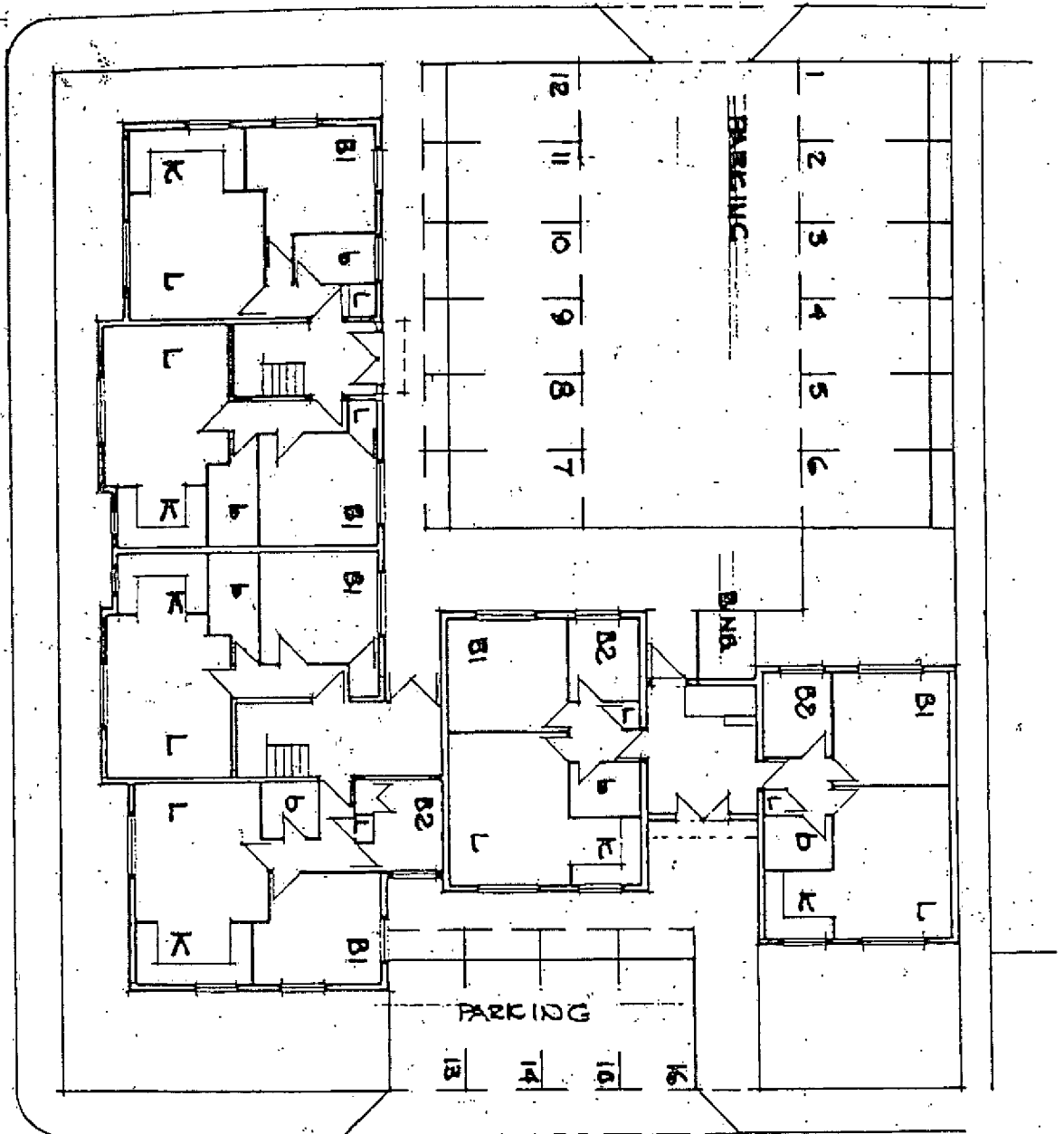


ALL

PACING REQ
1 bed Flat restricted for elderly 5 D @ 0.5 spaces = 2.5
1 bed Flat not restricted 7 D @ 1.2 = 8.4
2 bed Flat restricted for elderly 4 D @ 0.5 = 2.0
2 bed Flat not restricted 2 D @ 1.7 = 3.4

GROUND FLOOR 1:200

HOWARD ROAD.

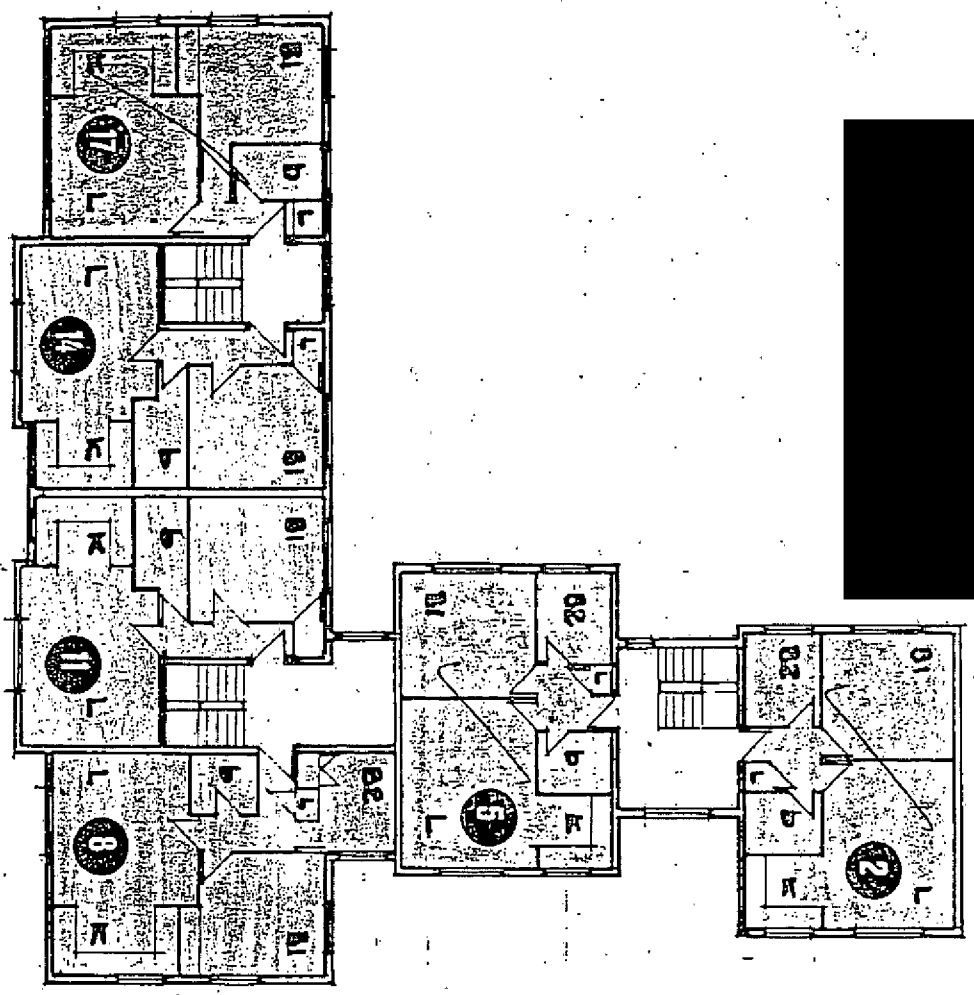
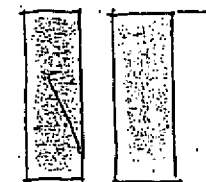


GLOUCESTER ROAD.

GROUND FLOOR 1:200.

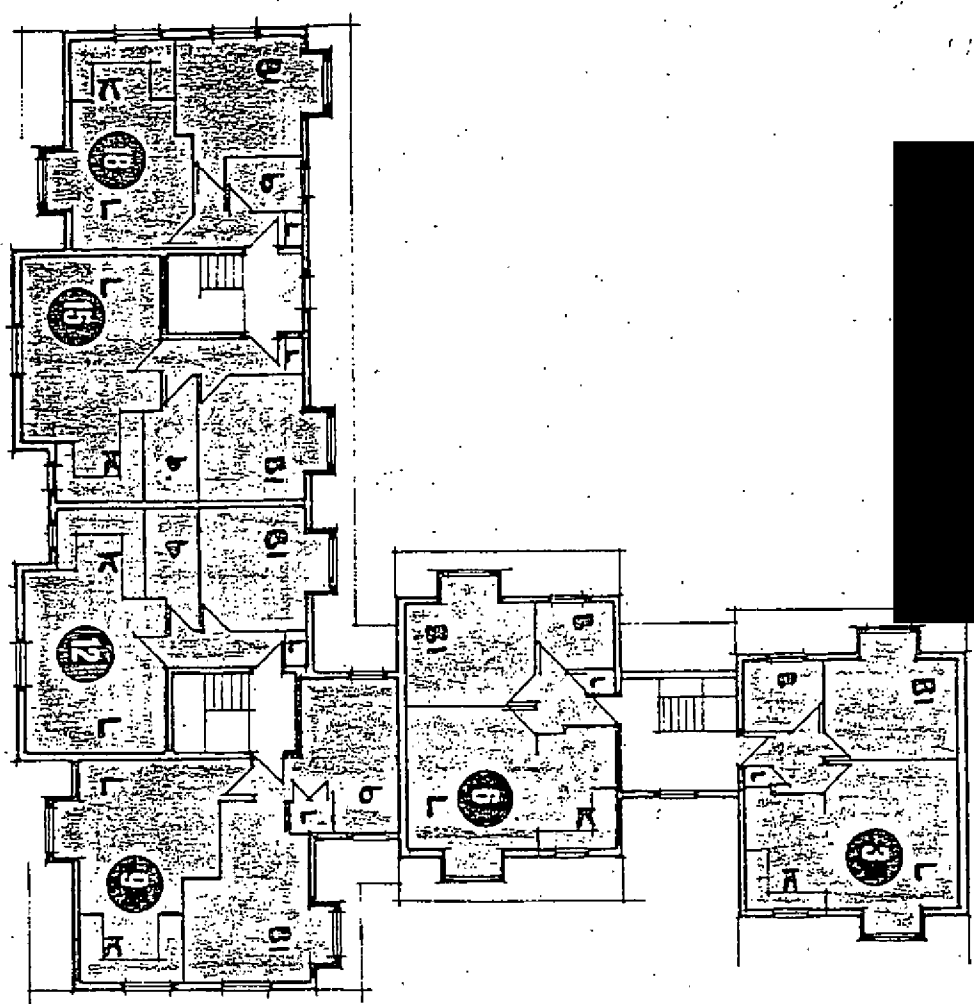
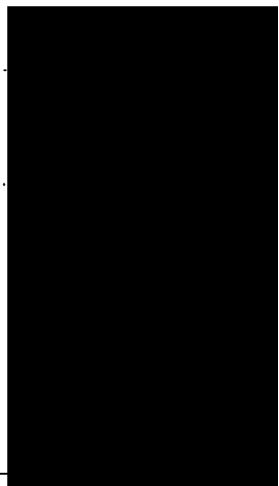
8, 11, 14 K.

FLATS RESTRICTED
FOR ELDERLY 3LD.
FLATS NOT RESTRICTED
FOR ELDERLY 3LD.



FIRST FLOOR 11200

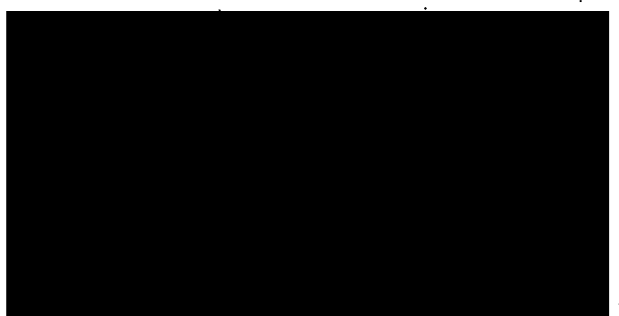


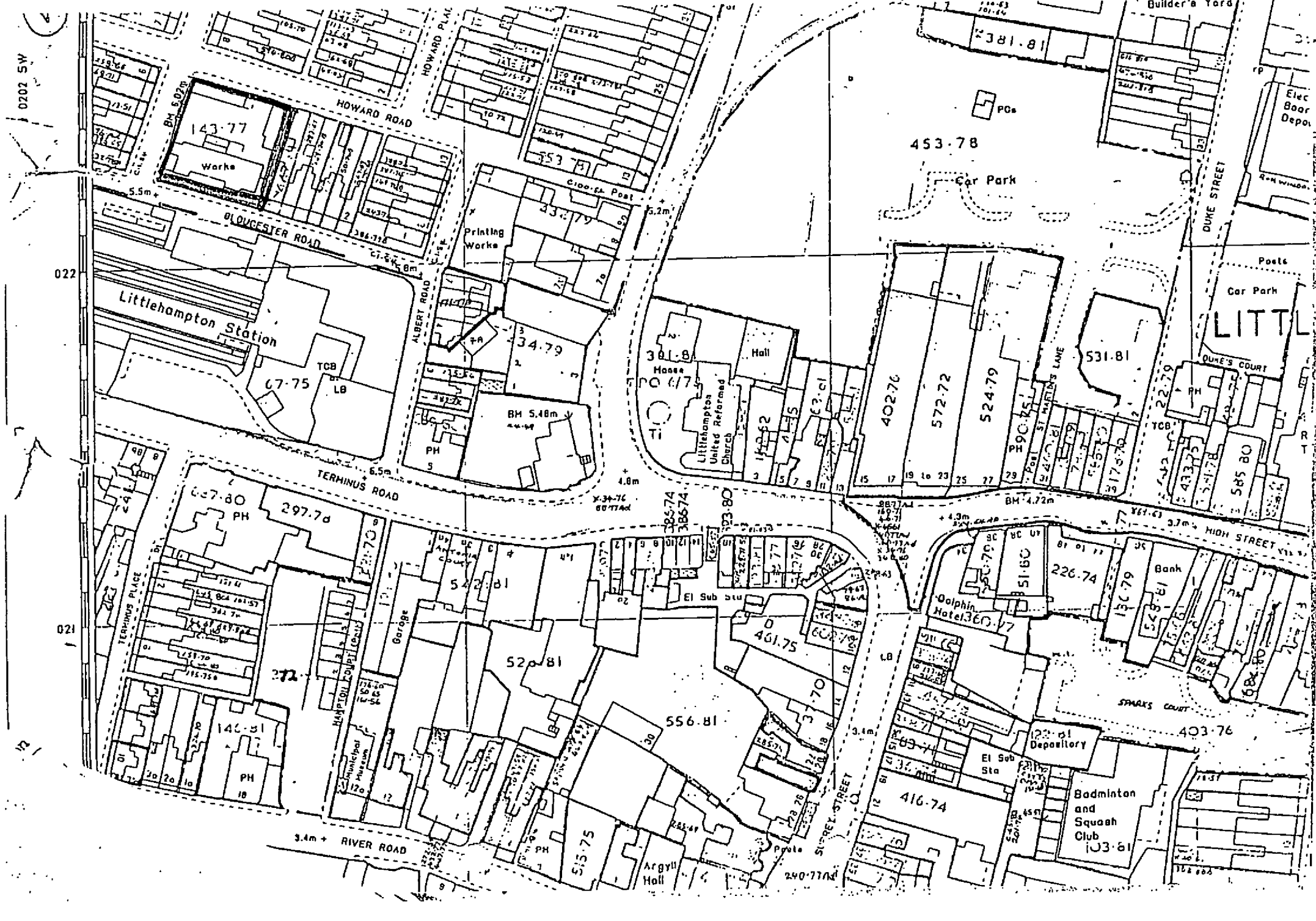


SECOND FLOOR J:200

NLC-R

FLATS RESTRICTED FOR ELDERLY NIL
FLATS NOT RESTRICTED FOR ELDERLY 6N°





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.

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).

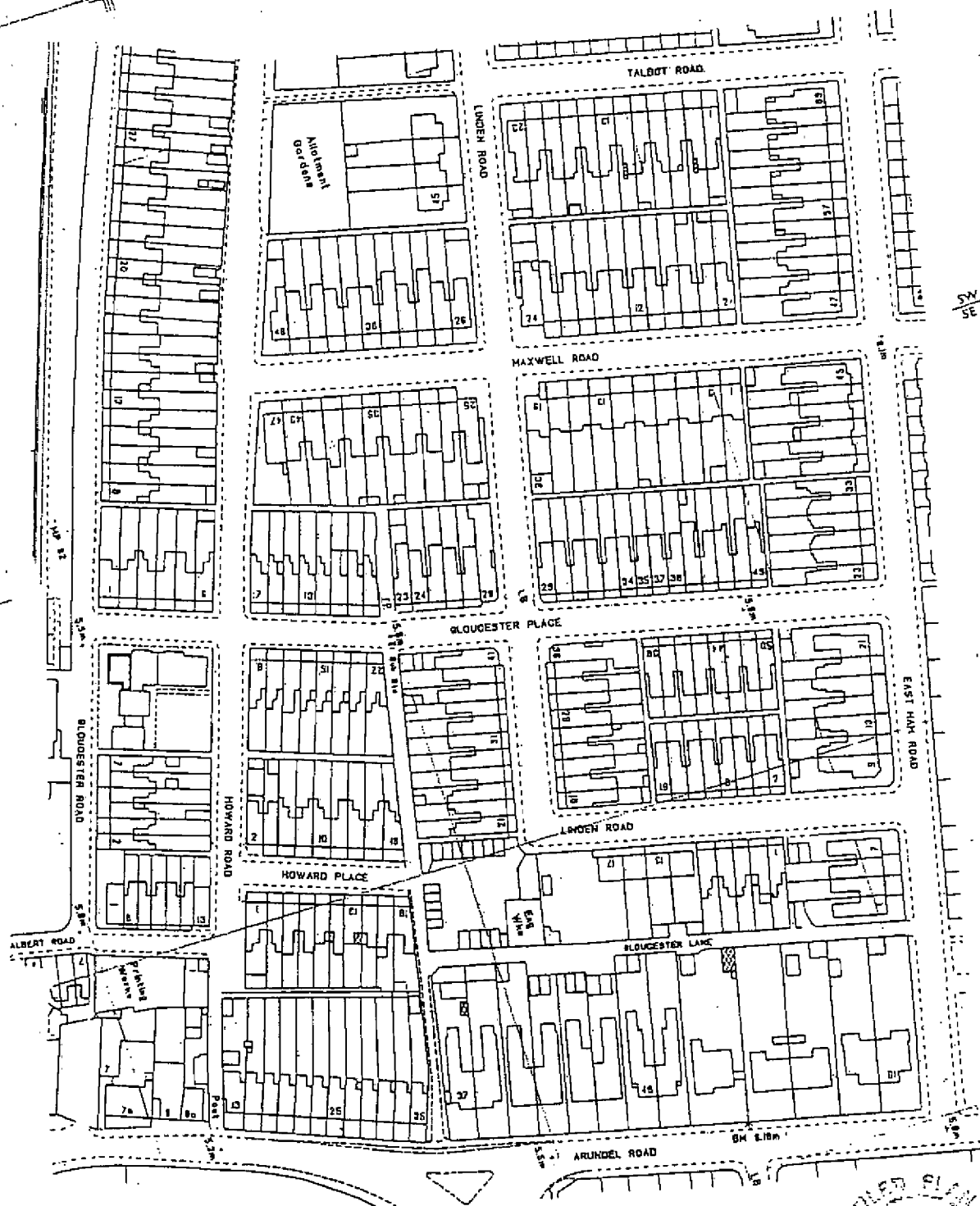
This official copy is issued on 15 February 2013 shows the state of this title plan on 15 February 2013 at 15:47:41. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It 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 .

© Crown copyright. Produced by Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.

H.M. LAND REGISTRY		TITLE NUMBER	
		WSX107119	
ORDNANCE SURVEY PLAN REFERENCE	TQ 0202	SECTION L	Scale 1:1250
COUNTY WEST SUSSEX	DISTRICT ARUN	© Crown copyright 1986	

LITTLEHAMPTON PARISH





Title number: WSX107119 Edition date: 01/08/2012

- This official copy shows the entries on the register of title on 15 FEB 2013 at 15:47:41.
- 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 15 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. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

WEST SUSSEX : ARUN

- 1 (03.11.1986) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being 8 Madehurst Court, Gloucester Road, Littlehampton (BN17 7BX).

NOTE: Only the first floor flat is included in the title.

- 2 (03.11.1986) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
 Date : 1 October 1986
 Term : 120 years from 1 July 1986
 Rent : £25
 Parties : (1) M.R. de Mey (Builders) Limited
 (2) Douglas Patrick Crowley and Eileen Alice Crowley
- 3 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.
- 4 (30.10.2003) The landlord's title is registered.
- 5 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

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 WSX107119

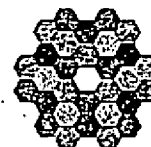
B: Proprietorship Register

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

Title absolute

- 1 (01.08.2012) PROPRIETOR: BETTY ROMA ELKINGTON of 8 Madehurst Court, Gloucester Road, Littlehampton, West Sussex BN17 7BX.
- 2 (03.11.1986) RESTRICTION: -Except under an order of the Registrar no disposition effecting a change of ownership by the proprietor of the land or Assent by his personal representatives is to be registered unless a certificate is given by the Secretary or Solicitor of Madehurst Court Residents Association Limited that the terms of Clause 4 in the registered lease have been complied with.
- 3 (01.08.2012) The price stated to have been paid on 23 July 2012 was £76,000.
- 4 (01.08.2012) RESTRICTION: Until 23/11/2012 no disposition of the registered estate (other than a charge) by the proprietor of the registered estate is to be registered without a certificate signed by Swift Advances Plc of Arcadia House, Warley Hill Business Park, The Drive, Brentwood, Essex CM13 3BE that the provisions of 12.2 of the transfer dated 23/07/2012 made between Swift Advances Plc and Betty Roma Elkington have been complied with.

End of register



Title number WSX21002

Edition date 09/09/2010

- This official copy shows the entries on the register of title on 15 FEB 2013 at 15:51:07.
- 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 15 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 (09.03.1978) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Madehurst Court, Gloucester Road, Littlehampton.
- 2 The land has the benefit of a right of way over the passage at the side leading to Gloucester Road and Howard Road.
- 3 A new filed plan based on the latest revision of the Ordnance Survey Map has been substituted for the original plan.

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 (11.10.1995) PROPRIETOR: MADEHURST COURT RESIDENTS ASSOCIATION LIMITED (Co. Regn. No. 2040811) of 28 High Street, Littlehampton, W Sussex.
- 2 (11.10.1995) A Transfer dated 29 September 1995 made between (1) M R de Mey (Builders) Limited (2) Madehurst Court Residents Association Limited and (3) Nigel John Vooght and Phillip Geoffrey Porter (Administrative Receivers) contains Purchasers personal covenant(s) details of which are set out in the schedule of personal covenants hereto.

Schedule of personal covenants

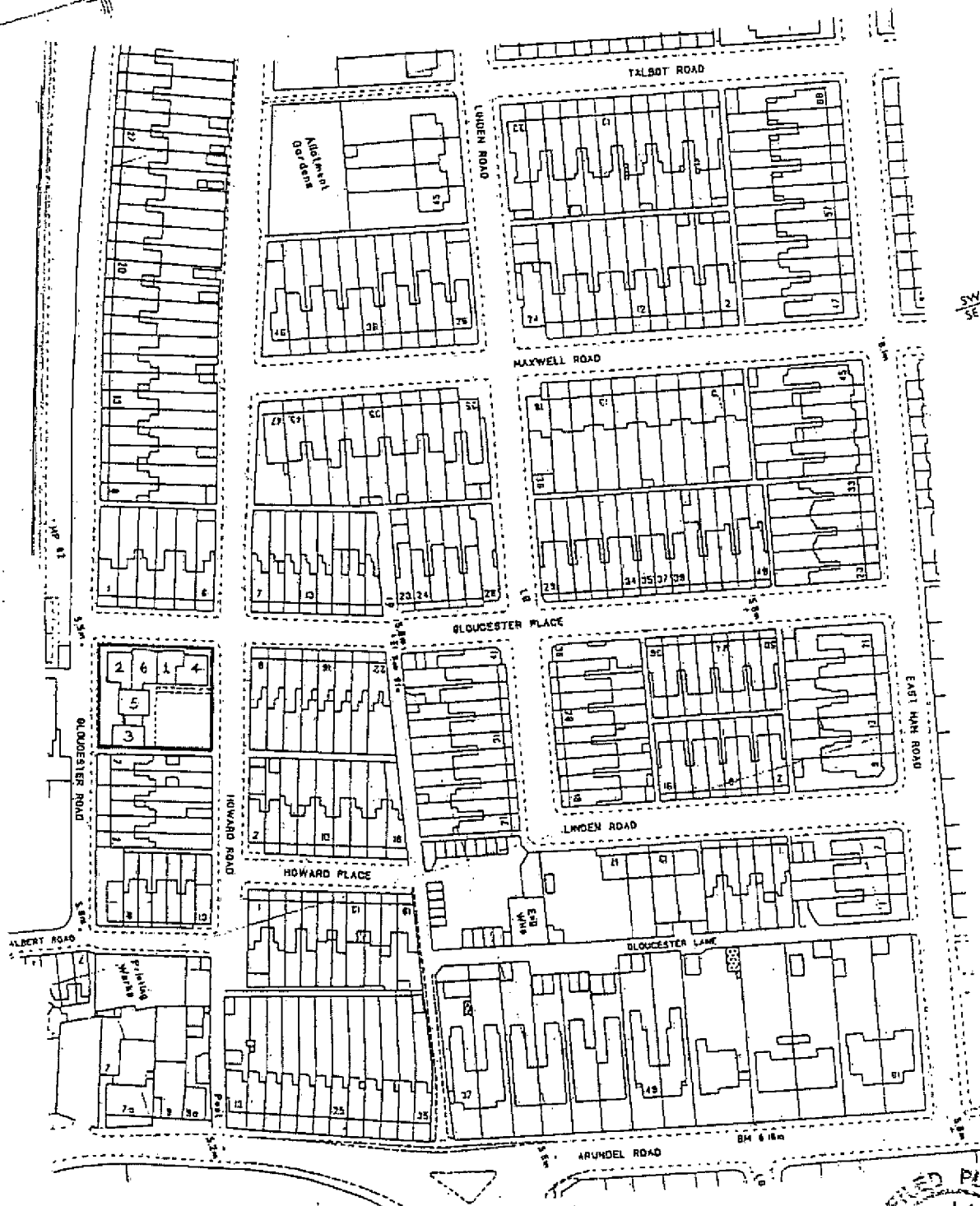
- 1 So as to give the Vendor a full and sufficient indemnity only the Purchaser covenants with the Vendor that the Purchaser will at all times from the date of this Transfer observe and perform the covenants

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.

H.M. LAND REGISTRY		TITLE NUMBER	
		WSX21002	
ORDNANCE SURVEY PLAN REFERENCE	TQ 0202	SECTION L	Scale 1:1250
COUNTY WEST SUSSEX		DISTRICT ARUN	© Crown copyright 1986

LITTLEHAMPTON PARISH



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.

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).

This official copy is issued on 15 February 2013 shows the state of this title plan on 15 February 2013 at 15:51:07. 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.

© Crown copyright. Produced by Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.

Schedule of personal covenants continued

on the part of the lessor contained in the Leases and will indemnify the Vendor against all actions proceedings damages costs claims and expenses which may be suffered or incurred by the Vendor in respect of any future breach or nonobservance or nonperformance of these covenants.

C: Charges Register

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

- 1 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.
- 2 (25.07.2007) By a Deed dated 4 July 2007 made between (1) Madehurst Court Residents Association Limited and (2) Peter Lewis Dawes and Jacqueline Dawes the terms of the lease dated 29 September 1986 of 17 Madehurst Court referred to in the schedule of leases hereto were varied.

NOTE: Copy Deed filed under WSX106675.

- 3 (09.09.2010) By a Deed dated 11 August 2010 made between (1) Madehurst Court Residents Association Limited and (2) Stuart Andrew James and Susan Ann Leeson the terms of the lease dated 16 October 1986 of 16 Madehurst Court (Ground Floor Flat) referred to in the schedule of leases hereto were varied.

NOTE: Copy Deed filed under WSX107625.

Schedule of notices of leases

1	03.10.1986 2 (Part of)	7 Madehurst Court (Ground Floor Flat)	10.09.1986 120 years from 1.7.1986	WSX105763
2	03.10.1986 3 (Part of)	1 Madehurst Court (Ground Floor Flat)	10.09.1986 120 years from 1.7.1986	WSX105768
3	17.10.1986 1 (Part of)	14 Madehurst Court (First Floor Flat)	22.09.1986 120 years from 1.7.1986	WSX106432
4	23.10.1986 4 (Part of)	17 Madehurst Court (First Floor Flat)	26.09.1986 120 years from 1.7.1986	WSX106675
<i>NOTE: See entry in the Charges Register relating to a Deed of variation dated 4 July 2007.</i>				
5	24.10.1986 5 (Part of)	5 Madehurst Court (First Floor Flat)	30.09.1986 120 years from 1.7.1986	WSX106728
6	24.10.1986 5 (Part of)	4 Madehurst Court (Ground Floor Flat)	29.09.1986 120 years from 1.7.1986	WSX106736
7	27.10.1986 2 and 6 (Part of)	9 Madehurst Court (Second Floor Flat)	03.10.1986 120 years from 1.7.1986	WSX106780
8	27.10.1986 5 (Part of)	6 Madehurst Court (Second Floor Flat)	30.09.1986 120 years from 1.7.1986	WSX106781

NOTE 1: By a Deed dated 5 November 1998 made between (1) Madehurst Court Residents Association Limited and (2) Jacqueline Ann Street the terms of the lease were varied.

NOTE 2: Original Deed filed under WSX106781

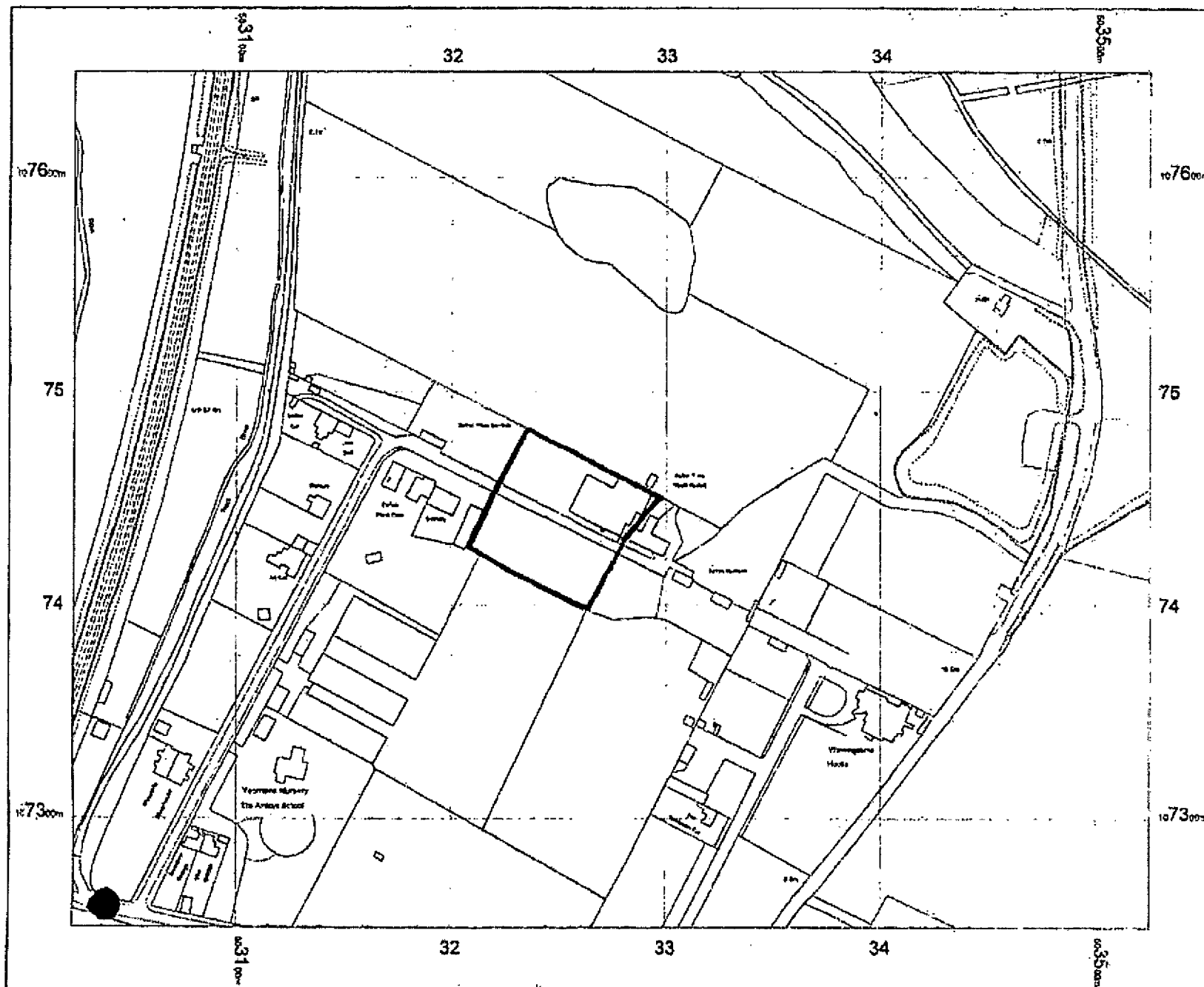
9	03.11.1986	8 Madehurst Court (First	01.10.1986	WSX107119
---	------------	--------------------------	------------	-----------

Title number WSX21002

Schedule of notices of leases continued

	2 (Part of)	Floor Flat)	120 years from 1.7.1986	
10	13.11.1986 4 (Part of)	16 Madehurst Court (Ground Floor Flat)	16.10.1986 120 years from 1.7.1986	WSX107625
11	25.11.1986 4 (Part of)	18 Madehurst Court (Second Floor Flat)	30.09.1986 120 years from 1.7.1986	WSX108123
12	01.12.1986 1 (Part of)	13 Madehurst Court (Ground Floor Flat)	23.09.1986 120 years from 1.7.1986	WSX108372
13	01.12.1986 3 (Part of)	2 Madehurst Court (First Floor Flat)	09.10.1986 120 years from 1.7.1986	WSX108377
14	02.01.1987 6 (Part of)	12 Madehurst Court (Second Floor Flat)	05.12.1986 120 years from 1.7.1986	WSX109691
15	12.03.1987 1 (Part of)	15 Madehurst Court (Second Floor Flat)	06.03.1987 120 years from 1.7.1986	WSX112818
16	20.03.1987 6 (Part of)	11 Madehurst Court (First Floor Flat)	30.01.1987 120 years from 1.7.1986	WSX113083
17	23.03.1987 6 (Part of)	10 Madehurst Court (Ground Floor Flat)	10.03.1987 120 years from 1.7.1986	WSX113140
18	13.04.1987 3 (Part of)	3 Madehurst Court (Second Floor Flat)	24.09.1986 125 years from 1.7.1986	WSX113923

End of register



OS Mastermap
30 August 2012, ID:
BLIT-00173346
www.planningapplicationmaps.co.uk

1:2500
scale
print
at
A4,
Centre:
503275
E,
107449
N

©Crown
Copyright,
Licence
no.
100019980



0 10 20 30 40 50 60 70 80 90 100
METRES

scale and size 1 : 2,500@A4

date December 2012

drawing number 1220.1

drawing

LOCATION PLAN

address

**SEFTON PLACE
WARNINGCAMP
ARUNDEL BH18 9QY**

CHRIS OLDROYD arb ARCHITECT
143 ST PANCAS CHICHESTER PO19 7LH
e-mail : chrisoldroyd143@btinternet.com
Telephone / Fax : 01243 784254

