

DATED this 18 day of December 2019

ARUN DISTRICT COUNCIL (1)

and

MADEHURST COURT RESIDENTS (2)
ASSOCIATION LIMITED

and

FRANK PAUL WHITWORTH AND (3)
SALLY LOUISE WHITWORTH

DEED OF VARIATION

under Section 106 and 106A of the Town
and Country Planning Act 1990 Section
111 of the Local Government Act 1972
and Section 1 of the Localism Act 2011
relating to Land at Flat 13 Madehurst
Court Gloucester Road Littlehampton in
the County of West Sussex BN17 7BX
Planning Ref: LU/298/19/PO and
LU/283/85

Arun District Council
Arun Civic Centre
Maltravers Road
LITTLEHAMPTON
West Sussex
BN17 5LF
DX 57406 LITTLEHAMPTON
KK/CMS7607

THIS DEED OF VARIATION is made the 18 day of December 2019

BETWEEN:

- (1) "the Council" **Arun District Council** of the Arun Civic Centre
Maltravers Road Littlehampton West Sussex BN17
5LF
- (2) "the Freehold Owner" **Madehurst Court Residents Association Limited** of
41b Beach Road, Littlehampton, West Sussex BN17
5JA
- (3) "the Leaseholder Owners" **FRANK PAUL WHITWORTH AND SALLY LOUISE
WHITWORTH** of 209 Westbrook Avenue Westrook
Margate Kent CT9 5HS in their capacity as Executors of
the late **NIGEL RICHARD BLUNDEN**

NOW THIS DEED WITNESSETH: as follows:-

1. Definitions

In this Deed:-

- 1.1. "the Property" means Flat 13 Madehurst Court Gloucester Road Littlehampton BN17
7BX
- 1.2. "the Original Agreement" means an Agreement made pursuant to Section 52 of the
Town & Country Planning Act 1971 on 1 August 1986 between the Council (1) and
the then Owners being M.R. De Mey (Builders) Limited (2)

2. Background

- (A) This Supplemental Deed is made under Section 106 of the Town and Country
Planning Act 1990 and is supplemental to a planning obligation by the Original
Agreement.
- (B) The Leasehold Owner has a registered leasehold interest in the Property under title
number WSX108372.
- (C) The Freehold Owner is the registered proprietor of the Property under title number
WSX21002.

- (D) On the 27 September 2019 the Leasehold Owner submitted an application pursuant
to section 73 of the Act to vary the Planning Obligations entered into in the Original
Agreement.

- (E) The parties hereto have agreed to vary the Original Agreement in the manner set out
below.

3. Operative powers

The Council enters into this Deed under its powers contained in Section 106 and 106A of
the Town and Country Planning Act 1990 Section 111 of the Local Government Act 1972
and Section 1 of the Localism Act 2011 and all other enactments and/or powers which may
be relevant for the purposes of giving validity hereto.

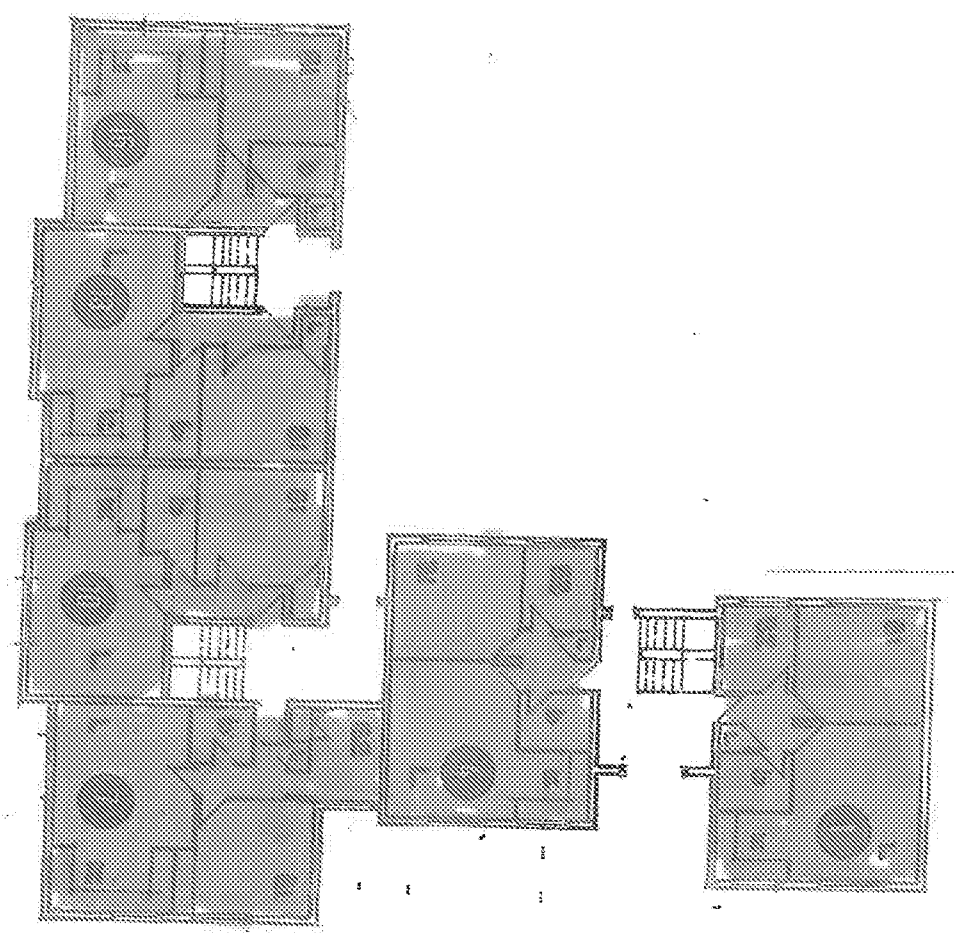
4. Variation

- 4.1 The parties to this Deed AGREE that the Original Agreement shall be varied in that:-
- [a] Flat 13 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] The attached plan shall be read as if the Flat marked 13, coloured pink was coloured
blue.
- 4.2 The Original Agreement shall otherwise continue in full force and shall have the
same legal effect as before this amendment or variation.

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

FLATS RESTRICTED
FOR ELDERLY 6/10
FLATS NOT RESTRICTED
FOR ELDERLY NIL



PACKING REQ

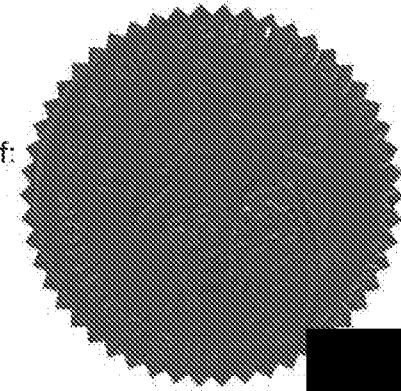
1 bed Flat restricted for elderly	5	D: @ 0.5 spaces	= 2.5
1 bed Flat not restricted	7	D: @ 1.2	= 8.4
2 bed Flat restricted for elderly	4	D: @ 0.5	= 2.0
2 bed Flat not restricted	2	D: @ 1.7	= 3.4
TOTAL PACKING			= 16.3

GROUND FLOOR 1:200

APPENDIX
PLAN

Executed and delivered as a Deed by the parties hereto the day and year first before written

THE COMMON SEAL OF
ARUN DISTRICT COUNCIL was
affixed to this Deed in the presence of:



AUTHORISED SIGNATORY:

Name: APRIL HEASMAN
Job Title: LAWYER
Seal Book No: 297/2019

SIGNED as a DEED by
MADEHURST COURT RESIDENTS
ASSOCIATION LIMITED

in the presence of:

Signature of witness

Name (in BLOCK CAPITALS) KELLY COMPTON

Address

7 CHILGROVE CLOSE, GORING BY SEA,
WORTHING, BN12 6NG

Occupation

OCCUPATIONAL THERAPY ASSISTANT.

SIGNED as a DEED by
FRANK PAUL WHITWORTH

in the presence of:

Signature of witness

Name (in BLOCK CAPITALS)

Address

15 FITZMAUR AVENUE
MARLBOROUGH
KENT
CT9 5EL
PROPERTY MANAGER

Occupation

SIGNED as a DEED by
SALLY LOUISE WHITWORTH

in the presence of:

Signature of witness

Name (in BLOCK CAPITALS)

Address

Occupation

[REDACTED]
[REDACTED]
MICHAEL O'TOOLE
15 FITZMAUR AVENUE
MARCADE
KENT
CT4 5EL
PROPERTY MANAGER