Planning Application Reference:	**LU/58/95**
Document Type:	**Unilateral Undertaking**
Date of Agreement:	**16th February 1996**

NB: Above text in bold to be included in free text field.

Check thoroughly for **telephone numbers/email addresses & signatures** and block.
Check **maps** for signatures and block.

Please return original to s106 Monitoring Officer

1909
17

A DEED dated 16th February 1996

Between:

(1) "the Council": **ARUN DISTRICT COUNCIL** of Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF

(2) "the Applicant": **SOUTH LONDON FAMILY HOUSING ASSOCIATION LIMITED** whose registered office is situate at Rochester House, 2-10 Belvedere Road, London, SE19 2HL

Definitions:

1. **IN** this deed the following terms shall have the following meanings:-

"the Act"	means the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991
"the Property"	means the property described in the First Schedule
"the Application"	means an application dated 7th March 1995 under reference number LU/58/95 made to the Council as required by the Act to carry out development at the Property which development includes a public open space
"the Planning Permission"	means a Planning Permission issued by the Council in respect of the Application
"the Development"	means the works approved by the Planning Permission
"the Director"	means the Council's Director of Environment Tourism and Leisure

Background:

2. **THE** Council is the local planning authority within the meaning of the Act for the area within which the Property is situated

3. **THE** Applicant owns the unencumbered freehold interest in the Property and is the person by or on whose behalf the Application has been submitted

4. **THE** Council is prepared to approve the Application subject to the Applicant entering into the covenants contained in this deed

Covenant:

5. **THE** Applicant covenants with the Council, with the objective of binding the Property and every part of it and of creating a planning obligation for the purposes of Section 106 of the Act, to observe and perform the obligations and restrictions set out in the Second Schedule

Agreement and declaration:

6. IT is agreed and declared that:

(1) The planning obligation created by this deed shall not come into force until, as determined by the provisions of section 56 of the Act, development is begun in reliance upon the Planning Permission

(2) This deed shall not take effect if, before such development is begun, the planning permission shall expire, or is revoked, withdrawn or (without the consent of the Applicant) is modified by any statutory process

(3) The Applicant shall not be liable for a breach of any obligation created by this deed which occurs after he has parted with all interest in the Property

Interpretation:

7. IN this deed:

(1) References to any party shall where the context permits include his successors in title

(2) Words expressed in any gender shall, where the context so permits or requires, include any other gender; words expressed in the singular shall include the plural and, where any party consists of more than one person, that party's obligations shall take effect as joint and several obligations

(3) The clause and paragraph headings do not form part of this deed and shall not be taken into account in its construction or interpretation

IN WITNESS of which this deed has been executed by the parties to it

The First Schedule

The property edged red on Drawing number 10 (Job No. IB/064) attached to the Application as being the area of land in respect of which the Application is submitted and known as Land at St Flora's Road Littlehampton West Sussex

The Second Schedule

In respect of the public open space shown edged green on the plan annexed hereto("the open space"):

1. Prior to commencement of the Development to obtain the Director's approval of a detailed landscape plan to include precise plant species, numbers and locations ("the works")

2. At the Applicant's expense fully and completely to level, to grass and to landscape the open space, and to plant trees and shrubs thereon in accordance with the agreed landscape plan to the Director's entire satisfaction, the works to be completed by the date on which Thirty per cent of the dwellings on the development have been occupied

3. After completing the works, to maintain the open space at all future times to the Director's complete satisfaction

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

[redacted]

[redacted]

Authorised Signatory

Seal Book No. 46/96

THE COMMON SEAL of }
SOUTH LONDON FAMILY }
HOUSING ASSOCIATION }
LIMITED was hereunto affixed }
in the presence of:- }

[redacted]

/6370

Authorised Signatory [redacted]

[redacted]

Authorised Signatory

SCHEDULE OF ACCOMMODATION

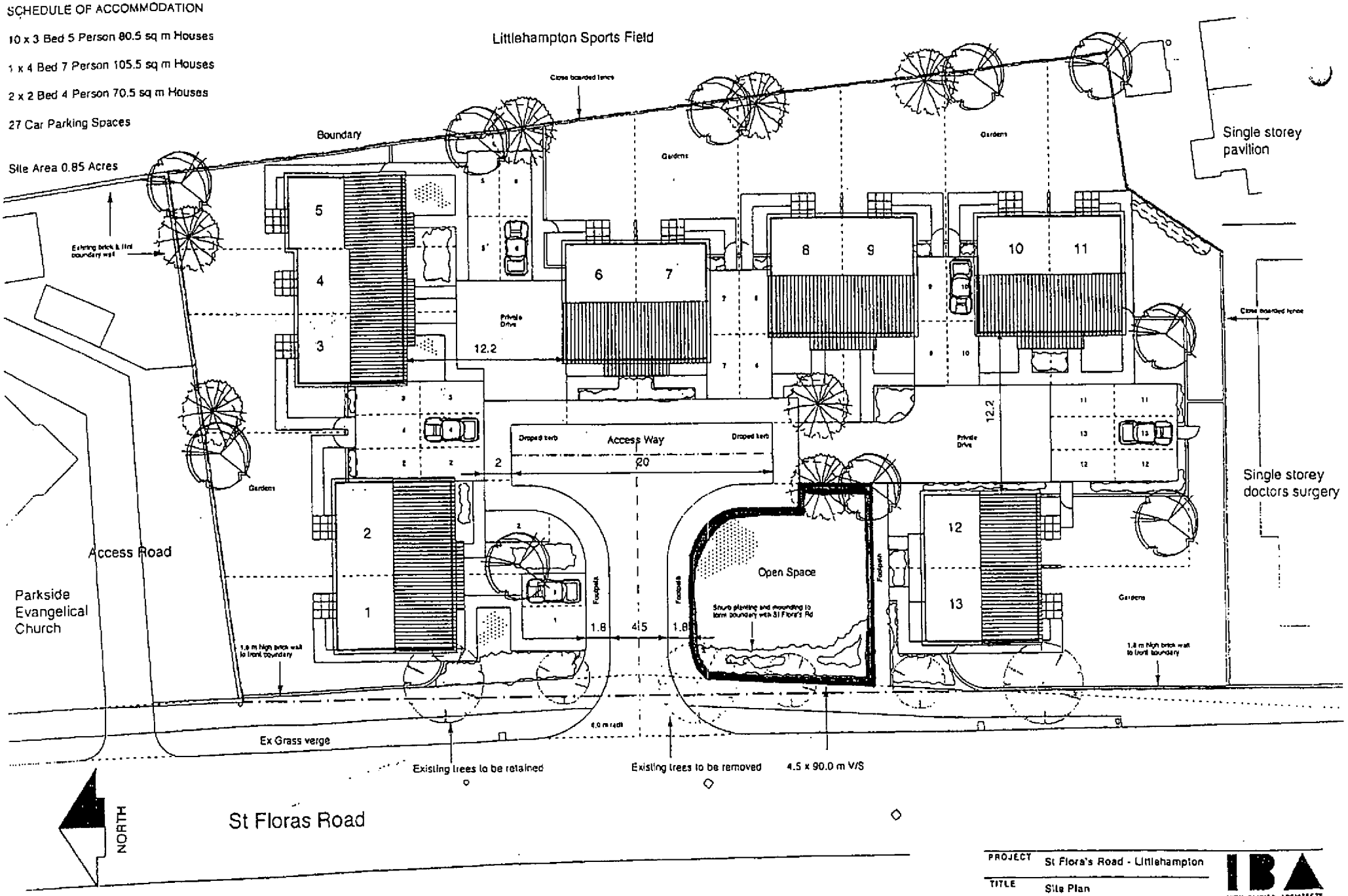
10 x 3 Bed 5 Person 80.5 sq m Houses

1 x 4 Bed 7 Person 105.5 sq m Houses

2 x 2 Bed 4 Person 70.5 sq m Houses

27 Car Parking Spaces

Site Area 0.85 Acres



PROJECT	St Flora's Road - Littlehampton
TITLE	Site Plan
Scale 1:250	Date 19/4/95 Job No 18/054 Drg No 301 Rev

IBA LYON BLOWER ARCHITECTS

ORCHARD HOUSE • 41 WEST DRIVE • ALDWICK BAY • WEST SUSSEX • PO21 4LZ • Tel 01243 843311 • Fax 01243 844321

ARUN DISTRICT COUNCIL

THE ARUN CIVIC CENTRE
MALTRAVERS ROAD
LITTLEHAMPTON
W. SUSSEX. BN17 5LF

Tel: Littlehampton 716133
STD Code 01903
DX: 57406 Littlehampton
Fax: 01903 730442

TOWN AND COUNTRY PLANNING ACT 1990

LU/58/95

Construction of 13 family houses, associated car parking and access way (Resubmission following LU/324/94)

Land at St Floras Road
Littlehampton

In pursuance of their powers under this Act and related Orders and Regulations the Council Permit this development to be carried out in accordance with the application and plan and subject to compliance with the conditions specified.

TO: Ivon Blumer Architects
41 West Drive
Aldwick Bay
Bognor Regis
West Sussex PO21 4LZ

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

16th February 1996

[redacted]

Colin H.T. Rogers, BA DMS FIEH

Director of Planning & Housing

LU/58/95 Construction of 13 family houses, associated car parking and access way (Resubmission following LU/324/94)

Land at St Floras Road
Littlehampton

CONDITION 1 : The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON : To comply with Section 91 of the Town and Country Planning Act 1990.

CONDITION 2 : No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for the external walls and roofs of the proposed dwellings have been submitted to and approved by the Local Planning Authority.

REASON : To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

CONDITION 3 : No development shall take place until there has been submitted to and approved by, the Local Planning Authority, a landscaping scheme. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON : In the interests of amenity and of the environment of the development.

CONDITION 4 : The dwellings shall not be occupied until the parking spaces and turning facilities shown on the submitted plans have been laid out, surfaced and drained. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

REASON : To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways.

CONDITION 5 : The access from the site to the public highway shall be designed, laid out and constructed with kerb radii and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority before any other operation ur use authorised by this permission is commenced.

REASON : In the interests of road safety and to accord with approved policy.

CONDITION 6 : The gradient of the access shall not be steeper than 1 in 30 for a distance of 12m from the nearside edge of the existing public carriageway.

REASON : In the interests of road safety.

Continued .....

CONDITION 7 : The dwellings hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

REASON : In the interests of road safety.

CONDITION 8 : The access shall be laid out to provide visibility splays on each side of the access in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

These splays shall be:-

(1) 2 metres by 2.4 metres on each side of the proposed access based on the existing highway boundary, together with sight lines defined by:-

(2) (a) A line 4.5 metres long measured along the centre line of the proposed access from the line of the nearer edge of the carriageway of St. Floras Road.

(b) Lines 90 metres long on each side of the access measured along the nearer edge of the carriageway of St. Floras Road from their intersection with the centre line of the proposed access.

(c) The straight lines joining the termination of the above lines

No other work shall be carried out on the site until the above-mentioned sight lines and splay areas have been provided and thereafter the said sight lines and splay areas shall be kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.

REASON : In the interests of road safety.

CONDITION 9 : Prior to the occupation of the dwellings hereby permitted a fence with appropriate landscaping not less than 1.8m in height shall be erected along the eastern boundary of the site and subsequently retained.

REASON : In the interests of amenity.

CONDITION 10 : No development shall take place until structural details of the screen walls have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls associated with them have been erected.

REASON : In the interests of public safety.

Continued .....

CONDITION 11 : The existing trees to be retained shall be protected in a manner to be agreed with the Local Panning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

REASON : To ensure the retention of vegetation important to the visual amenity, the ecological quality and for the environment of the area.

CONDITION 12 : The development hereby permitted shall not proceed until details of the proposed surface water and foul drainage and means of disposal have been submitted to and approved by the Local Planning Authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.

REASON : To ensure that the proposed development is satisfactorily drained.

CONDITION 13 : This permission relates to the amended plans submitted on 20th April 1995 and not to the plans originally submitted.

REASON : For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

INFORMATIVE

The dwellings shall not be occupied until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed with the Local Planning Authority. Details of the suggested specification may be obtained from the Divisional Surveyor, West Sussex County Council, Area 2, Clapham Common, Clapham, Worthing BN13 3UR. Telephone: Patching (01903) 874444.