Planning Application Reference:	**LU/58/95**
Document Type:	**Section 106 agreement**
Date of Agreement:	**22nd March 1991**

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

1534

(17)

LL/58/48

THIS AGREEMENT is made the Twenty-second day of March One thousand nine hundred and ninety-one **BETWEEN ARUN DISTRICT COUNCIL** of The Arun Civic Centre Maltravers Road Littlehampton West Sussex BN17 5LF (hereinafter called "the Council") of the first part **JEREMY WILLIAM VALNET BARRETT JOHN ANTHONY DENNER GORDON KEIR BYARS** and **TIMOTHY JOHN KIMBER** of 10 Granville Road Littlehampton aforesaid (hereinafter called "the First Owners") of the second part **NEVILLE ERNEST WEST** and **CHRISTOPHER WILLIAM DOMAN** care of 5 East Pallant Chichester West Sussex the Present Trustees of the Littlehampton Sportsfield Charity (hereinafter called "the Second Owners") of the third part and **MAURICE JAMES STAGG** of Arcade House High Street Littlehampton **ERIC LAKER** of 7 Rawson Court Sea Lane Rustington West Sussex **ANDREW THOMAS HAWKES** of 12 Reef Close Littlehampton aforesaid and **HUGH FRANCIS MILNER** of 87 The Boulevard Worthing West Sussex (hereinafter called "the Third Owners") of the fourth part

WHEREAS:

(1) The Council is the local planning authority for the purposes of the Town and Country Planning Act 1990 for the area within which the property the subject of this Agreement is situated

(2) The First Owners are the owners in fee simple absolute in possession free from incumbrances of the land specified in the First Schedule hereto (hereinafter referred to as "the Blue Land")

(3) The Second Owners are the owners in fee simple absolute in possession free from incumbrances of the land specified in the Second Schedule hereto (hereinafter referred to as "the Red Land")

(4) By a Lease ("the Lease") dated the First day of October 1897 and made between The Most Noble Henry Duke of Norfolk Hereditary Earl Marshal of England Knight of the Garter of the one part and Lord Edmund Bernard Talbot of Arundel Castle George Weller Butt Herbert Arthur Butt Archibald James Contastable Robert Grevett Henry Edward Harris Edward Holland Hills Upperton Lear and Edward Yorke of the other part the land and property specified in the Third Schedule hereto (hereinafter referred to as "the Green Land") was demised for the term of 200 years from 29th September 1897

(5) By various assurances acts in the law and events the Green Land became and is now vested in the Second Owners for the residue of the term granted by the Lease subject to the rent reserved by it and to the covenants agreements and conditions contained in it

(6) The Third Owners are the current owners in fee simple of the Green

Land subject only to the Lease

(7) An application (Reference No.LU/537/89) dated 4th December 1989 has been made to the Council for permission to develop the Red Green & Blue Land 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 AGREEMENT made in pursuance of Section 106 of the Town and Country Planning Act 1990 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and all other powers the parties hereto enabling **WITNESSETH** as follows:-

1. The Council hereby approves the said development (Reference Number LU/537/89) subject to the conditions set out in the Notice of Approval of even date

2. The First Second and Third Owners for themselves and their successors in title hereby jointly and severally covenant with the Council with intent to bind their respective interests in the Blue Red and Green Land and every part thereof into whosesoever hands the same may come and to the intent that this covenant may be enforced by the Council against all persons deriving title under the First Second and Third Owners respectively pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of the Blue red and Green Land as if the Council were possessed of adjacent land and this covenant had been expressed to be made for the benefit of such land to observe and perform the covenants set out in the Fourth Schedule hereto insofar as such co venants relate to their respective interests in the Blue red and Green Land

3. (1) Notwithstanding anything hereinbefore contained the foregoing covenants shall not prohibit or restrict or require anything to be done before the date on which the development specified in the planning permission shall be taken to be begun within the meaning of Section 91 or 92 and Section 93 of the 1990 Act

(2) If the planning permission shall expire before the development has been begun as aforesaid or is revoked or otherwise withdrawn or without the consent of the First Second and Third Owners or their successors in title modified by any statutory procedure this Agreement shall thereupon cease to have effect

IN WITNESS whereof the Council has set its Common Seal and the First Second and Third Owners have set their respective hands the day and year first before written

FIRST SCHEDULE

Land situate at St. Flora's Road Littlehampton West Sussex shown edged Blue on the plan annexed hereto

SECOND SCHEDULE

Land situate at St. Flora's Road Littlehampton aforesaid shown edged Red on the plan annexed hereto

THIRD SCHEDULE

Land situate at St Flora's Road Littlehampton aforesaid shown edged Green on the plan annexed hereto

FOURTH SCHEDULE

(1) Not to permit any building erected on the Red Land or any part thereof to be occupied by persons of less than State Pensionable age Provided That it shall not be deemed to be a breach of this covenant in the case of the occupation of any dwelling unit comprised in such building under the following circumstances:-

(a) by a husband and wife where one of them is below State Pensionable age

(b) the continued occupation by a spouse below State Pensionable age following the death of his or her spouse who had attained that age

(c) by a resident warden and his or her spouse neither of whom have attained that age

(2) Not to use such building for any other purpose than is permitted by the Approval 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 approved

(3) To comply with the conditions set out in Notice of Approval of even date herewith

(4) To provide and maintain fifteen car parking spaces on the Green Land to be used exclusively in connection with the Doctors' Surgery which is to be constructed on the Blue Land at all times when the Doctors' Surgery is in use

(THE COMMON SEAL of the ARUN
(DISTRICT COUNCIL was here-
(unto affixed in the
[redacted]

Seal Book No. 144/91

(SIGNED as a DEED by the said
(NEVILLE ERNEST WEST and
(CHRISTOPHER WILLIAM DOMAN
(in the presence of :-

- PETER EDWIN JOHN FELLOWS
5 EAST PALLANT
CHICHESTER
WEST SUSSEX
SOLICITOR

M. Peirchard
41 BEACH ROAD
LITTLEHAMPTON
W. SUSSEX
Secretary.

[redacted]

(SIGNED as a DEED by the said
(MAURICE JAMES STAGG, ERIC
(LAKER, ANDREW THOMAS HAWKES
(and HUGH FRANCIS MILNER in
(the presence of:-

1. [redacted] 31 Marshall Avenue Littlehampton Retired Farmer
2. [redacted] 8, Ranson Court, Sea Lane, Ferringham. Retired Local Gov. Officer.
3. [redacted] Malin House Malin Road. Littlehampton - Secretary
4. Caroline Cooper 3 Sunshine Close, Felpham, Bognor, Reg
Clerical Assistant

[redacted]

SIGNED as a **DEED** by the)
said **JEREMY WILLIAM VALNET**)
BARRETT JOHN ANTONY)
DENNER GORDON KEIR BYARS)
and **TIMOTHY JOHN KIMBER**)
in the presence of:-)

JWVB
JAD
GKB
TJK.

WITNESS: Beryl J. Robinson.

ADDRESS: 1 Broadmark Way,
Rustington,
West Sussex.

OCCUPATION: Medical Secretary.

ST. FLORAS ROAD

GREEN

BLUE LAND

DOCTORS SURGERY SITE
APPROX. SITE AREA 1113.25 m²

RED LAND

Clubhouse

Bowling Green

MILLER HUGHES ASSOCIATES LTD

TWO 3HD

Authorised Signatory