

Please use this Form if your planning application is for between 1 to 6 houses

Dated 25th March 2012 3

[1] The Owner: Mr Fredrick Elliott

[2] The Mortgagee: None

UNILATERAL UNDERTAKING

Under Section 106 of the Town and Country Planning Act 1990 concerning land at

Planning Application Ref:
Contributions for Affordable Housing of £
Monitoring Fee £150.00

Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF
Tel: 01903 737500
DX: 57406 Littlehampton

SIGNED as a DEED

By THE OWNER/S in the presence of	
Name	
Address	
Occupation	

By THE OWNER/S in the presence of	
Name	
Address	
Occupation	

SIGNED as a DEED

By THE MORTGAGEE in the presence of	NO MORTGAGE	signature
Name		
Address		
Occupation		

THIS UNILATERAL UNDERTAKING is given this

2012

By

Of

("the Owner") IN FAVOUR OF Arun District Council of Arun Civic Centre Maltravers Road Littlehampton West Sussex BN 17 5LF with the agreement and consent of :-

("The Mortgagee")

1. Background

- 1.1 The Owner is the freehold owner of the Land.
- 1.2 Arun District Council is the local planning authority for the purposes of this Deed for the area within which the Land is situated
- 1.3 The Owner has applied or intends to apply to the Council for planning permission to develop the Land
- 1.4 The Council has not determined the Application
- 1.5 In order to secure the best use of land and a properly planned environment the Owner is desirous of binding the Land in the terms set out hereinafter and the Mortgagee agrees to join in this Deed and for the Land to be bound by its terms

2. Definitions

In this Undertaking

- 2.1 Any reference to a clause is to one in this Deed and the headings of clauses are for ease of reference and do not form part of this Deed
- 2.2 In the absence of contrary provision any reference to a statute includes any statutory modification or re-enactment of it and every statutory instrument, direction, specification made or issued under the statute or deriving validity from it
- 2.3 'The Act' means the Town and Country Planning Act 1990 (as amended)

- 2.4 'Application' means the planning application submitted or to be submitted by the Owner seeking planning permission to develop the Land by building houses in the manner described in the Application
- 2.5 "Affordable Housing Contribution" means the sum of £6,123 for the purpose of providing or helping to provide Affordable Housing as defined within Annex 2 The Glossary to The National Planning Policy Framework within the whole of the Arun District
- 2.6 Land' means the land at shown edged black on the attached Plan.
- 2.7 "Development" means the development authorised by the Planning Permission issued pursuant to the Application

3. Enabling Provisions

- 3.1 This Unilateral Undertaking:
- 3.1.1 is given by the Owner to the Council
 - 3.1.2 is made pursuant to the provisions of S106 of the Act
 - 3.1.3 is a planning obligation for the purposes of that S106 of the Act
 - 3.1.4 is given with the intent to bind the Owner's interest in the Land
 - 3.1.5 shall be enforceable by the Council as local planning authority
 - 3.1.6 is executed by the Owner as a Deed

4. Commencement

The provisions of this Deed shall take effect on the completion of this Deed of undertaking by the Owner

5. Contributions

The Owner undertakes to pay to the Council the Affordable Housing Contribution on or before commencement of the Development to be authorised by any Planning Permission issued pursuant to the Application

6. Monitoring and Implementation Costs

6.1 The Owner and the Applicant undertakes with the Council to :-

- [a] pay in addition to the above Contribution
- [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 set out in the table below

Payee	Time for Payment	Amount	Purpose
The Council	On Commencement of the Development	£150	ADC Monitoring of compliance with the Deed and subsequent expenditure of the Contribution Sum by the Council

6.2 For the avoidance of doubt the Council 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 which ever shall be the larger

6.3 For the avoidance of doubt the above charges are standard charges and shall not preclude the Council from claiming and receiving any additional monitoring and legal or enforcement costs above and beyond these standard charges when circumstances require that they be incurred in pursuing full compliance with this Deed whether through the courts or otherwise

7. Registration of this Unilateral Undertaking

The Owner acknowledges that this Unilateral Undertaking shall be registered as a local land charge in the Register of Local Land Charges maintained by the Council

8. Costs

The Owner undertakes to pay to the Council the sum of its reasonable legal costs of £200 on or before Completion of this Deed

STEP BY STEP GUIDE ON HOW TO FILL IN THE UNILATERAL UNDERTAKING TEMPLATE FOR AFFORDABLE HOUSING FOR 1-6 UNITS

PROOF OF OWNERSHIP

You should obtain a HM Land Registry Plan and Official Copy to prove ownership of the land and your ability to enter into this Deed as an owner. A copy of these documents should be annexed to the Deed.

MORTGAGEE TO BE INCLUDED AS SIGNATORY

It is a legal requirement that your mortgagee or lending Bank be included in this Deed. So please ensure if you already have a mortgage, or intend to apply for one, that your mortgagee or lending bank is prepared to sign this Deed. Please also enquire about the mortgagee's or bank's arrangements and timescales.

FILLING IN THE FORM

The numbers are those on the form

To fill in this form you will need to have with you a copy of the "Affordable Housing Contributions Parish by Parish Matrix" [obtainable from the Arun District Council website] which calculates the amount of the Affordable Housing Contribution for each Parish and each type of dwelling.

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1. Fill in the full name and address of the each Owner, and the Mortgagee/lending Bank .
2. If there is more than One Owner then all Owners should sign this Deed and have their details inserted ,
3. Fill in the name and address of the Property.
4. Fill in the amount of the commuted sum payable for affordable housing –you can calculate this sum from The Matrix
5. The Monitoring Fee is a standard £150 and pays for the Council ensuring compliance with this Deed
6. Fill in the Planning Application Reference (if known)

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5.Fill in the full name and address of the Owner and the Mortgagee/lending Bank.

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Para 2.5 using The Matrix calculate the sum of the Affordable Housing Contribution and insert it in this clause

Para 2.6 insert the address of the Property and also attach a Plan of the site with boundaries edged black to the Deed .You can use the HM Land Registry documents for this or produce your own Plan with boundaries of your property shown upon it .

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Insert the full name of the Owner in the part " SIGNED AS A DEED"

If there are several Owners all their names should be inserted and all should sign.

Then sign the Deed at a this part.Each signature should be witnessed by a witness who should state his name address and occupation.

You should repeat this signature process with the mortgagee/lending Bank.

There is no need for the council to sign because this is a deed where the Council does not need to sign.

The Completion Process

Once you have filled in all the gaps in the Deed with the details requested above and obtained all the signatures required, please :-

Keep one copy for your file

Send the other copy to the Council [with your planning application] with a legal fee cheque for £200 to pay the Council's legal fees for checking the Deed you have completed and for registering it .