P/33/12/
KXG

ARUN
DISTRICT COUNCIL

MEMO

PLANNING
FSG

FROM:
Delwyn Jones
Planning Solicitor
Ext: 37737
Ref: P/33/12
Dated :28 May 2012

TO: Deeds Store Clerk
For circulation to :-:
Hazel Aldington
Service Delivery and Monitoring Officer
FOR CIRCULATION TO :-
Planning Case Officer
Local Land Charges Officer
Planning Admin
Accountancy
Affordable Housing

SITE NAME: 14 Churchill Walk Pagham
PARTY NAME: Elliott and Elliott
PLANNING OBLIGATION COMPLETION

The above is now completed.

DEEDS STORE CLERK:

The original planning obligation is attached.

Please place the original planning Obligation attached in the Deeds Store. .

Before you do so please make one copy and attach to this memo and forward it to the Service Delivery and Monitoring Officer . The SD&MO will then copy the deed scan into the Ocella records and circulate it to the other addressees of this memo.

SERVICE DELIVERY & MONITORING OFFICER

Please on receipt of this memo and enclosure scan it and make hard copies of it and then circulate to all the above addressees and update Ocella.

PLANNING OFFICER:
Please issue planning permission. A copy of the planning obligation is on the file.

LOCAL LAND CHARGES OFFICER:
Please register this planning obligation as a Local Land Charge. A copy of it is attached.

ALL OF YOU

A summary of the provisions of the obligation is:

Obligation	**Time Limit**
ADC	
Affordable housing Sum £5402	On start

You may consider that this document is part typed and part manuscript and so not reflecting our usual high standards of presentation. This is because the developers left gaps in the deed and I had to type the missing details in, which I though was more constructive than an outright rejection of the deed.

I think this is the reality , and we will need this flexibility and pragmatism when we are faced with some of these self completed Deeds.

PLANNING ADMIN:
A copy is enclosed for your files. Please enter this on the Planning Register as a PE format.

The legal fees received for the preparation of this agreement were £ 200.00

Delwyn Jones
Planning Solicitor

Dated 28 May 2012

The Owner: FJ Elliott and CA Elliott
The Mortgagee .None

In Favour of Arun District Council
UNILATERAL UNDERTAKING

Under Section 106 of the Town and Country Planning Act 1990 Concerning Land
At No 14 Churchill Walk Pagham West Sussex

Planning Application Ref P/33/12
Affordable Housing of £ 5,402.,
Monitoring Fee of £150

Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

[redacted]

THIS UNILATERAL UNDERTAKING is given this 28th May 2012

By Frederick James Elliott and Christine Anne Elliott both of 14 Churchill Walk Pagham

("the Owner") IN FAVOUR OF Arun District Council of Arun Civic Centre Maltravers Road Littlehampton West Sussex BN 17 5LF ("the Council")with the agreement and consent of ;Of ("the Mortgagee ")NONE

1. Background

1.1 The Owner is the freehold owner of the Land under Title No WSX 134150 .

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 by the Application applied 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

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 dated and submitted to the Council for planning permission made by the Owner to develop the Land in the manner described in the Application

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 £5402 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 14 Churchill Walk Pagham 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

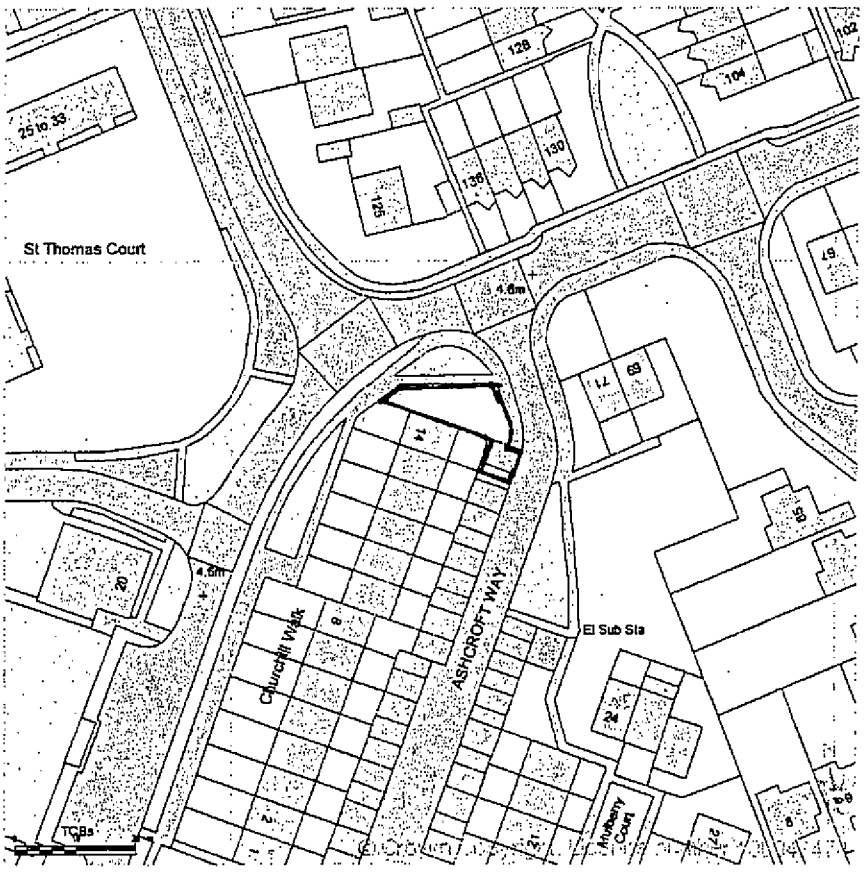
The Owner acknowledges that this Unilateral Undertaking shall be registered as a local land charge in the Register of Local Land Charges maintained by the Council

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

Enabled by Ordnance Survey

AREA 2 HA
SCALE: 1:1250
CENTRE COORDINATES: 489133 , 97571



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Licence No: 100047474

SIGNED as a DEED

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

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

SIGNED as a DEED

By THE MORTGAGEE in the presence of		*signature*
Name		
Address		
Occupation		*signature*

Delwyn Jones

From: David Brookwell [redacted]
Sent: 28 May 2012 11:40
To: Delwyn Jones
Subject: Re: Ref P/33/12 14 Churchill Walk Pagham

Dear Mr Jones

In response to your e-mail dated 25th May I append the information you required.

full names:

Mr Frederick James Elliott

Mrs Christine Anne Elliott

I confirm that there is not a mortgage.

The Land Registry number, provided by CMS, is SX 134150

Yours sincerely

David J Brookwell

----- Original Message -----
From: Delwyn Jones
To: [redacted]
Sent: Friday, May 25, 2012 12:36 PM
Subject: Ref P/33/12 14 Churchill Walk Pagham

Dear Mr Brookwell,

The information that I need to complete the gaps in the Deed you sent me are :-

Full names of Mr and Mrs Elliott
Full addresses of Mr and Mrs Elliott
If you have it, the Land Registry reference number under which Mr and Mrs Elliott are registered owners. But the signatures on the deed should be enough to confirm this ownership.

Once I have this information I will fill in the gaps and complete the deed.

Thank you.

Delwyn Jones | Planning Solicitor, Legal Services, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

[redacted]

Visit Arun's web site at www.arun.gov.uk Save the environment - think before you print.

http://www.arun.gov.uk
NLPG UPRN 100062237016
DX 57406 Littlehampton

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****

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2176 / Virus Database: 2425/5019 - Release Date: 05/24/12

SIGNED as a DEED

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

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

SIGNED as a DEED

By THE MORTGAGEE in the presence of		*signature*
Name		
Address		
Occupation		*signature*

ARUN DISTRICT COUNCIL
4 - MAY 2012
RECEIVED

99 Westminster Drive Aldwick Bognor Regis PO21 3RG

[redacted] [redacted]

DJB/VB

3 May 2012

Mr D Jones
Planning Solicitor
Arun District Council
Civic Centre
Littlehampton
BN17 5LF

Dear Mr Jones

proposed house adjoining 14 Churchill Walk Pagham

I have lodged a Town Planning application for the above and as you requested I attach a signed unilateral undertaking for you to check and pass on to the technical support department.

Yours faithfully

[redacted]

David J Brookwell

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

Dated 02.05. 2012

[1] The Owner:

[2] The Mortgagee:

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

[redacted]

SIGNED as a DEED

By THE OWNER/S in the presence of	[redacted]
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		*signature*
Name		
Address		
Occupation		*signature*



THIS UNILATERAL UNDERTAKING is given this 2 May 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

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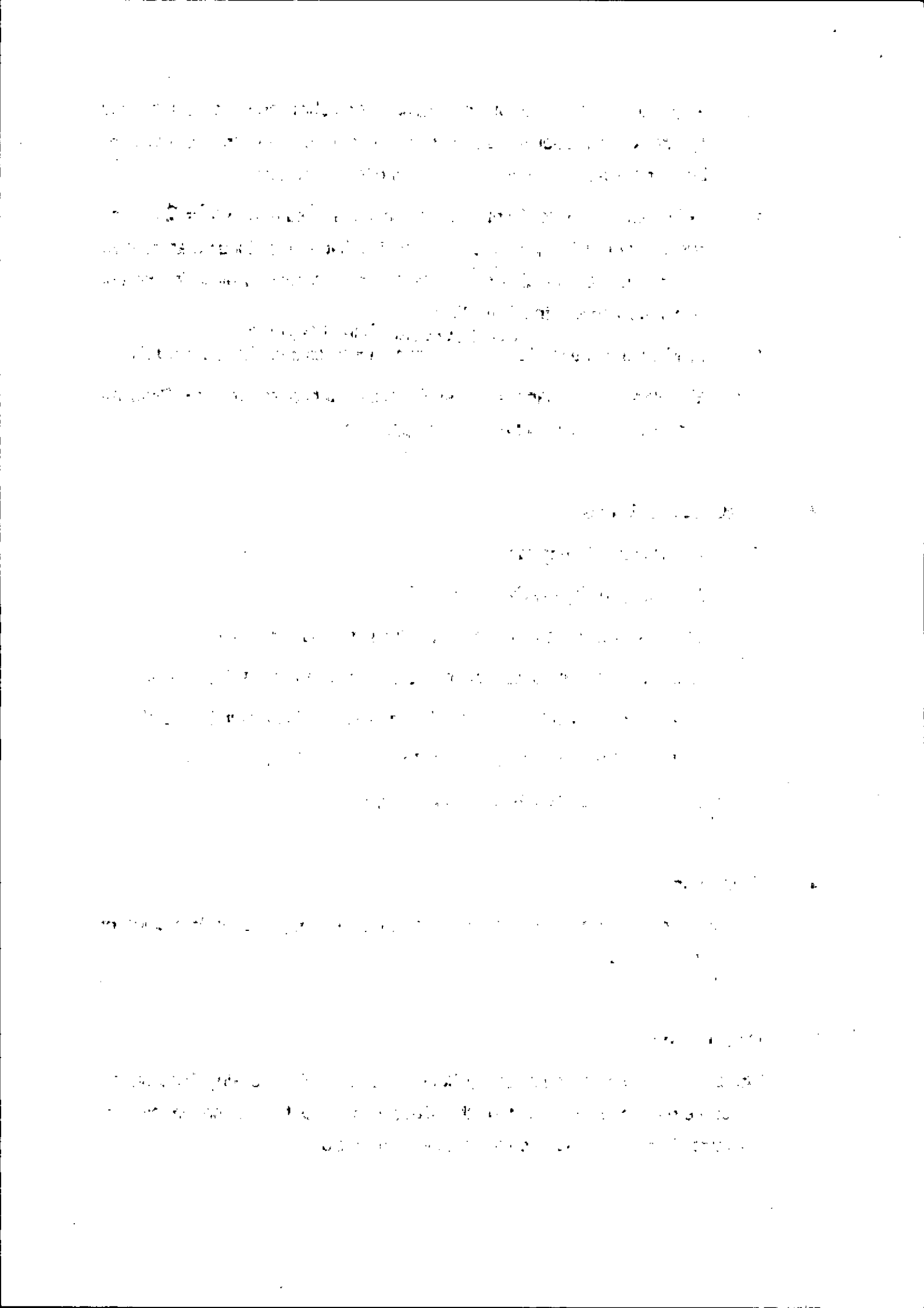

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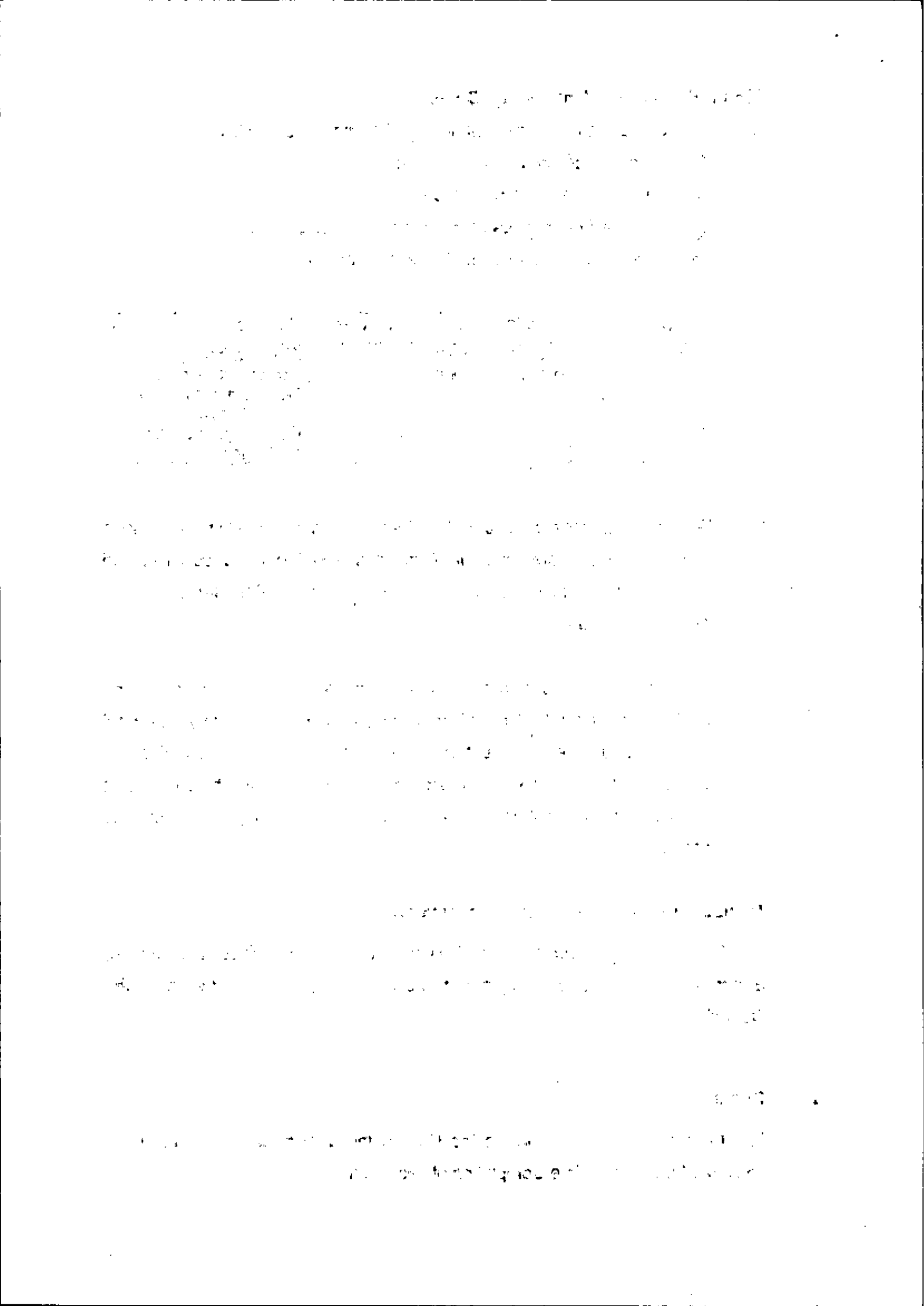

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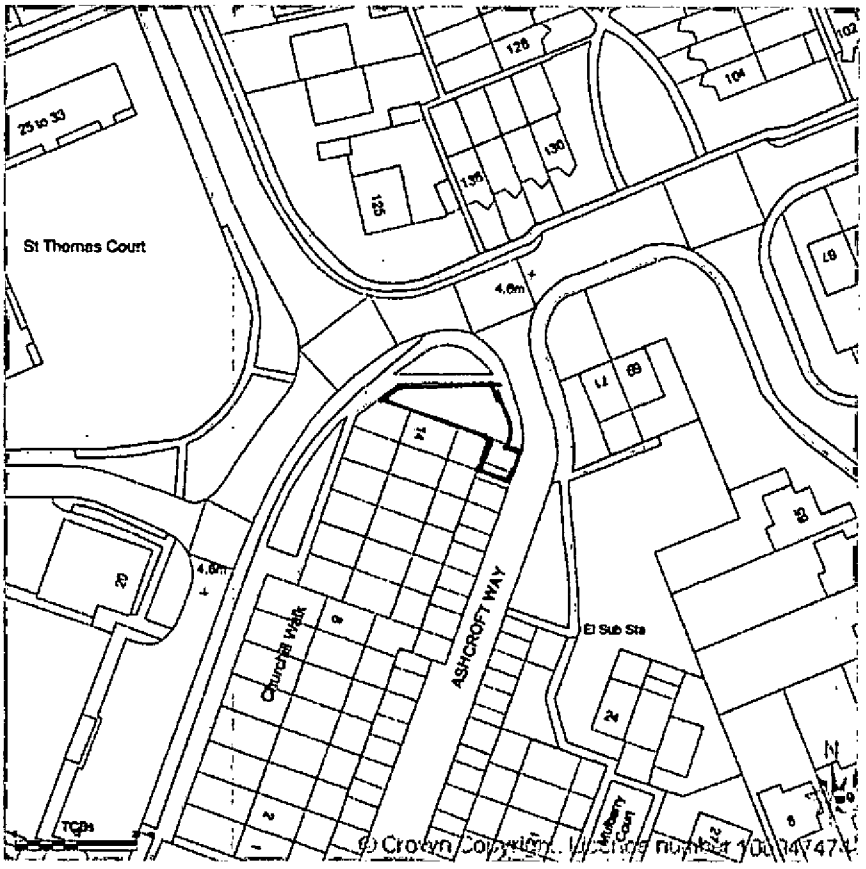
AREA 2 HA
SCALE: 1:1250
CENTRE COORDINATES: 489133 , 97571



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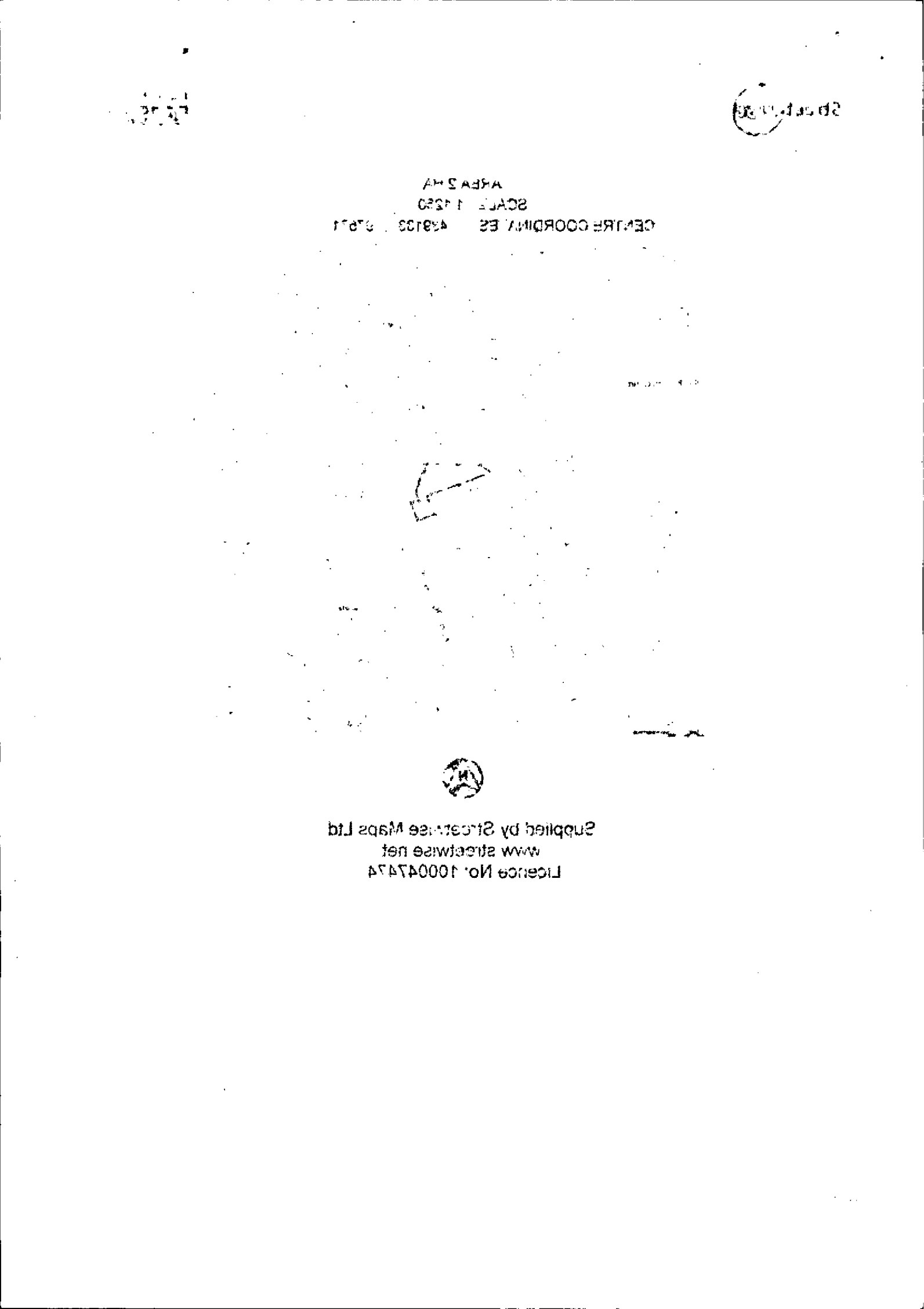
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SIGNED as a DEED

By THE OWNER/S in the presence of	[redacted]
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		*signature*
Name		
Address		
Occupation		*signature*