RE: Free Wharf - s.106 Phase 1 Area Plan. (also a verification clause for the Deed of Variation) [TH-THL.FID119387404]

1 message

Tim Brown <TBrown@trowers.com> 21 July 2021 at 16:57
To: Kehinde Awojobi <kehinde.awojobi@adur-worthing.gov.uk>
Cc: Stephen Cantwell <stephen.cantwell@adur-worthing.gov.uk>

Hi Kehinde

Many thanks.

I attach the updated AH Plan.

Please address the invoice to Trowers & Hamlins via the address in my signature and it can be sent to my email.

Kind regards

Tim

Tim Brown
Senior Associate

Trowers & Hamlins LLP
3 Bunhill Row
London
EC1Y 8YZ
DX 774 Lon/City

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m +44 (0)7918 641130
t +44 (0)20 7423 8000
f +44 (0)20 7423 8001
www.trowers.com

From: Kehinde Awojobi [mailto:kehinde.awojobi@adur-worthing.gov.uk]
Sent: Wednesday, July 21, 2021 16:55
To: Tim Brown
Cc: Stephen Cantwell
Subject: RE: Free Wharf - s.106 Phase 1 Area Plan. (also a verification clause for the Deed of Variation) [TH-THL.FID119387404]

This email originated from outside the firm

Hi Tim,

I have now met with Stephen and can confirm that the draft you sent over to me this morning is agreed and you may now proceed to engrossment. In the meantime, please can you send the AH Plan at schedule 2 to us as we would like to check that it is accurate?

Regarding sealing and completion, please note that the Council requires the payment of its legal costs before completion. I would therefore ask that you provide me with the details of the person our invoice should be sent to so that this can be issued my Finance without delay.

Kind regards

Kehinde

From: Tim Brown [mailto:TBrown@trowers.com]
Sent: 21 July 2021 08:20
To: 'Kehinde Awojobi' <kehinde.awojobi@adur-worthing.gov.uk>
Subject: RE: Free Wharf - s.106 Phase 1 Area Plan. (also a verification clause for the Deed of Variation) [TH-THL.FID119387404]
Importance: High

Hi Kehinde

Please can you confirm this is agreed and can be engrossed. I attach a slightly amended updated version which has picked up some consistency point on final checks (along with a comparison against the version I sent last week).

I note you are leaving so please could we get this resolved. Happy to have a call to iron out any last points.

Kind regards

Tim

Tim Brown
Senior Associate

Trowers & Hamlins LLP
3 Bunhill Row
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EC1Y 8YZ
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From: Tim Brown
Sent: Tuesday, July 13, 2021 11:19
To: 'Kehinde Awojobi'
Cc: Jonathan Murch
Subject: RE: Free Wharf - s.106 Phase 1 Area Plan. (also a verification clause for the Deed of Variation) [TH-THL.FID119387404]

Hi Kehinde

Thanks for your email. Your changes are agreed, I attach the draft with some minor amendments made in track (which mainly consist of re-ordering paragraphs, inserting the new plan into the deed and some referencing updates).

I also attach the draft in clean form, along with the two plans for Schedule 2 and 3 (being the updated Affordable Housing Plan and the Phase 1 Development Area Plan)

Please can you confirm if this is agreed and can be engrossed?

Kind regards

Tim

Tim Brown
Senior Associate

Trowers & Hamlins LLP
3 Bunhill Row
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EC1Y 8YZ
DX 774 Lon/City

d +44 (0)20 7423 8372
m +44 (0)7918 641130
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f +44 (0)20 7423 8001
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From: Kehinde Awojobi [mailto:kehinde.awojobi@adur-worthing.gov.uk]
Sent: Saturday, July 10, 2021 18:28
To: Tim Brown
Cc: Jonathan Murch
Subject: RE: Free Wharf - s.106 Phase 1 Area Plan. (also a verification clause for the Deed of Variation)

This email originated from outside the firm

Hi Tim,

Please see latest comments below, explaining our amendments as shown in the attached draft. I also attach the Phase 1 Area Plan, which is new and has been discussed by both our clients.

1. *Health contribution:*

- We agree to the pro-rata approach.
- The unit rate should be £491.74 not £584.56.

2. Environmental Improvement Contribution

- Your amendment agreed as it gives more flexibility.

3. Phasing

- There is a new definition of Phase 1 Development Area as well as a new plan of the area making it clear that Phase 1 includes more than what you had defined as Phase 1 Application. Phase 1 Application and Permission have now been amended to reflect this.

4. Implementation

- A new definition “Permission” has been introduced to capture all the permissions and there is new developer’s obligation inform the Council of the implementation of these permissions.

Please let me know if you have any queries. Also, note that I will be leaving the Council at the end of this month. Therefore it would be helpful to both sides to try and complete this before I leave, so as to avoid any delay that might occur as a result of another lawyer having to pick this up.

Kind regards

Kehinde

Kehinde Awojobi

Solicitor

Phone: 01903 221 161

Legal Services, Worthing Town Hall

Chapel Road, Worthing, West Sussex, BN11 1HA

From: Tim Brown [mailto:TBrown@trowers.com]
Sent: 07 July 2021 10:36
To: Jonathan Murch <jonmurch@daviesmurch.co.uk>; Kehinde Awojobi <kehinde.awojobi@adur-worthing.gov.uk>; Stephen Cantwell <stephen.cantwell@adur-worthing.gov.uk>
Subject: RE: Free Wharf - s.106 Phase 1 Area Plan. (also a verification clause for the Deed of Variation)

All

The latest draft (sent by me to Kehinde) does not include the new matters below. If Kehinde can addd these I can review and get the draft finalised.

Kind regards

Tim Brown
Senior Associate

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f +44 (0)20 7423 8001
www.trowers.com

From: Jonathan Murch <jonmurch@daviesmurch.co.uk>

Date: Wednesday, 07 Jul 2021, 10:27 am

To: Kehinde Awojobi <kehinde.awojobi@adur-worthing.gov.uk>, Stephen Cantwell <stephen.cantwell@adur-worthing.gov.uk>

Cc: Tim Brown <TBrown@trowers.com>

Subject: Re: Free Wharf - s.106 Phase 1 Area Plan. (also a verification clause for the Deed of Variation)

This email originated from outside the firm

I am not sure where the latest draft is and whether the points from Stephen below have now been picked up but if you could have a final review with Tim so that we have an agreed document that would be great.

Jon Murch

DaviesMurch

07900 491 490

jonmurch@daviesmurch.co.uk

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From: Kehinde Awojobi <kehinde.awojobi@adur-worthing.gov.uk>
Date: Wednesday, 7 July 2021 at 09:55
To: Jonathan Murch <jonmurch@daviesmurch.co.uk>, Stephen Cantwell <stephen.cantwell@adur-worthing.gov.uk>
Cc: Tim Brown <TBrown@trowers.com>
Subject: RE: Free Wharf - s.106 Phase 1 Area Plan. (also a verification clause for the Deed of Variation)

Hi all,

I will send over to Tim today what is outstanding from us.

Kind regards

Kehinde

From: Jonathan Murch [mailto:jonmurch@daviesmurch.co.uk]
Sent: 06 July 2021 22:15
To: Stephen Cantwell <stephen.cantwell@adur-worthing.gov.uk>; Kehinde Awojobi <kehinde.awojobi@adur-worthing.gov.uk>
Cc: Tim Brown <TBrown@trowers.com>
Subject: Re: Free Wharf - s.106 Phase 1 Area Plan. (also a verification clause for the Deed of Variation)

Hi both,

Anything further on this? We were hoping to have this agreed.

Jon Murch

DaviesMurch

07900491490

jm@daviesmurch.co.uk

www.daviesmurch.co.uk

On 2 Jul 2021, at 14:27, Jonathan Murch <jonmurch@daviesmurch.co.uk> wrote:

Hi Stephen,

I hope you have had a good week.

Any further progress on this? I have copied in our solicitor who hasn't yet heard back from Kehinde.

Any chance we could get this finalised today? I think we are virtually there other than the last few points below.

Best,

Jon Murch

DaviesMurch

07900 491 490

jonmurch@daviesmurch.co.uk

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From: Stephen Cantwell <stephen.cantwell@adur-worthing.gov.uk>
Date: Wednesday, 30 June 2021 at 08:50
To: Jonathan Murch <jonmurch@daviesmurch.co.uk>, Kehinde Awojobi <kehinde.awojobi@adur-worthing.gov.uk>
Subject: Re: Free Wharf - s.106 Phase 1 Area Plan. (also a verification clause for the Deed of Variation)

Yes thanks Jon.

also thanks for your OK yesterday of the car club planning condition. Pl also see my point below to both you and Kehinde.

Kehinde,

please could you include this Phase 1 plan in the draft DoV as part of the Phase 1 definition.

Both

There is one additional matter, which is the need for a clause in the DoV by which the applicant would eventually verify which permission (s) are being implemented. With the mosaic of permissions and variations we will soon have for this project, it will be important that we understand which permissions, including the variation, have been implemented (e.g the eventual reply to such a clause may be: *we are implementing AWDM/1497/17, as amended by AWDM/..... & .....)* This will be important in ensuring that we apply the right triggers and planning conditions to whichever version goes ahead, including the new phased payment of contributions.

I hope that you both agree with this, in which case **Kehinde,** shall we draw up some draft wording to send to Jon's solicitors?

Kind regards

Stephen

Stephen Cantwell

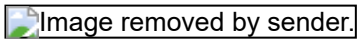
Principal Planning officer (Major Development), Adur & Worthing Councils

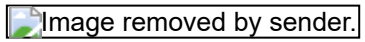
Phone: 01903 221274

Email: stephen.cantwell@adur-worthing.gov.uk

Website: www.adur-worthing.gov.uk

Address: Planning and Development, Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS











On Tue, 29 Jun 2021 at 15:33, Jonathan Murch <jonmurch@daviesmurch.co.uk> wrote:

> Hi Stephen,
>
> Please see attached. Does this capture what you need?
>
> Jon Murch
>
> DaviesMurch
>
> 07900 491 490
>
> jonmurch@daviesmurch.co.uk
>
> P Before printing, think about the environment
>
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From: Stephen Cantwell <stephen.cantwell@adur-worthing.gov.uk>
Date: Friday, 25 June 2021 at 11:32
To: Jonathan Murch <jonmurch@daviesmurch.co.uk>
Cc: Kehinde Awojobi <kehinde.awojobi@adur-worthing.gov.uk>
Subject: Re: Free Wharf - s.106 Phase 1 Area Plan

Dear Jon,

further to my email of the 23rd below, re. the phase 1 plan which I have requested (highlighted), please:

- can we elaborate this to include blocks G/G1 and H annotated within it - i.e within the enlarged red line.

- can it be titled: 'Phase 1 Area Plan'

James and I met with our solicitor Kehinde this morning, who is working on the definition and our hope is that the plan would be referred to in the definition.

Kind regards

Stephen

<image001.png>

Stephen Cantwell

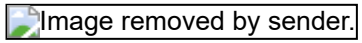
Principal Planning officer (Major Development), Adur & Worthing Councils

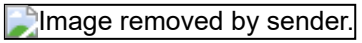
Phone: 01903 221274

Email: stephen.cantwell@adur-worthing.gov.uk

Website: www.adur-worthing.gov.uk

Address: Planning and Development, Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS











On Wed, 23 Jun 2021 at 14:18, Stephen Cantwell <stephen.cantwell@adur-worthing.gov.uk> wrote:

> Hi Jon
>
> **Health** - Pro-rata /phased basis is acceptable. I'm checking the calcs with James.
>
> **Environmental Improvement** - Payment at commencement and draft wording to amend the definition and process sent to James to reflect his discussion with EA.
>
> **Phasing** - I've queried the definition of Phase 1 Permission as this only covers block G/G1, whereas it needs to loop-in block H to cover the heating adaptation underwriting clause. I think it's easily fixed and have sent a suggestion to the Council's solicitor. I think we will need a red line plan of Phase 1 to cover both G/G1 & H, as neither the full or s.73 applications have this. In readiness, pl could you ask Richard/the team to send me one?

More generally, pl could you chase the consultant's drainage comment and also any comments on conditions; esp. do we x-refer to previous drainage and remediation documents covered by the discharge applications of the past couple of years (my preference is yes, as it's much clearer for future users - including ourselves).

I also need to draft a condition re car clubs for the latest s.73, as we discussed last week - will do this tomorrow and I hope to have comment from James and legal Thurs/Friday to update you.

Kind regards

Stephen

Stephen Cantwell

Principal Planning officer (Major Development), Adur & Worthing Councils

Phone: 01903 221274

Email: stephen.cantwell@adur-worthing.gov.uk

Website: www.adur-worthing.gov.uk

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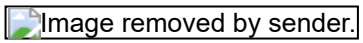

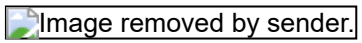







On Wed, 23 Jun 2021 at 12:25, Jonathan Murch <jonmurch@daviesmurch.co.uk> wrote:

> Hi Stephen it's a bit tricky to speak as with the family. If possible to drop an email please do.
>
> Jon Murch
>
> DaviesMurch
>
> 07900491490
>
> jm@daviesmurch.co.uk
>
> www.daviesmurch.co.uk
>
> > On 23 Jun 2021, at 10:38, Stephen Cantwell <stephen.cantwell@adur-worthing.gov.uk> wrote:
> >
> > I'll call you Jon.
> >
> > Regards
> >
> > **Stephen Cantwell**
> >
> > Principal Planning officer (Major Development), Adur & Worthing Councils
> >
> > Phone: 01903 221274
> >
> > Email: stephen.cantwell@adur-worthing.gov.uk
> >
> > Website: www.adur-worthing.gov.uk
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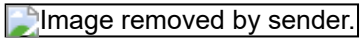
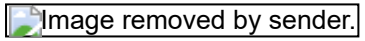
> > Address: Planning and Development, Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS











On Wed, 23 Jun 2021 at 10:34, Jonathan Murch <jonmurch@daviesmurch.co.uk> wrote:

> Hi Stephen,
>
> I have received a message from Richard this morning to say we need to get the s106 agreed today as we have reached the point of no return on the construction contract.
>
> I think it's only the health contribution that's outstanding so can you confirm where this has got to so hopefully we can agree it.
>
> Can you also confirm whether there is anything that remains at large and if necessary I suggest we get the lawyers to speak to iron out any final points.
>
> Jon Murch
>
> DaviesMurch
>
> 07900491490
>
> jm@daviesmurch.co.uk
>
> www.daviesmurch.co.uk
>
> > On 22 Jun 2021, at 17:28, Stephen Cantwell <stephen.cantwell@adur-worthing.gov.uk> wrote:
> >
> > Hi Jon

James and I spoke this morning re the CCG/Health and the Envtl contributions. In respect of the latter (I will check but recall this is approx 30k), do I recall correctly that SHG are agreeable to paying this at commencement?

Kind regards

Stephen

Stephen Cantwell

Principal Planning officer (Major Development), Adur & Worthing Councils

Phone: 01903 221274

Email: stephen.cantwell@adur-worthing.gov.uk

Website: www.adur-worthing.gov.uk

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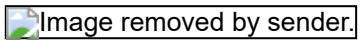

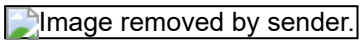







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As a temporary measure and due to the restrictions on movement introduced as a result of the coronavirus outbreak, until further notice and where we have confirmed we are authorised to accept service of legal proceedings and documents for the purposes of the Civil Procedure Rules, we will accept service of those proceedings and documents by email only. To effect service, the documents should be sent to the email address of the Trowers & Hamlins' fee-earner dealing with the matter and to the following email address: litigationservice@trowers.com

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Schedule 2 - 3117-ACA-ZZ-ZZ-DR-A-1902_S1-P01-Affordable Housing Schedule_THL_149105341_1.PDF
2460K