

Kirstin Kyle

From: Tim Wheen [REDACTED]
Sent: 29 April 2019 14:40
To: Kirstin Kyle
Subject: RE: Section 106 Agreement - Royal Hotel - BR/326/18/PL

Hi Kirsten,

Yes, that would be absolutely fine.

Kind regards

Tim

Tim Wheen
Director



From: Kirstin Kyle [REDACTED]
Sent: 29 April 2019 14:45
To: [REDACTED]
Subject: FW: Section 106 Agreement - Royal Hotel - BR/326/18/PL
Importance: High

Hi Tim

Would you agree to me inserting a copy of the title plan with the deeds

Thanks

Kind regards

Kirstin

Kirstin Kyle, Trainee Solicitor, Legal Services, Arun District Council | Location: First floor, room 102, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF DX: 57406 Littlehampton
Internal: 37737 | External: +44 (0) 1903 737500 EX 37737 | E-mail: kirstin.kyle@arun.gov.uk
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From: Tim Wheen [REDACTED]
Sent: 29 April 2019 13:58
To: Kirstin Kyle
Subject: RE: Section 106 Agreement - Royal Hotel - BR/326/18/PL
Importance: High

Kirstin,

Thank you for your email.

While I appreciate that there is reference to a plan in the Section 106 Agreement, the Property is defined with reference to a title number. As a matter of law, the Section 106 Agreement will be enforceable against all land within this title (which is the whole of the Property) as well as our client's successors in title. Please see the Title Plan attached showing all that land within Title Number WSX270543. As you know, there is no requirement to define the Property in a Section 106 Agreement with reference to a plan – it is mere convenience. The Council's position is fully protected and the extent of the property can easily be ascertained from the title plan the Section 106 Agreement and the associated planning application.

As you will appreciate, it would cause a significant delay to now obtain a signed location plan from all parties (including the bank) and any such delay would be very detrimental to my client. As explained above, it is also completely unnecessary.

Please can you reconsider this point and revert back to me as soon as possible. Some Councils do require us to obtain up-to-date title from the Land Registry on the day of completion to verify that the extent of the property remains the same as the planning application. I would be more than happy to download and send you up to date title so that you can verify this. However, we really must complete the Section 106 Agreement today.

Thank you for your help on this and I look forward to hearing from you as soon as possible.

Kind regards

Tim

Tim Wheen
Director



From: Kirstin Kyle
Sent: 29 April 2019 13:02
To: [REDACTED]
Subject: Section 106 Agreement - Royal Hotel - BR/326/18/PL

Hi both

I have just phoned the offices, but understand Tim has stepped out. As per my earlier discussion with Tim, the Section 106 does not include a plan. I appreciate the definitions do make reference to the Land Registry Title, but it clear there is to be a plan attached and for enforcement purposes ADC needs to be able to identify the land to be bound clearly.

We will not be able to complete until we have a location plan signed by all parties to be inserted with the deed. Please advise if you would like me to post back the deeds.

Thank you

Kind regards

Kirstin

Kirstin Kyle, Trainee Solicitor, Legal Services, Arun District Council | Location: First floor, room 102, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF DX: 57406 Littlehampton

Internal: 37737 | External: +44 (0) 1903 737500 EX 37737 | E-mail: kirstin.kyle@arun.gov.uk

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