

Nicola Spencer

From: Neil Crowther
Sent: 23 December 2013 16:11
To: Nicola Spencer
Subject: FW: FP/90/13 Replan of Phase 5 Site 6 Felpham

From: Graham Beck [REDACTED]
Sent: 23 December 2013 13:04
To: Neil Crowther
Subject: Re: FP/90/13 Replan of Phase 5 Site 6 Felpham

Neil,

In the absence of my client (they are down for the Christmas holidays now until early January) I will make an executive decision on their behalf and agree to the extension of time until the end of January 2014 when we hope all the paperwork is finished off.

Graham Beck
Luken Beck Ltd,
30 Carlton Crescent,
Southampton SO15 2EW
UK

[REDACTED]

From: Neil Crowther
Sent: Monday, December 23, 2013 10:27 AM
To: [REDACTED]
Subject: FW: FP/90/13 Replan of Phase 5 Site 6 Felpham

Graham,

On the basis on these emails, do you agree to an extension of time up to 31 January 2014?

I hope that we can get this sorted in the first week of January and it is disappointing that it appears to have been delayed for unnecessary reasons.

Regards, Neil

Neil Crowther | Strategic Development Planner, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road,
Littlehampton, BN17 5LF

Internal: 37839 | External: +44 (0) 1903 737839 | E-mail: neil.crowther@arun.gov.uk

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From: Delwyn Jones
Sent: 19 December 2013 16:00
To: 'Emma Bartlett'
Cc: [REDACTED]
Subject: RE: FP/90/13 Replan of Phase 5 Site 6 Felpham

Emma,

Thanks for your emails dated 18 and 19 December.

It is indeed, that time of year!!

I think your pragmatic suggestion to await completion till the New Year an excellent and sensible one and agree it.

I am now away 20 December to 3 January and return on 6/1/14.

I have tried to avoid burdening colleagues, with too much when I am away, so this is another reason why your suggestion is so welcome.

Happy Holidays and we will complete in 2014 , now that the principle and the terms are all agreed.

Delwyn

Delwyn Jones | Planning Solicitor and Deputy Monitoring Officer , Legal Services, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Emma Bartlett [REDACTED]
Sent: 19 December 2013 15:03
To: Delwyn Jones
Subject: RE: FP/90/13 Replan of Phase 5 Site 6 Felpham
Importance: High

Delwyn

Despite responding asap to Laura's email, I did not receive a response from her last night and of course she is now out until January. Unless we can find somebody else who can deal at this late point in her absence (and I can't see them rushing to help either!), I would suggest that engrossments are sent out as early as possible in the New Year?

I look forward to hearing from you.

Regards

Emma



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From: Emma Bartlett
Sent: Wednesday 18 December 2013 17:04
To: 'Laura Floodgate'
Cc: Delwyn Jones (Delwyn.Jones@arun.gov.uk)
Subject: RE: FP/90/13 Replan of Phase 5 Site 6 Felpham
Importance: High

Laura

Thanks for your email – are you able to confirm whether there will be someone around in your absence who will be able to arrange for the engrossments to be signed?

Regards

Emma

From: Laura Floodgate [REDACTED]
Sent: Wednesday 18 December 2013 17:01
To: Delwyn Jones; Emma Bartlett
Subject: RE: FP/90/13 Replan of Phase 5 Site 6 Felpham

Both

I have now received instructions in light of Emma's email of yesterday in relation to this matter and my client has informed me that we will have to accept the contributions that have been calculated by Arun.

After today I am out of the office, returning on 6 Jan 2014.

Regards,

Laura

[Laura Floodgate](#) | Solicitor, Law and Governance, [West Sussex County Council](#)
Location: Room 201, County Hall, West Street, Chichester, West Sussex, PO19 1RO

PLEASE NOTE THAT I WORK MONDAY TO WEDNESDAY 8AM TO 5PM

From: Delwyn Jones [<mailto:Delwyn.Jones@arun.gov.uk>]
Sent: 18 December 2013 14:12
To: Neil Crowther; Laura Floodgate; 'Emma Bartlett' [REDACTED]
Subject: RE: FP/90/13 Replan of Phase 5 Site 6 Felpham

Colleagues,

Can we now complete on the basis of the Planning Officer's instructions?

If we all agree completion is possible, I am happy for Emma at Moore Blatch to run off an engrossment and get a signature from the developer and then courier around for other completions.

By the way I am away 20 December-3 January, but have briefed colleagues to mind the file.

Delwyn

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From: Neil Crowther

Sent: 18 December 2013 12:49

To: [REDACTED] Delwyn Jones; 'Emma Bartlett'

Cc: Delwyn Jones

Subject: FW: FP/90/13 Replan of Phase 5 Site 6 Felpham

All,

Can I please be clear? The contributions are agreed already and they are clearly set out in the report to Committee. That is what we, as the planning authority, have decided. There are no different sums to consider or any opportunity for negotiation. To re-cap, the sums are as follows;

- Affordable Housing - £44,100
- Education - £8,247
- Healthcare - £3,370
- LEAP - £2,400

The agreement needs to be completed now on the basis of these sums.

Regards, Neil

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From: Delwyn Jones

Sent: 18 December 2013 12:28

To: Neil Crowther

Subject: FW: FP/90/13 Replan of Phase 5 Site 6 Felpham

Neil,

I have pursued enquiries about a possible early completion.

Please read the attached for fullest information, which I think is self explanatory.

The hold up is at County about agreeing some details.

I suggest you enquire at County what the problem is. Maybe CMT may wish to get involved too?

Delwyn

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From: Laura Floodgate [REDACTED]
Sent: 17 December 2013 15:44
To: Emma Bartlett
Cc: Delwyn Jones
Subject: RE: FP/90/13 Replan of Phase 5 Site 6 Felpham

Emma

Further to our telephone discussion, I will seek instructions following on from your email of today in response to mine of 13 November.

As you will appreciate, I am not currently in a position to approve the draft and enter into the Deed.

Regards,

Laura

Laura Floodgate | Solicitor, Law and Governance, West Sussex County Council
Location: Room 201, County Hall, West Street, Chichester, West Sussex, PO19 1RO

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From: Emma Bartlett [REDACTED]
Sent: 17 December 2013 15:43
To: Laura Floodgate
Cc: Delwyn Jones (Delwyn.Jones@arun.gov.uk)
Subject: RE: FP/90/13 Replan of Phase 5 Site 6 Felpham

Laura

Further to my telephone conversation this afternoon, I can confirm that my client is not prepared to accept the County Council's position with regard to the increase in the contribution sums payable under the proposed Variation as referred to you in your email of 13 November.

The sums as set out in my draft were determined at committee by Arun District Council and confirmed in Delwyn's email of 19 November and should therefore remain as drafted.

Please can you seek updated instructions as to whether the draft is now approved.

I look forward to hearing from you.

Regards

Emma Bartlett
Chartered Legal Executive
Land Development Team
[REDACTED]



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From: Delwyn Jones [<mailto:Delwyn.Jones@arun.gov.uk>]

Sent: Tuesday 17 December 2013 09:46

To: Emma Bartlett; 'Laura Floodgate'

Cc: Neil Crowther

Subject: FW: FP/90/13 Replan of Phase 5 Site 6 Felpham

Emma,

The Planning Officer requests, please can this be completed this week?

I suggest that this could be done if you circulate a final version of the agreed deed, and the parties then arrange email signature, and you then circulate the final deed with email signatures appended.

Let me know what you think feasible.

Delwyn

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From: Delwyn Jones

Sent: 16 December 2013 17:22

To: 'Emma Bartlett'

Cc: 'Laura Floodgate'

Subject: FW: FP/90/13 Replan of Phase 5 Site 6 Felpham

Emma,

Please let me know if we can complete?

Are you able to circulate a final draft or even an engrossment?

Thanks.

Delwyn

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From: Delwyn Jones
Sent: 19 November 2013 16:23
To: 'Emma Bartlett'; 'Laura Floodgate'
Cc: Neil Crowther
Subject: RE: FP/90/13 Replan of Phase 5 Site 6 Felpham

Emma and Laura,

Thanks for the email dated 8/11/13.

The figures you cite in this email ---

Affordable Housing - £44,100
- Education - £8,247
- Healthcare - £3,370
- LEAP - £2,400

Are confirmed to me by the Planning Officer as correct and agreed.

Can we complete now? Or do you wish to circulate a final clean draft copy for approval?

Do you wish to engross the Deed of Variation and circulate enough copies for each signatory to execute?

#Delwyn

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From: Emma Bartlett [REDACTED]
Sent: 08 November 2013 12:40
To: 'Laura Floodgate'
Cc: Delwyn Jones
Subject: RE: FP/90/13 Replan of Phase 5 Site 6 Felpham
Importance: High

Laura

I understand that the following sums were given in the committee report relating to my client's application FP/90/13:

- Affordable Housing - £44,100
- Education - £8,247
- Healthcare - £3,370
- LEAP - £2,400

My instructions were that these sums were to be added to the existing contribution sums set out in the Deed of Variation dated 15 February 2012, a copy of which is attached for ease of reference.

Please could I ask you to liaise with Delwyn and confirm the sums (and if applicable, the additional contributions) which are to be inserted in the draft. I will then provide an amended draft as necessary.

Regards

Emma Bartlett
Chartered Legal Executive
Land Development Team



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From: Laura Floodgate
Sent: Wednesday 06 November 2013 14:46
To: Delwyn Jones; Emma Bartlett
Subject: RE: FP/90/13 Replan of Phase 5 Site 6 Felpham

Dear both

Thank you for your email and apologies for the delay in replying. I have not yet been able to come back on the S.106 agreement as when I first received the Deed I noticed a large discrepancy in the contribution amounts sought by the County Council in their usual calculation and the figures in the draft D of V.

The County Council calculation of contributions dated 2 July 2013 identified the following contributions:

1. Primary Education - £23,271
2. Secondary Education £25,046
3. Further Secondary - £5,867
4. Library - £2,087
5. Fire and Rescue - £230
6. Provision of 2 fire hydrants

The case officer has explained that a scheme for an additional 70 units under reference FP/205/10 was granted at the end of 2011 that included an agreed contribution for education of £84,268 and that, as the application FP/90/13 includes an additional 7 dwellings only, a pro-rata 10% contribution to that above has been suggested and agreed by Committee.

As WSCC have explained, 10% is an oversimplification of how our child population is calculated. For the current application (FP/90/13), in addition to the 7 units there were also changes to 33 others and number of 4 bed houses increased sharply in this change. Four bed houses will produce more children than 3 bed, naturally and hence the increased figures adopting data from ONS to establish the occupancy rates. The existing 33 houses have been taken out so the figures in the attached calculation are the correct net increase based on an additional 7 properties plus amendments to the other 33.

I am unclear therefore where the reference to £92,515 for the additional education contribution has come from. Please can Emma clarify what application this relates to? Does this represent the 10% increase on the education contribution of £84,268 for FP/205/10. As explained, this is an oversimplification of the changes/amendments that have been made to the development by this application FP/90/13.

I look forward to hearing in due course.

Regards,

Laura

Laura Floodgate | Solicitor, Law and Governance, West Sussex County Council
Location: Room 201, County Hall, West Street, Chichester, West Sussex, PO19 1RO

PLEASE NOTE THAT I WORK MONDAY TO WEDNESDAY 8AM TO 5PM

From: Delwyn Jones [<mailto:Delwyn.Jones@arun.gov.uk>]

Sent: 31 October 2013 16:37

To: [REDACTED]

Cc: Laura Floodgate

Subject: FW: FP/90/13 Replan of Phase 5 Site 6 Felpham

Importance: High

Emma,

I am now back from leave.

I am advised that the sums are correct.

Can we complete?

Have you heard from County agreeing their matters?

Delwyn

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From: Delwyn Jones
Sent: 03 October 2013 16:58
To: 'Emma Bartlett'
Cc: Andy Elder; 'Laura Floodgate'; Joe Russell-Wells; Neil Crowther
Subject: FW: FP/90/13 Replan of Phase 5 Site 6 Felpham
Importance: High

Emma,

Thanks for the email dated 3/9/13.

I am seeking instructions from, colleagues about the amounts of :-

1. NHS sums
2. Affordable Housing sums
3. POS sums and
4. Education sums will be verified by County

I have added a clause about monitoring costs and legal costs.

I am now away till 21 October, but will review on my return and send Emma comments received.

Delwyn.

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From: Emma Bartlett [REDACTED]
Sent: 03 September 2013 16:17
To: Delwyn Jones
Cc: [REDACTED]
Subject: FP/90/13 Replan of Phase 5 Site 6 Felpham
Importance: High

Delwyn

I understand that the above application received resolution to grant at committee last week subject to a Section106 Agreement – or a variation to the existing Agreement.

You may recall that we have both previously acted in connection with previous variations to the Section 106 on this site and I confirm that I shall again be acting on behalf of the applicant and landowner, Kingsoak Homes.

I note that the additional contributions required under the new permission will follow along the same lines as the existing additional sums referred to in the Deed of Variation dated 15 February 2012. I have therefore taken the liberty of preparing an initial draft of the Deed of Variation to this effect for your consideration and approval.

Please also find attached register entries and title plan for my client's title.

I would be grateful if you could please confirm your instruction to act in this matter and please confirm what your legal costs will be in this regard.

I look forward to hearing from you.

Kind regards

Emma Bartlett
Chartered Legal Executive
Land/Estate Development Team



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