

Krumpans, Igors

From: Holt, Hannah
Sent: 20 December 2016 13:29
To: Planning Department
Subject: INFO FW: Keresley S.106
Attachments: Image.pdf

Categories: Additional Info

Please put attached extension of time agreement into application OUT/2014/2282
Thanks
Hannah

From: Andy Faizey [mailto:andyfaizey@lioncourtstrategic.com]
Sent: 20 December 2016 12:33
To: Holt, Hannah
Subject: RE: Keresley S.106

Hannah,

Please see attached. Can you confirm when the referral has gone over to DCLG please.

Regards,

Andy Faizey
Strategic Land Director
LIONCOURT STRATEGIC LAND LTD

Tel: 01905 755167
Mob: 07545 335100
Web: www.lioncourtstrategic.com



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From: Holt, Hannah [<mailto:Hannah.Holt@coventry.gov.uk>]
Sent: 20 December 2016 12:25
To: Andy Faizey <andyfaizey@lioncourtstrategic.com>
Subject: RE: Keresley S.106

Andy

That's great news. I intend to refer the application as soon as the final 106 comes through. I have realised that the application is due to expire at the end of the month so have attached another extension of time agreement for a further 2 months –we should have had a response from the DCLG within that timeframe. I would appreciate it if you could sign and return that today.

Regards

Hannah Holt
Principal Planning Officer
Development Management
Coventry City Council
Civic Centre 4, Much Park Street
Coventry CV1 2PY

T: 024 76831393
F: 024 76831296
hannah.holt@coventry.gov.uk

Please note my working days are Monday, Tuesday & Wednesday

Coventry receives 96% of planning applications online www.coventry.gov.uk/planning

Our Building Control team is now back in-house and based here at Coventry.
Phone: 024 7683 2057/2058 or email: buildingcontrol@coventry.gov.uk

From: Andy Faizey [<mailto:andyfaizey@lioncourtstrategic.com>]
Sent: 20 December 2016 12:12
To: Holt, Hannah
Cc: Jude Rodrigues
Subject: FW: Keresley S.106

Dear Hannah,

With the additional wording suggested below I think we have an agreed s106. I believe Jude will circulate a clean copy for everyone.

Regards,

Andy Faizey

Strategic Land Director
LIONCOURT STRATEGIC LAND LTD

Tel: 01905 755167
Mob: 07545 335100
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From: Andy Faizey
Sent: 20 December 2016 12:09
To: 'Jude Rodrigues' <Jude.Rodrigues@daviesandpartners.com>
Subject: RE: Keresley S.106

That's great Jude – I think we can call that an agreed doc.

Regards,

Andy Faizey
Strategic Land Director
LIONCOURT STRATEGIC LAND LTD

Tel: 01905 755167
Mob: 07545 335100
Web: www.lioncourtstrategic.com



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From: Jude Rodrigues [<mailto:Jude.Rodrigues@daviesandpartners.com>]
Sent: 20 December 2016 12:07
To: Andy Faizey <andyfaizey@lioncourtstrategic.com>
Subject: FW: Keresley S.106

Andy,

Subject to instructions from you to contrary, you will note the e-mail attached below from Birmingham City Council's Legal department and the additional wording that they require for Schedule 3, Para 2.6.

Subject to your thoughts that works for me.

Kind regards.

Jude

Mr. Jude Rodrigues

Davies and Partners Solicitors

T: 01452 612345

F: 01452 611922

W: www.daviesandpartners.com

E: jude.rodriques@daviesandpartners.com

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Our offices will close at 1pm on Friday 23rd December and re-open at 9am on 3rd January 2017

From: Aisha Khawar [<mailto:Aisha.Khawar@birmingham.gov.uk>]

Sent: 20 December 2016 11:47

To: Jude Rodrigues

Cc: Holt, Hannah

Subject: RE: Keresley S.106

Dear Jude,

I have now had instructions and the Council accepts your suggestions as per your email below, the only one addition that we would suggest, which will hopefully help your client is adding the following words or words to this effect at the end of schedule 3 para 2.6 "however if the Council fails to respond within the three (3) months this will be understood as the Council having declined the offer"

I will review the agreement in detail and get back to you shortly.

Regards

Aisha Khawar
Locum Solicitor
Planning & Highways
0121 303 1418
07885237527

My normal working days are Monday to Thursday.

Postal/DX address:
Birmingham City Council
Legal & Democratic Services
PO Box 15992
Birmingham B2 2UQ

MDX 13053 Birmingham 1

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From: Jude Rodrigues [<mailto:Jude.Rodrigues@daviesandpartners.com>]
Sent: Monday, December 19, 2016 4:27 PM
To: Aisha Khawar
Subject: Keresley S.106

Aisha,

Apologies for the delay but having received instructions in relation to your e-mail of 07/12/2016, which is attach below I further attach a clean copy of the revised draft S.106 Agreement to take into account the further agreed changes.

I believe that only one matter remains outstanding which I hope will not raise a major issue in that regarding Schedule 3, Paragraph 2.6, although we believe that your required change is contrary to the Council's own position and probably also negatively impacts on the ability of the Free School Operator to raise funding in the first place, (i.e. how for instance would a FSO provide security for funding if the Council acquired the site?), we are at this juncture willing to accept a version of your wording but would request that you accept a time limit as well.

What I have suggested is that once my client offers the Free School Site to the Council then the Council will have three months to decide whether to accept the Free School Site Transfer or not. If this revision to your amendment is acceptable then I believe that at present we have a working S.106 Agreement document that we could put forward for consideration as part of the referral by the Planning department at Coventry C.C.

I am forwarding this e-mail to my client at the same time so that I can have confirmation that my amendment meets with Lioncourt's thinking as well. Any questions, please do contact me.

Kind regards.

Jude

Mr. Jude Rodrigues
Davies and Partners Solicitors
T: 01452 612345
F: 01452 611922
W: www.daviesandpartners.com
E: jude.rodriques@daviesandpartners.com

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Our offices will close at 1pm on Friday 23rd December and re-open at 9am on 3rd January 2017

From: Aisha Khawar [<mailto:Aisha.Khawar@birmingham.gov.uk>]

Sent: 07 December 2016 14:35

To: Jude Rodrigues

Subject: FW: Keresley S.106

Dear Jude,

I have not had the opportunity to make the changes to the agreement but our comments are as follows:

1. Clause 29 accepted
2. Definition of implementation deleted and any words not present in the definition of “commencement of development” to be included from the implementation definition to this definition.
3. Schedule 3 para 2.1 – Education would want to see a red line of the site, pedestrian and vehicle access points and indication of playing fields/ hard play area, building footprint, parking and servicing.
4. Schedule 3 para 2.6 – there should be an option to provide the land to the operator or council and the council need not have the first right of refusal.
5. condition - we suggest the wording as below:

“No development shall commence on the area of land hatched black on dwg. No. unless and until details of a mechanism have been submitted and approved in writing by the local planning authority which may provide for:-

- (i) 25% affordable housing;*
- (ii) the laying out of 20% of the site as open green space;*
- (iii) education for early years, primary, secondary and 6th form pupils;*
- (iv) sports improvements*
- (v) ecology measures*
- (vi) off-site highways works and bus/ cycle improvements; and*
- (vii) local employment*

The mechanism shall be implemented in full accordance with the approved details, unless otherwise agreed in writing by the local planning authority.”

Due to this condition there is a risk to the Council that this hatched area may never be developed and having this in mind we would want the triggers for the education contribution to change to ensure that all the contributions are paid prior to any work on the hatched area of land (this is the only contribution that may be problematic, however, once I consider the agreement fully with all the amendments, if there are other triggers that need to change I will confirm that with you):

33% on 400th
33% on 600th
22% on 700th
12% on 750th (to cover the area hatched black)

Please let me know whether you will make the necessary amendments to the agreement or would like me to do so?

Regards

Aisha Khawar
Locum Solicitor
Planning & Highways
0121 303 1418
07885237527

My normal working days are Monday to Thursday.

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