

Cerys Jones

From: Mared Rees-Jones
Sent: 11 June 2019 15:44
To: planning_admin
Subject: FW: S106 Stack Barn [GELDARDS LLP-Cardiff.FID1891901]
Attachments: Highways Plan Rev D.pdf; SP530119060516441.pdf

Please add additional information and plans relating to S.106 to P/2017/0367

From: Dafydd Edwards [mailto:dafydd@blueprintarchitectural.com]
Sent: 06 June 2019 08:35
To: Natalie.Harries@geldards.com
Cc: Mared Rees-Jones; 'Ben Whiting'
Subject: RE: S106 Stack Barn [GELDARDS LLP-Cardiff.FID1891901]

Hi Natalie,

Your email has been forwarded to myself from Mared.

I attach a revised plan in line with the comments raised, I also attach information relating to the adopted highway (marked in yellow).

I trust the amendment which now illustrates the area bound by s106 can ensure the legal agreement can progress to enable the planning decision to be issued.

Kind regards

Dafydd Edwards ACIOB
Senior Architectural Technician
for Blueprint Architectural Services

Tel: 01978 356500
Email: Dafydd@blueprintarchitectural.com

From: Mared Rees-Jones [mailto:Mared.Rees-Jones@wrexham.gov.uk]
Sent: 05 June 2019 08:54
To: Dafydd Edwards
Subject: FW: S106 Stack Barn [GELDARDS LLP-Cardiff.FID1891901]

Hi Dafydd

Please see the email below from the solicitor dealing with the S.106 Agreement for the above site.

Can you check if the plan is correct please in accordance with her comments?

Thanks

Mared

From: Natalie Harries [<mailto:Natalie.Harries@geldards.com>]
Sent: 31 May 2019 17:12
To: Mared Rees-Jones
Cc: Charles Felgate
Subject: RE: S106 Stack Barn [GELDARDS LLP-Cardiff.FID1891901]

Hi Mared

Thanks for your time on the telephone this morning. I have reviewed the title again (given the time that has passed) and there doesn't appear to be any further drafting changes needed to the agreement which is good news.

However, I do think that further amendment is needed to the plan. I have attached the plan you sent to me which outlines the area subject to the s106 obligations edged in green. However, that land edged in green also includes some highways land (see attached screenshot from the land registry – we are binding the land which is partly in title CYM539478). Are you able to please liaise with the architect to produce an amended plan so that the area edged in green does not include any adopted highways land (as highways land doesn't need to be bound by the s106 agreement – if, however, it's unadopted highways please let me know as we will need to consider binding the owner to that land). It might be clearer to simply shade the area (e.g. in green) that will be subject to the s106 agreement (which will exclude adopted highway), rather than provide a coloured edging as the green edging may not come out all that well when the plan is printed.

Kind regards

Natalie

Natalie Harries

Solicitor
Public Law
For and on behalf of Geldards LLP

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Email: natalie.harries@geldards.com



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From: Mared Rees-Jones <Mared.Rees-Jones@wrexham.gov.uk>
Sent: 31 May 2019 08:01
To: Natalie Harries <Natalie.Harries@geldards.com>
Subject: RE: S106 Stack Barn [GELDARDS LLP-Cardiff.FID1891901]

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Ok, the agent has advised that he hasn't heard anything from the applicant and is chasing their end.

Mared

From: Natalie Harries [<mailto:Natalie.Harries@geldards.com>]
Sent: 30 May 2019 10:05
To: Mared Rees-Jones
Subject: RE: S106 Stack Barn [GELDARDS LLP-Cardiff.FID1891901]

Thanks Mared. I will keep an eye on this one – let's wait to hear their response before considering refusal. If I don't hear anything by email, I'll call their solicitor.

Kind regards

Natalie

Natalie Harries

Solicitor
Public Law

For and on behalf of Geldards LLP

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Email: natalie.harries@geldards.com



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From: Mared Rees-Jones <Mared.Rees-Jones@wrexham.gov.uk>

Sent: 30 May 2019 09:33

To: Natalie Harries <Natalie.Harries@geldards.com>

Subject: RE: S106 Stack Barn [GELDARDS LLP-Cardiff.FID1891901]

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Hi Natalie

Last correspondence I had on this was last November with the applicants agent.

I will chase him today, but I'm happy to refuse this if we don't get an update in 1 – 2 weeks time.

Mared

From: Natalie Harries [<mailto:Natalie.Harries@geldards.com>]

Sent: 29 May 2019 16:38

To: Mared Rees-Jones

Subject: RE: S106 Stack Barn [GELDARDS LLP-Cardiff.FID1891901]

Dear Mared

This matter has been stagnant for quite some time, and I haven't heard back from the applicant's solicitor on the draft. I have chased again today. Has there been much movement on this matter from your perspective?

Kind regards

Natalie

Natalie Harries

Solicitor
Public Law

For and on behalf of Geldards LLP

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Email: natalie.harries@geldards.com



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From: Mared Rees-Jones <Mared.Rees-Jones@wrexham.gov.uk>
Sent: 14 November 2018 15:11
To: Natalie Harries <Natalie.Harries@geldards.com>
Subject: RE: S106 Stack Barn

Hi Natalie

Please see attached a copy of the Site Layout Plan for the above.

If you need anything else, please let me know.

Thanks

Mared

From: Natalie Harries [<mailto:Natalie.Harries@geldards.com>]
Sent: 08 November 2018 09:17
To: Mared Rees-Jones
Subject: RE: S106 Stack Barn

Thank you Mared.

I have removed the obligation relating to the service of an implementation notice, and replaced it with an obligation to serve notice on the Council 10 Working Days prior to the first occupation of the Dwelling. It may be difficult to enforce given that we aren't binding the Site, but if the developer does comply with it then at least the Council will be aware that the obligations pursuant to the s.106 will soon be triggered.

I'll send the draft over to the developer's solicitor this morning, and I look forward to receiving a plan from you in due course.

Kind regards

Natalie

Natalie Harries

Solicitor
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For and on behalf of Geldards LLP

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Email: natalie.harries@geldards.com

From: Mared Rees-Jones [<mailto:Mared.Rees-Jones@wrexham.gov.uk>]
Sent: 08 November 2018 08:47
To: Natalie Harries <Natalie.Harries@geldards.com>
Subject: RE: S106 Stack Barn

Hi Natalie

Thanks for the info.

I will ask the architect to sort out the plan.

In terms of the S.106 Agreement – there is no occupancy condition on the decision notice therefore this doesn't matter.

I don't think we need the implementation notice, as the splays are only required prior to first occupation, there is no commencement trigger as there would be for paying of a financial contribution for example.

The S.106 looks ok to me in terms of wording.

I will get back to you with the revised plan when received.

Thanks

Mared

From: Natalie Harries [<mailto:Natalie.Harries@geldards.com>]
Sent: 06 November 2018 11:11
To: Mared Rees-Jones
Subject: RE: S106 Stack Barn

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Hi Mared

I have now received the amended plan from the Developer's solicitor – please see attached. Whilst the developer has arranged for the visibility splays to be altered, I note that we do not have on that plan the area edged in red indicating the land to be bound by the s.106 agreement. Louise had previously hand drawn and shaded in green the area to be bound, but we will need it displayed using electronic means for the purposes of the agreement. I also suggest we have the Application Site edged in blue to differentiate between the land bound by the S.106 agreement, and the Application Site. Are you happy for me to ask the Developer's solicitor to further amend the plan to show that, or would you prefer to liaise directly with the developer's architects in that regard so as to ensure that the correct land is bound?

Please also see attached further copy of the draft agreement for your approval (note that the key obligations are in the First Schedule, including the triggers). I had originally intended for the Application Site to be bound by the s.106 as well as the Land so as to bolster the Council's position, however upon seeking further information from the Developer's solicitor it transpires that there is a problem with the title which is going to take some time to sort out (I don't think the current owners of the Application Site currently have title for the purposes of the Land Registry). Therefore, given that it's not strictly necessary, and that it will likely cause further delays to the s.106 it may be that we have to leave it out. The implication of that is that we won't be able to include a planning obligation restricting

occupation of the Dwelling, and it may be difficult to enforce an obligation on the Developer to serve an Implementation Notice prior to Commencement of Development.

I look forward to hearing from you.

Kind regards

Natalie

Natalie Harries

Solicitor

Public Law

For and on behalf of Geldards LLP

Direct Dial: +44 (0)2920 391763

Email: natalie.harries@geldards.com

From: Mared Rees [<mailto:Mared.Rees@wrexham.gov.uk>]

Sent: 10 October 2018 15:12

To: Natalie Harries <Natalie.Harries@geldards.com>

Subject: RE: S106 Stack Barn

Hi Natalie

Thanks for the info.

1 - Ok .

2 – Yes, the works will be lowering the hedge to 1m or below and maintaining this in perpetuity in order to achieve the splays.

3 – a) The application site (land edged in red) does not need to be included – it is why the S.106 Agreement is required as we have no control over the land outside the red edge and therefore cannot attach conditions on the decision notice relating to the land outside the red edge. However if binding the site strengthens the Councils position, I am happy to include this within the S.106 Agreement.

b) The condition on the decision notice requires that prior to first use of the development, the visibility splays shall be provided, which covers this element of the scheme. The S.106 Agreement seeks only to ensure that the vis splays are secured in perpetuity.

I understand Louise has asked for a revised Layout Plan from the agent and that this will be sent in due course.

Thanks

Mared

From: Natalie Harries [<mailto:Natalie.Harries@geldards.com>]

Sent: 08 October 2018 13:48

To: Mared Rees

Subject: S106 Stack Barn

This email's attachments were cleaned of potential threats by Wrexham Council's Security Gateway.
Click [here](#) if the original attachments are required (justification needed).

Dear Mared

Please see attached a first draft of the s106 agreement for Stack Barn. I have been liaising with your colleague, Louise, whilst you have been away and I was instructed to bind the land highlighted green (note also that the position of the splay has been amended following Louise's discussions with Highways).

I would like to bring the following to your attention, and seek your instructions accordingly:

1. The land highlighted in green is owned for the most part by Worthenbury Developments Ltd – though there is a small section of unregistered land affected, and I will seek further information on that from the developer's solicitor.
2. The previous precedent you sent me included an obligation on the landowner to carry out such works as are necessary to allow the Land to form part of the visibility splays as referred to within the Planning Permission. Is that relevant here? Are there any such works to be carried out?
3. The land being bound (and which this deed will be enforceable against) is only that highlighted green which I have referred to in the Agreement as "the Land". The Land does not include the application development site, which is referred to as "the Site". By not binding the Site, we will not be able to include the following obligations:
 - a. An obligation on the Developer to serve the Implementation Notice prior to Commencement of Development (see clause 4.2.2); and
 - b. A restriction on the occupation of the Dwelling until such time that the visibility splay works have been carried out.

The clause (b) above is not relevant if there are no visibility splay works to be undertaken. However, if there are then it might be an idea to bind the Site because it then strengthens the Council's position.

If you would like to discuss any of the above, please do not hesitate to contact me on 02920391763.

Natalie Harries

Solicitor
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For and on behalf of Geldards LLP

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