

## Annex 2

-----Original Message-----

**From:** Hussey, Ross

**Sent:** 29 March 2007 15:18

**To:** 'Jane Curnow'

**Cc:** Newman, Diana; [simon.perks@persimmonhomes.co.uk](mailto:simon.perks@persimmonhomes.co.uk)

**Subject:** RE: Persimmon - Kings Heath - planning restrictions

Dear Jane,

Having considered John Atkinson's request with my colleagues, I can now confirm that the Council has NOT agreed to any variation of the agreement which was reached with Persimmon last July, namely that certain plots cannot be sold or occupied until the open space and facilities at Kings Heath have been completed and transferred to the Council, and various other requirements of the planning agreement have been complied with. At the current slow rate of progress with the open space, I have to say that these plots are not likely to be released for many months.

I remain concerned that some of the plots concerned are shown as "reserved" and that I have been unable to get any information as to what that status involves, or whether the buyers have been given any indication as to the likely completion dates of those properties. However, having given you full information at this stage, I do not expect to be approached at a later date by buyers, to whom this has come as a complete surprise. I am satisfied that the Council will be able to demonstrate that it has kept you and Persimmon fully informed.

For the record I will list the plots again - these are (on area 7) 53, 54, 55, 56, 57, 58, 59, 60, 61, 98, 99, 100, 8, 9, 10, 11, 12, 12A, 7, 6, 5, 4, 3, 2, 1.

Regards,

Ross Hussey

-----Original Message-----

**From:** Jane Curnow [<mailto:jcurnow@fulfords.co.uk>]

**Sent:** 28 March 2007 16:47

**To:** Hussey, Ross

**Cc:** Newman, Diana; [simon.perks@persimmonhomes.co.uk](mailto:simon.perks@persimmonhomes.co.uk)

**Subject:** RE: Digby - play area

Thank you for the copy of an e-mail sent to Simon Perks.

Just to clarify the situation, Fulfords New Homes act as introductory agents only and all information/decisions regarding the Kingsheath development are directed through them.

Any queries, please let me know

regards

Jane

JANE CURNOW

SALES & MARKETING MANAGER

FULFORDS ESTATE AGENTS

Tel +44 (0) 1392 813333

Fax +44 (0) 1392 813320

Email YOUR EMAIL [jcurnow@fulfords.co.uk](mailto:jcurnow@fulfords.co.uk)

---

**From:** Hussey, Ross [mailto:ross.hussey@exeter.gov.uk]  
**Sent:** 26 March 2007 09:36  
**To:** simon.perks@persimmonhomes.co.uk  
**Cc:** Jane Curnow; Newman, Diana  
**Subject:** FW: Digby - play area

Simon, you will be aware that John Atkinson is asking us to vary the previously agreed phasing.

Before I can consider this, I need confirmation of the position regarding the Persimmon plots which are currently held back. Fulfords seem to be avoiding giving me an answer to this question, presumably on Persimmon's instructions. Please instruct them to put me fully in the picture, otherwise I don't see how I can possibly consider any request to vary the phasing.

Ross Hussey

-----Original Message-----

From: Hussey, Ross  
Sent: 22 March 2007 12:14  
To: 'Jane Curnow'; Newman, Diana  
Subject: RE: Kings Heath, Digby - dwellings not to be sold until open space etc completed

Dear Diana and Jane,

It is correct that Persimmon have acknowledged my e-mail, but I would appreciate confirmation from you that Fulfords, as selling agents, are aware of the restrictions that apply.

The plots concerned are 53, 54, 55, 56, 57, 58, 59, 60, 61, 98, 99, 100, 8, 9, 10, 11, 12, 12A,

7, 6, 5, 4, 3, 2, 1. (Pasted from Persimmon's original correspondence, hence the strange order.) They are not to be sold or occupied until the open space and related facilities have been completed and transferred to the Council.

It is important that potential buyers are aware of this, otherwise what happens (and it has happened on other developments) is that someone agrees to buy a house, makes plans, and only later finds out that they can't complete because of the planning restriction. Then the Council is seen as the villain of the piece!

Looking at it from the other point of view, what has also happened to us on other developments is that the developer has finished the houses and cleared off site without finishing the open space and play facilities, which makes it very difficult to get them back to finish the job. Again the Council is criticised by residents of the new houses because there is nowhere for their children to play - indeed some complain because there is nowhere for other people's children to play! That is why release of the houses is being phased, with 25 Persimmon and 25 Barratt homes being held back until the works are completed.

Please can you confirm that plots are not being sold so as to conflict with this requirement, and that if people are reserving properties at this stage they are being made aware that completion will have to await completion of the open space and other facilities.

Regards,

Ross Hussey

-----Original Message-----

From: Jane Curnow [mailto:jcurnow@fulfords.co.uk]

Sent: 22 March 2007 10:44

To: Newman, Diana

Cc: Hussey, Ross

Subject: FW: Kings Heath, Digby - dwellings not to be sold until open space etc completed

Importance: High

Diana

Further to our recent meeting and discussions regarding the above, please find attached second e-mail from the council. I have spoken to Ross Hussey and confirmed that Persimmon were dealing with this.

Regards

Jane

JANE CURNOW

SALES & MARKETING MANAGER

FULFORDS ESTATE AGENTS

Tel +44 (0) 1392 813333

Fax +44 (0) 1392 813320

Email YOUR EMAIL jcurnow@fulfords.co.uk

-----Original Message-----

From: Karen Bealey

Sent: 21 March 2007 11:22

To: Jane Curnow

Subject: FW: Kings Heath, Digby - dwellings not to be sold until open space etc completed

Importance: High

Please see email below.

Many thanks

Karen

-----Original Message-----

From: Hussey, Ross [mailto:ross.hussey@exeter.gov.uk]

Sent: 21 March 2007 11:10

To: Karen Bealey

Subject: FW: Kings Heath, Digby - dwellings not to be sold until open space etc completed

Importance: High

Dear Sirs,

I refer to my e-mail dated 15 March 2007, addressed to Simon Perks at Persimmon and copied to you.

I did request a response from you, to confirm that you were aware of the restriction on sale of certain plots, under a planning agreement. Please could you confirm this, and that prospective purchasers are being made aware of it.

Yours faithfully

Ross Hussey  
Planning Solicitor

Exeter City Council  
Civic Centre, Paris St, Exeter, EX1 1JN  
DX 8323 Exeter

Tel: 01392 265236

Fax: 01392 265654

-----Original Message-----

From: Hussey, Ross

Sent: 15 March 2007 09:35

To: 'Perks, Simon'; 'newhomes@fulfords.co.uk'

Subject: RE: Kings Heath, Digby - dwellings not to be sold until open space etc completed

Importance: High

[Fulfords please note - this e-mail is being copied to you for the attention of your Devon and Exeter Regional Newhomecentre - please respond as indicated below.]

Dear Simon,

We have been monitoring progress with the open space and related facilities on the Kings Heath development, relative to the sale of new dwellings.

You will recall that in July of last year, in accordance with the section 106 agreement, it was agreed that 25 plots would not be sold or occupied until the open space and related facilities had been completed and transferred to the Council, the various warranties had been provided and the payments made. You identified the plots affected in the e-mail which I have attached below. I have not been notified of any changes.

The open space is still some way from being complete. One of my colleagues has picked up a price list from Fulfords New Homes which indicates that of the plots concerned, at least numbers 8, 9, 60, 61, 99 and 100 are either reserved or being marketed. I note, however, that the document does say that the properties are currently being built.

Simon, please could you confirm:-

- (a) whether there have been any changes to the identity of the 25 dwellings;
- (b) if not, that none of them has actually been sold.

Fulfords, please confirm that you are aware of these requirements, and that prospective purchasers of these plots are being made aware that there will be a delay before they are able to complete their purchases.

Yours sincerely

Ross Hussey  
Planning Solicitor

Exeter City Council  
Civic Centre, Paris St, Exeter, EX1 1JN  
DX 8323 Exeter

Tel: 01392 265236  
Fax: 01392 265654

-----Original Message-----

From: Scott, Carley [mailto:carley.scott@persimmonhomes.com] On Behalf Of Perks, Simon  
Sent: 27 July 2006 14:03  
To: Hussey, Ross; Project Manager  
Cc: Robbins, Andy; Higgins, Michael  
Subject: RE: Kings Heath, Digby - section 106 agreement

Ross

Following your email I can confirm the 25no units to be held back pending the POS preparation are as follows in Area 7

Plots 53, 54, 55, 56, 57, 58, 59, 60, 61, 98, 99, 100, 8, 9, 10, 11, 12, 12, 7, 6, 5, 4, 3, 2, 1.

We may wish to swap plots around making sure that we maintain the 25 you require depending on marketability.

Regards,

Simon  
Carley Scott  
PA to Simon Perks, Technical Director  
Persimmon Homes South West  
T: 01392 285421 F: 01392 430195