

**Planning and Environment**  
Director of Planning and Environment,  
Geoffrey Steeley OBE



Mr C G Barnard  
Director of Planning  
Dacorum Borough Council  
Civic Centre  
Hemel Hempstead  
Herts HP1 1HH

LAND AND MOVEMENT PLANNING

County Hall  
Hertford SG13 8DN

Telephone : 0992 556295  
Fax : 0992 555648  
Contact : Brenda Strangeman  
My ref : LMP/BJs/ARW 4/230-92  
Your ref : 4/0230/92CC/CGBB/JH/AJP  
Date : 13 December 1993

Dear Mr Barnard

**TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1976  
NOTICE OF DEEMED PLANNING PERMISSION UNDER REGULATION 4**

**PROPOSED RESIDENTIAL DEVELOPMENT (OUTLINE APPLICATION)  
BELSWAINS JUNIOR SCHOOL SITE, OLIVER ROAD, HEMEL HEMPSTEAD  
APPLICATION NO: 4/230-92**

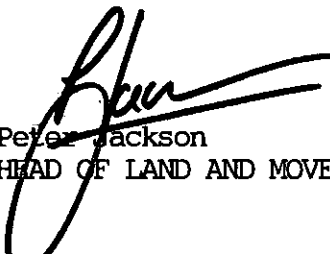
This is to inform you that, as a result of a resolution passed in accordance with the above Regulations

by Delegated Officer's Authority on **13.12.93** (list no 931)

deemed planning permission for the above development has been granted, subject to the five conditions set out in appendix A attached.

I also enclose a copy of the undertaking given by the Director of Property in relation to the provision of four units of affordable housing on the site.

Yours sincerely

  
Peter Jackson  
HEAD OF LAND AND MOVEMENT PLANNING  
EJC

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.					Ack.	
DcP	T.C.P.M.	D.P.	<input checked="" type="checkbox"/>	B.C.	<input checked="" type="checkbox"/>	File
Received		14 DEC 1993				
Comments						

**PROPOSED RESIDENTIAL DEVELOPMENT (OUTLINE APPLICATION)  
BELSWAINS JUNIOR SCHOOL SITE, OLIVER ROAD, HEMEL HEMPSTEAD  
Conditions to be attached to deemed planning permission (4/230-92)**

1. **RESERVED MATTERS**

The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, access, layout, design, external appearance and landscaping of the development which shall have been approved by the Local Planning Authority before the development is commenced.

Reason : To comply with the provisions of the Town and Country Planning General Development Order 1988.

2. **TIME LIMIT**

Application for approval in respect of all matters reserved in condition 1 above shall be made to the Local Planning Authority within a period of three years commencing on the date of this notice, and the development to which this permission relates shall be begun by not later than whichever is the later of the following dates:

(i) the expiration of a period of five years commencing on the date of this notice, or

(ii) the expiration of a period of two years commencing on the date of final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason : To comply with the requirements of section 92 of the Town and Country Planning Act 1990.

3. **DRAINAGE**

The development hereby permitted shall not commence until details of on- and off-site drainage works have been submitted to and approved by the Local Planning Authority. No works which result in the discharge of foul or surface water from the site shall be commenced until the off-site works referred to above have been completed.

Reason : To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system in accordance with the requirements of Thames Water Utilities.

4. SOAKAWAY DEPTH

No soakaways shall be constructed such that it penetrates the watertable and in any event no soakaway shall exceed three metres in depth below the existing ground level.

Reason : To prevent the pollution of groundwater in accordance with the requirements of the National Rivers Authority.

5. LANDSCAPING

The development hereby permitted shall not be commenced until a detailed survey of all existing trees and hedgerows on the site has been carried out and a scheme for landscaping, showing the trees and hedgerows to be retained, measures for their protection during construction works and new tree and/or shrub/hedgerow planting, seeding, paving and treatment of other hard surfaces for the site has been approved in writing by the Local Planning Authority, such a scheme to provide for species, siting, specification and programme of planting. All new landscaping required by the scheme shall be completed before the first rateable occupation of any part of the development hereby permitted, unless this period is extended in writing by the Local Planning Authority or unless the approved scheme specifically provides an alternative timetable. Any existing trees which are to be retained according to the landscaping scheme and which die or are severely damaged by the development, or any new trees or shrubs which die or are severely damaged within five years of planting shall be replaced during the first available planting season to the satisfaction of the Local Planning Authority.

Reason : To ensure the adequate and satisfactory landscaping of the site in the interests of the amenity of the area.

B

Law & Administration  
Director - W. J. Church, Solicitor



Legal Department  
Dacorum Borough Council  
DX 8804  
HEMEL HEMPSTEAD

Attn: Mrs Amanda Walker

County Hall  
Hertford SG13 8DE  
Fax : 01992 555541  
DX : 57929 HERTFORD

Telephone: 01992 555549  
Minicom: 01992 556611  
Contact: Ms C Egan  
My ref: CE/EO  
Your ref:  
Date: 30 October 1995

Dear Mrs Walker

**RE:- SECTION 106 AGREEMENT - BELSWAINS JUNIOR SCHOOL SITE  
OLIVER ROAD HEMEL HEMPSTEAD**

Please find enclosed the original Section 106 Agreement in respect of the above subject matter.

I would be grateful if you could register this as a Land Charge and notify me when this has happened.

Regards.

*Christine Egan*

Christine Egan  
Trainee Solicitor

DATED

26TH OCTOBER

1995

HERTFORDSHIRE COUNTY COUNCIL

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PLANNING OBLIGATION UNDER  
SECTION 106  
TOWN & COUNTRY PLANNING ACT 1990

in relation to land known as the Belswains Junior School Site  
Oliver Road Hemel Hempstead  
Hertfordshire

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W J CHURCH  
DIRECTOR OF LAW & ADMINISTRATION  
HERTFORDSHIRE COUNTY COUNCIL  
COUNTY HALL  
HERTFORD  
SG13 8DE  
Ref: CE

THIS DEED is made the 26<sup>th</sup> day of October One thousand nine hundred and ninety-five by HERTFORDSHIRE COUNTY COUNCIL of County Hall Hertford Hertfordshire (hereinafter referred to as "the County Council")

WHEREAS:

- (1) The County Council is entitled to the unencumbered freehold of land known as the Belswains Junior School Site Oliver Road Hemel Hempstead (hereinafter called "the Land") for the purposes of identification only shown edged red on the plan attached hereto \_\_\_\_\_
- (2) The Dacorum Borough Council (hereinafter referred to as "the Borough Council") is a Local Planning Authority for the purpose of Section 106 of the Town & Country Planning Act 1990 for the Land \_\_\_\_\_
- (3) The County Council has applied for and been granted deemed planning permission under Application No. 4/230-92 for the development of the Land for residential purposes (hereinafter called "the Development") \_\_\_\_\_
- (4) In pursuance of Policy 27B of the Hertfordshire County Council Structure Plan Review incorporating Approved Alterations 1991 the County Council has agreed that as part of the Development not less than four units to be built on the Land shall comprise affordable housing on the terms conditions and stipulations hereinafter appearing \_\_\_\_\_

NOW THIS DEED WITNESSETH as follows:-

1. THIS Deed is a Unilateral Undertaking and creates a Planning Obligation pursuant to Section 106 of the Town & Country Planning Act 1990 to the intent that covenants herein shall be binding upon the County Council and its successors in title and shall be enforceable by the Borough Council \_\_\_\_\_
2. IN the event that the planning permission granted pursuant to Application No. 4/230-92 (hereinafter called "the Planning Permission") is implemented then this Agreement shall have full force and effect but not otherwise \_\_\_\_\_
3. THE County Council for itself and its successors in title of the Land hereby Covenants in favour of the Borough Council:-
  - (a) that it will provide within the Development for no fewer than four of the total number of residential units to be built on the Land to comprise affordable housing units \_\_\_\_\_
  - (b) that each unit of affordable housing shall not be less than a self-contained one bedroom flat with an internal area of at least 45sq metres \_\_\_\_\_
  - (c) that a detailed planning application will be submitted to the Borough Council in pursuance of the Planning Permission which shall indicate a layout for the whole of the Land sufficient to demonstrate to the reasonable

satisfaction of the Borough Council's Director of Planning that the area or areas set aside for the aforesaid affordable housing is or are capable of accommodating the required number of units together with adequate parking and amenity land

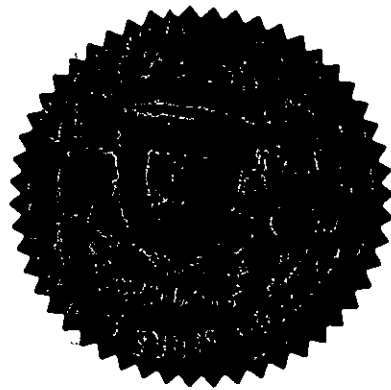
(d) that the area or areas set aside for affordable housing shall be developed at the same time as the housing development on the remainder of the Land or in the event of the latter being phased not later than the last phase of that part of the Development

BUT PROVIDED THAT no person whether the County Council or any of its successors in title shall be bound by the obligations created by this Deed for any period during which that person no longer has an interest in the Land

4. THIS Deed constitutes a planning obligation pursuant to Section 106 Town & Country Planning Act 1990 and shall be registerable as a Local Land Charge by the Borough Council

IN WITNESS whereof the County Council has caused its Common Seal to be affixed to this Deed the day and year first before written

THE COMMON SEAL of )  
HERTFORDSHIRE COUNTY COUNCIL )  
was affixed to this Deed in the presence of:- )



*WJ Cusack*

Director of Law and Administration

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