AC

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning Ref. No	4/0681/87
Other Ref. No	

Hightown Housing Association
3 St Mary's Road
Hemel Hempstead
Herts

Derek Phillips Associates 24 High Street Bovingdon Herts

Four 2. bedroom, four 1 bedroom flats and Church Hall	
at .St Barnabas Church, The Queen's Square Hemel Hempstead, Herts.	Brief description and location of proposed development

- (1) The development to which this permission relates shall be begun within a period of years commencing on the date of this notice.
- No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, and details of numbers, species and proposed planting location of all new trees shrubs and hedgerows.
 - (3) All planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year.

Contd/

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.
- (2) To maintainf and enhance visual amenity.
- (3) To maintain and enhance visual amenity.
- (4) To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.
- (5) To ensure a satisfactory appearance.

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NOTE 3

(1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

(2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Marsham Street, London, S.W.1.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than order, and to any directions given under the order.

. (3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

(4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

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Subject to the following conditions, (Contd/)

- (4) The development hereby permitted shall not be occupied until the arrangements for vehicle parking, shown on plan 4/0681/87 shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.
- (5) No work shall be started on the development hereby permitted until details of materials to be used externally shall have been submitted to and approved by the local planning authority and the development hereby permitted shall be carried out in the materials so approved.

Dated	Toenty.	Six	dav of .	March	1990
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Signed

CHIEF PLANNING OFFICER

Designation

DACORUM BOROUGH COUNCIL

and

HIGHTOWN HOUSING ASSOCIATION LIMITED

AGREEMENT

under S.52 of the Town and Country Planning Act 1971 and S.33 of the Local Government (Miscellaneous Provisions) 1982 relating to land adjacent to St Barnabas Church Queens Square Hemel Hempstead Hertfordshire

Keith Hunt
Borough Secretary
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Hertfordshire
HP1 1HH

File Ref: AMB/AJP/S.52/32/126/97/BS.6B/7.87

of One thousand nine hundred and eighty-seven B E T W E E N DACORUM BOROUGH COUNCIL of Civic Centre Marlowes Hemel Hempstead Hertfordshire HP1 1HH ("the Council") of the first part and HIGHTOWN HOUSING ASSOCIATION LIMITED whose registered office is situate at 3 St Marys Road Hemel Hempstead Hertfordshire HP1 3AA ("the Applicants") of the second part

WHEREAS:

- (1) The Council is the local planning authority for the purposes of the Town and Country Planning Act 1971 for the Borough of Dacorum and is also a principal Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1982
- (2) The Applicant is registered under the Industrial and Provident Societies Act 1965 as a voluntary housing association
- (3) The Applicant has made an application for planning permission under reference number 4/0681/87 for four two bedroomed flats four one bedroomed flats and church hall at land adjacent to St Barnabas Church, Queens Square, Hemel Hempstead shown edged red on the attached plan
- (4) The Applicant is the owner in unencumbered fee simple of the land hatched blue on the attached plan on which it proposes to construct four two bedroomed flats and four one bedroomed flats ("the Flats")
- (5) The Applicant wishes to provide housing accommodation to persons in special need due to mental handicap ("Persons in special need") Persons nominated as potential future tenants of the Applicant by the North-West Hertfordshire Health Authority or by the Hertfordshire County Council Social Services Department shall be deemed to be Persons in special need

NOW THIS DEED WITNESSES as follows:

- 1. THIS Agreement and the covenants herein contained are expressly made pursuant to s.52 of the Town and Country Planning Act 1971 and s.33 of the Local Government (Miscellaneous Provisions) Act 1982
- 2. IN consideration of the covenants on the part of the Applicant hereinafter contained the Council covenants that it will forthwith grant planning permission in respect of the application subject to conditions set out in the Schedule hereto
- 3. THE Applicant hereby covenants:-
 - (i) That seven of the Flats shall not be occupied otherwise than by Persons in special need
 - (ii) That one of the Flats shall not be occupied otherwise than by a Warden with responsibility for the other seven of the Flats and by other members of the Warden's family but that if the Warden shall die or cease to be employed by the Applicant the said Flat shall be vacated within 6 months of such death or termination of employment
 - (iii) That it will pay the Council's reasonable legal costs incurred in the preparation of this Agreement
- 4. THIS Agreement shall be registered as a Local Land Charge

THE SCHEDULE

- The development to which this permission relates shall be begun within a period of five years commencing on the date of this Notice
- 2. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the

course of development, and details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows.

- details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year.
- 4. The development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on plan shall have been provided and they shall not be used thereafter otherwise than for the purposes approved.
- No work shall be started on the development hereby permitted until details of materials to be used externally shall have been submitted to and approved by the local planning authority and the developments hereby permitted shall be carried out in the materials so approved.

I N $\,$ W I T N $\,$ E S S $\,$ whereof the parties hereto have set their respective Common Seals the day and year first before written

THE COMMON SEAL of DACORUM BOROUGH COUNCIL was hereunto affixed in the present of:-

Chief Executive

Assistant Secretary (Admin)

THE COMMON SEAL of HIGHTOWN HOUSING ASSOCIATION LIMITED was hereunto affixed in the presence of:-