

D.C. 3

Town Planning

Ref. No. 4/0936/88

Other

Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Timothy Howard Ltd  
Park View House  
Park View Road  
Berkhamsted  
Herts

.....2 and 3 storey blocks of 15 EPD flats and.....  
.....car parking.....  
at .....2A & 2B Cotterells.....  
.....Hemel Hempstead.....

Brief  
description  
and location  
of proposed  
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby permit the development proposed by you in your application dated 12.5.88 and received with sufficient particulars on 17.5.88 and shown on the plan(s) accompanying such application, subject to the following conditions:-

- (1) The development to which this permission relates shall be begun within a period of 5 years commencing on the date of this notice.
- (2) 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.
- (3) The development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on plan no. HH01 shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.
- (4) 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.

- (5) 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.

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 ensure a satisfactory appearance
- (3) To ensure the adequate and satisfactory provision of off-street vehicle parking facilities
- (4) To maintain and enhance visual amenity
- (5) - ditto -

Dated..... 24<sup>th</sup> ..... day of January 19.89

Signed.....

Chief Planning Officer

#### NOTE

(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 subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development 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.

DATED

24th January

1989

DACORUM BOROUGH COUNCIL

and

TIMOTHY HOWARD LIMITED

**COUNTERPART  
AGREEMENT**

under s.52 of the Town and Country Planning Act 1971  
and s.33 of the Local Government (Miscellaneous  
Provision) Act 1982 in respect of  
2A/2B Cotterells  
Hemel Hempstead  
Hertfordshire

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

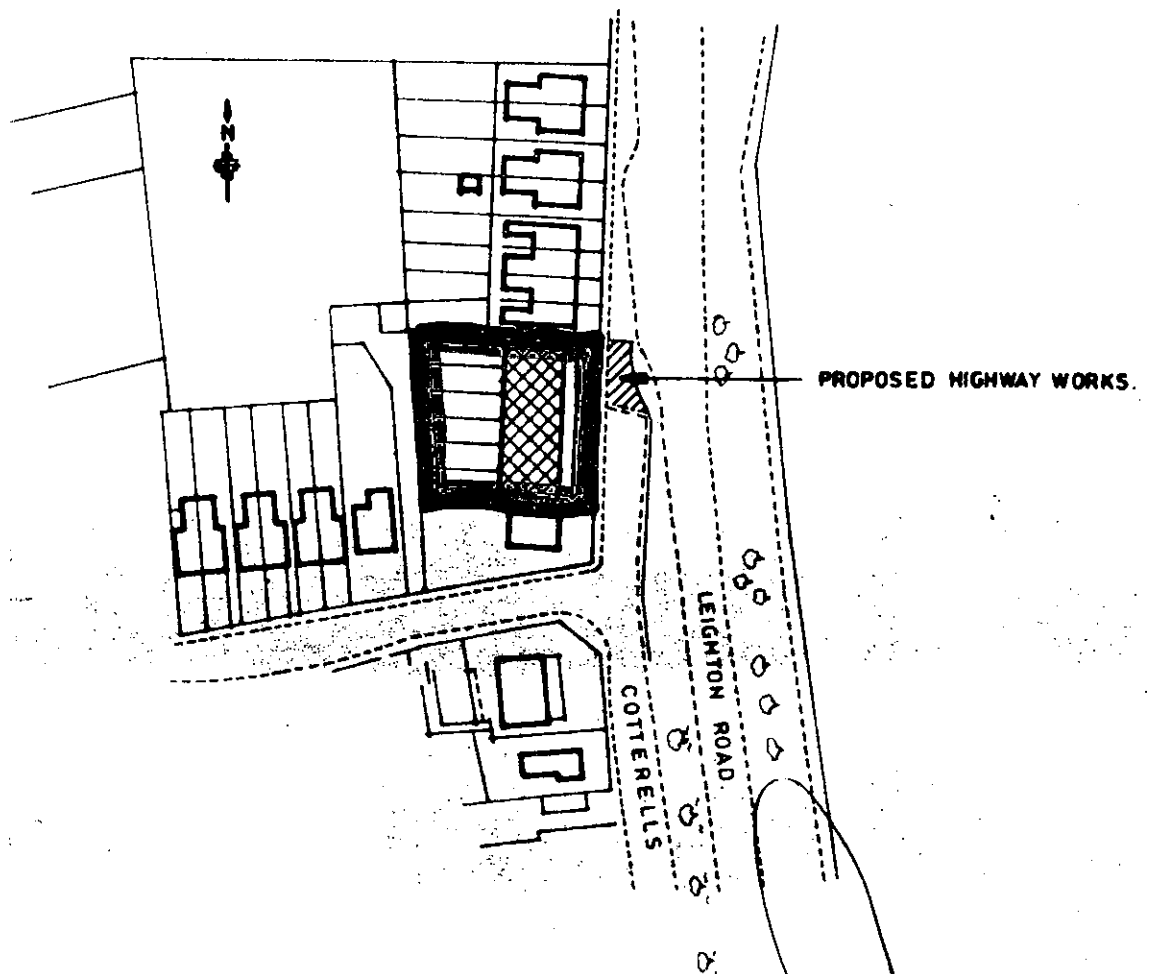
File Ref: AMW/PEC/SGC/S.52 & S.33/32/126/100/BS6A/7.88(ENG)

THIS AGREEMENT is made the *twenty fourth* day of *January* One thousand nine hundred and eighty-nine  
BETWEEN DACORUM BOROUGH COUNCIL of Civic Centre Marlowes  
Hemel Hempstead Hertfordshire HP1 1HH ("the Council") of the first  
part and TIMOTHY HOWARD LTD whose registered office is at Park View  
House 1 Park View Road Berkhamsted Hertfordshire ("the Owner" which  
expression shall include its successors in title or assigns) 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 a Principal Council within the meaning of s.33 of the Local Government (Miscellaneous Provisions) Act 1982
- (2) The Owner is the Owner in unencumbered fee simple of land known as 2A/2B Cotterells Hemel Hempstead Hertfordshire edged red for identification on the annexed plan ("the Land")
- (3) The Owner has made application to the Council for planning permission under reference 4/0936/88 for erection of 15 elderly persons flats and car parking ("the Development")
- (4) The Council requires that the Development be constructed to comply with the requirements of Category 2 Old People as defined in the Ministry of Housing and Local Government Circular 82/69 and that occupation of the Development be restricted to occupation by such persons in the manner described hereinafter and has accordingly resolved that subject to the completion of this Agreement planning permission subject to conditions ("the Permission") for the Development shall be granted
- (5) The parties hereto wish to enter into this agreement in respect of the Land pursuant to s.52 of the Town and Country Planning Act 1971 and s.33 of the Local Government (Miscellaneous Provisions) Act 1982 which shall be binding on the Owner and its successors in title

U



LOCATION PLAN.

SCALE 1:1250.

*[Handwritten signatures]*

NOW THIS DEED WITNESSETH 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 covenant on the part of the Owner hereinafter contained the Council hereby covenants with the Owner that the Council will forthwith grant the Permission
3. In the event that the Permission is granted by the Council or by the Secretary of State for the Environment pursuant to Application No 4/0936/88 and the Owner shall proceed to implement such Permission then this Agreement shall have full force and effect but not otherwise
4. The Owner hereby covenants with the Council:-
  - (i) That 14 of the 15 flats hereby permitted shall be occupied by at least 1 person who shall be aged 60 or over (the "Qualifying Person") provided however that if the Qualifying Person shall die or become incapable of residing at the flat any other person who resided at the flat with the Qualifying Person may remain in occupation and provided no flat shall be occupied by anyone who is not aged 55 or over
  - (ii) That occupation of the flat edged yellow on drawing number HH/02A shall be restricted to a person whose sole full-time occupation is as the Warden for the Development and any person residing with the Warden on the basis that the flat shall be immediately vacated if the said Warden shall die or cease to be employed as a Warden for the Development
  - (iii) That the room edged red on drawing number HH/02A shall be restricted to use as a communal room by all the occupants of the Development
  - (iv) That it will pay the reasonable legal costs incurred by the Council in the preparation of this agreement

5. This agreement shall be registered as a Local Land Charge

IN WITNESS WHEREOF the parties hereto have set their  
respective common seals the day and year first before written

THE COMMON SEAL of  
TIMOTHY HOWARD LTD  
was hereunto affixed in  
the presence of:-

)  
)  
)  
)



Director

Secretary

