

TOWN & COUNTRY PLANNING ACT 1971



DACORUM BOROUGH COUNCIL

To:

Timothy Howard Limited
Park View House
Park View Road
Berkhamsted
Herts

24 Elderly persons flats
2A/2B Cotterells
Hemel Hempstead

Details of Landscaping

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 gives approval to the details which were reserved for subsequent approval in planning permission no 4/0066/89

granted on 20.7.89 at the above-mentioned
location in accordance with the details submitted by you, with your
application dated -

Dated 19th day of October 1989

Signed

Designation Chief Planning Officer

NOTE: This is not a separate planning permission, but must be read in conjunction with any conditions attached to the permission indicated above.

DATED

1989

DACORUM BOROUGH COUNCIL

and

TIMOTHY HOWARD PLC

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: 3.89/32/126/100/S.33 & S.52/AJF/PEC/BS.5

T H I S A G R E E M E N T is made the *fourth* day
of *July* One thousand nine hundred and eighty-nine
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 TIMOTHY HOWARD PLC of 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

W H E R E A S:

- (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 4/0066/89 for erection of 24 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

N O W T H I S D E E D W I T N E S S E T H 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. 4/0066/89 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 23 of the 24 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 101A 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 rooms edged Blue on drawing number 101A shall be restricted to use as communal rooms 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

I N W I T N E S S W H E R E O F 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 presence of:)

Chief Executive

Assistant Secretary
(Admin)

THE COMMON SEAL of)
TIMOTHY HOWARD PLC)
was hereunto affixed in)
the presence of:)

Director

Secretary