

Town Planning Ref. No. 4/2008/88

Other Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM IN THE COUNTY OF HERTFORD

To The Marlowes Partnership 19 The James' Street London SW1Y 4JT

Bernard Engle Architects and Planners 171 Gray's Inn Road London WC1X 8UE

Redevelopment to form part of Marlowes Centre at 191 - 201 Marlowes, Hemel Hempstead, Herts.

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 2 November 1988 and received with sufficient particulars on 3 November 1988 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 piling shall take place on the site except in accordance with details which shall have been submitted to and approved by the local planning authority and such details as are submitted pursuant to this condition shall include professional reports reasonably necessary to satisfy the local planning authority that the piling proposals will have no adverse effect on water resources in the area or the structural conditions of buildings adjacent to the application site.

Cont.

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) In the interests of public amenity.
- (3) In the interests of public amenity.
- (4) In the interests of public amenity.
- (5) In the interests of public amenity.
- (6) In the interests of public amenity.
- (7) In the interests of public amenity.

Dated..... day of..... 19.....

Signed.....

Designation

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.

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Conditions /Cont'd...

- (3) During construction of the development no driven piling shall be undertaken between the hours of 6 pm and 7.30 am on Mondays to Fridays, and at no time whatsoever on Saturdays, Sundays and Bank Holidays. The approval of the planning authority shall be obtained to the method of piling to be adopted to ensure the minimum disturbance to adjoining occupiers.
- (4) Before the commencement of the development hereby permitted, details of noise insulation measures between the development and adjoining residential properties shall be submitted to and approved by the local planning authority.
- (5) Prior to the installation of any odour emitting ventilation system within the development, full details of extraction filtration and de-odourisation equipment and points of discharge shall be submitted to and agreed by the local planning authority.
- (6) Before any ventilation or air conditioning plant or equipment is installed on the premises, details of measures to prevent airborne transmission of toxic or pathogenic agents shall be submitted to and approved by the local planning authority.
- (7) Advance notice of the start of site clearance and the excavation of ground works shall be given to the local planning authority and access allowed at all reasonable times to any person(s) nominated by that authority to observe the works and record any archaeological material that may be exposed.

Dated

17th July 1989

Signed

Colin Barnard

Designation Chief Planning Officer

DATED

17th July

1989

- (1) DACORUM BOROUGH COUNCIL
 - (2) COMMISSION FOR THE NEW TOWNS
 - (3) CHURCH COMMISSIONERS FOR ENGLAND
 - (4) CMD (HEMEL HEMPSTEAD) LIMITED
- BROOM PROPERTIES LIMITED
- CHURCH COMMISSIONERS FOR ENGLAND and
- CRICKLEWOOD ESTATES (INVESTMENTS) LIMITED

A G R E E M E N T

under section 52 Town and Country Planning Act 1971 and section 33 Local Government (Miscellaneous Provisions) Act 1982 relating to land at 191- 201 Marlowes Hemel Hempstead Hertfordshire.

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

THIS AGREEMENT is made the *Seventeenth* day
of *July* 1989 BETWEEN DACORUM BOROUGH COUNCIL of
Civic Centre Marlowes Hemel Hempstead Hertfordshire HP1 1HH (hereinafter
called "the Council") of the first part, the First Owner and the Second
Owner described in Part 1 of the First Schedule hereto (hereinafter called
"the Owners" which expression shall include the Owners' respective
successors in title and assigns) of the second part and the Undertenants
described in Part 1 of the First Schedule hereto (hereinafter called
"the Undertenants" which expression shall include the Undertenants'
successors in title and assigns) of the third part.

WHEREAS

- (1) The Council is the local planning authority for the purposes of the
Town and Country Planning Act 1971 as amended for the area of land
described in the First Schedule hereto (hereinafter called "the land")
and also a principal Council within the meaning of s.33 of the Local
Government (Miscellaneous Provisions) Act 1982.
- (2) The Owners are respectively entitled to the interests in the land
described in Part 1 of the First Schedule hereto.
- (3) The Second Owner intends to grant to the Undertenants who intend to
accept a underlease described in Part 2 of the First Schedule hereto.

- (4) Application has been made to the Council for planning permission under the Application Number and for the development described in the Second Schedule hereto (hereinafter called "the Development").
- (5) This Agreement is made pursuant to s.52 of the Town and Country Planning Act 1971 and s.33 of the Local Government (Miscellaneous Provisions) Act 1982.

N O W T H I S D E E D W I T N E S S E T H A S F O L L O W S :

1. IN the event that planning permission with the conditions set out in the Fourth Schedule hereto is granted by the Council as provided below pursuant to the Application described in The Second Schedule hereto (hereinafter called "the Application") then this Agreement shall have full force and effect.
2. IN consideration of the Covenants on the part of the Undertenants contained in the Third Schedule hereto the Council hereby Covenants with the Owners and the Undertenants that the Council will forthwith grant planning permission pursuant to the Application subject to conditions set out in the Fourth Schedule hereto.
3. IN consideration of the Council's Covenants contained in Clauses 2 and 4 hereof the Undertenants hereby Covenant and undertake with the Council:

(a) to observe and perform the Covenants set out in the Third Schedule hereto; and

(b) to pay the Council's reasonable costs in the preparation hereof on the execution of this Agreement.

4. IN further consideration of the Undertenants' covenants the Council hereby covenants with the Owners and the Undertenants in the terms set out in the Fifth Schedule hereto.

5. THIS Agreement shall be registered as a Local Land Charge.

IN WITNESS WHEREOF the parties hereto have caused their common seals to be hereunto affixed the day and year first before written.

FIRST SCHEDULE

PART 1

The Owners

1. THE COMMISSION FOR THE NEW TOWNS of Glen House Stag Place Victoria London SW1A 5AS (hereinafter called "the First Owner")
2. CHURCH COMMISSIONERS FOR ENGLAND of 1 Millbank London SW1P 3JZ (hereinafter called "the Second Owner")

The Undertenants

3. CMD (HEMEL HEMPSTEAD) LIMITED of 19 St James's Square London SW1Y 4JT
BROOM PROPERTIES LIMITED of 115 Park Street London W1Y 4DY CHURCH
COMMISSIONERS FOR ENGLAND and
CRICKLEWOOD ESTATES (INVESTMENTS) LIMITED of 128 Queen Victoria Street
London EC4P 4JX (hereinafter together called "the Undertenants")

The Land

Numbers 191 to 199 inclusive and part of the rear of Number 201 Marlowes
Hemel Hempstead Hertfordshire shown edged red on the Plan Number 1 annexed
hereto.

The Owners' Interests in the Land

1. In respect of the First Owner the fee simple subject to the leasehold
interests hereinafter mentioned.
2. In respect of the Second Owner the leasehold interest (the
Headlease) for a term commencing on 31 March 1989 and expiring on 22
June 2113 and intended to be subject to the proposed underlease.

PART 2

The Proposed Underlease

In respect of the Undertenants the intended leasehold interest for a term
equal to the term of years granted by the Headlease less the last seven
days thereof.

SECOND SCHEDULE

The Application and the Development

Application No. 4/2008/88

The Development consists of the construction of additional shopping units.

THIRD SCHEDULE

Covenants on the part of the Undertenants

In order that the highway known as Marlowes Hemel Hempstead Hertfordshire (or that part of it to which The Development has a frontage) may be made the subject of an Order of the Secretary of State or other competent authority stopping up or extinguishing the rights of the public to use vehicles thereon and in order that the Council may proceed to implement a scheme ("the scheme") for the improvement of the amenities of its area by the paving of the said highway and the provision thereon of amenities or facilities for the public the Undertenants shall pay to the Council on the grant of planning permission (as hereby provided) the sum of TWO HUNDRED THOUSAND POUNDS (£200,000.00) ("the Fund") as representing the estimated costs of implementation of the scheme insofar as such costs are attributable to that portion of the said highway to which the Development has a frontage being that portion of the said highway as is shown coloured yellow and pink on the Plan Number 2 annexed hereto ("the frontage").

FOURTH SCHEDULE

Conditions to be attached to Planning Permission

1. 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 piling shall take place on the site except in accordance with details which shall have been submitted to and approved by the local planning authority and such details as are submitted pursuant to this condition shall include professional reports reasonably necessary to satisfy the local planning authority that the piling proposals will have no adverse effect on water resources in the area or the structural conditions of buildings adjacent to the application site.
3. During construction of the development no driven piling shall be undertaken between the hours of 6.00 pm and 7.30 am on Mondays to Fridays and at no time whatsoever on Saturdays Sundays and Bank Holidays The approval of the planning authority shall be obtained to the method of piling to be adopted to ensure the minimum disturbance to adjoining occupiers.
4. Before the commencement of the development hereby permitted details of noise insulation measures between the development and adjoining residential properties shall be submitted to and approved by the local planning authority.

5. Prior to the installation of any odour emitting ventilation system within the development full details of extraction filtration and de-odourisation equipment and points of discharge shall be submitted to and agreed by the local planning authority.
6. Before any ventilation or air conditioning plant or equipment is installed on the premises details of measures to prevent airborne transmission of toxic or pathogenic agents shall be submitted to and approved by the local planning authority.
7. Advance notice of the start of site clearance and the excavation of ground works shall be given to the local planning authority and access allowed at all reasonable times to any person(s) nominated by that authority to observe the works and record any archaeological material that may be exposed.

FIFTH SCHEDULE

the Owners and
The Council's covenants with/the Undertenants

1. In this Schedule the expression "the commencement of the works on site" means in respect of the scheme the earliest date on which all the following requirements shall have been satisfied namely:
 - (1) an Order shall have been made as stated in the Third Schedule hereto and shall have come into full force and effect;

- (2) the Council shall have had prepared the detailed design of the scheme including all the requisite contract documents for its construction;
 - (3) all necessary financial arrangements shall have been made for payment for the carrying out of the scheme;
 - (4) the Council shall have entered into a contract with a suitable contractor and shall have given any necessary order to commence the works; and
 - (5) the Contractor shall have commenced the works on site.
2. If the commencement of the works on site shall take place within 4 years of the date of this Agreement ("the commencement period") then the Council may apply the Fund with all accumulated interest accrued in respect of the Fund ("the Gross Sum") for or towards the amount apportioned to the frontage for the costs of the works ("the apportionment").
 3. If the apportionment shall be less than the Gross Sum then the Council shall refund to the Undertenants such difference.
 4. If the commencement of the works on site shall not take place within the commencement period then the Council shall refund to the Undertenants the Gross Sum.

5. Pending the application (or the refund (as the case may be)) of the Fund the Council shall invest the Fund and all income derived from it in accordance with all the requirements by or under the law applicable generally to investments by local authorities.
6. In order to ascertain the amounts of the costs of the works and the apportionment the Council shall provide to the Undertenants or their quantity surveyors or other advisers all necessary documents and information reasonably required.
7. Any payment due under this Schedule shall be made within 14 days of the date due. In respect of any refund under paragraph 3 (balance of the Gross Sum), the date due shall be the date of practical completion of the works. Any such payment which shall not be so paid shall bear interest from the due date to the date of payment at the rate of four pounds (£4.00) per cent. above the National Westminster Bank base rate for the time being in force.
8. If any dispute or difference shall arise between the Council and the Undertenants as to this Schedule the matter shall be referred to the arbitration of a single arbitrator to be agreed between those parties or in default to be nominated by the President of the Institution of Civil Engineers in accordance with the Arbitration Acts 1950 to 1979 or any statutory variation modification or re-enactment for the time being in force.

THE COMMON SEAL of)
DACORUM BOROUGH COUNCIL)
was hereunto affixed)
in the presence of:)

Chief Executive

Assistant Secretary
(Admin)

THE COMMON SEAL of THE)
COMMISSION FOR THE NEW TOWNS)
was hereunto affixed)
in the presence of:)

Chairman/Member


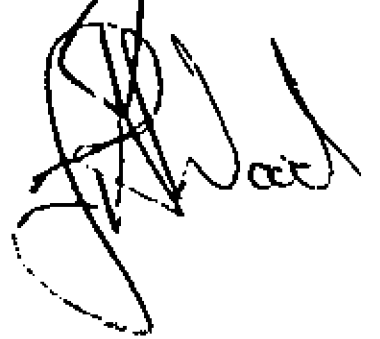
Authorised Counter Signatory

THE COMMON SEAL of)
CHURCH COMMISSIONERS FOR ENGLAND)
was hereunto affixed)
in the presence of:)



Commissioner

Secretary

THE COMMON SEAL of)
CMD (HEMEL HEMPSTEAD) LIMITED)
was hereunto affixed)
in the presence of:)

 Director
 Assistant Secretary

THE COMMON SEAL of)
BROOM PROPERTIES LIMITED)
was hereunto affixed)
in the presence of:)

 Director
 Secretary

THE COMMON SEAL of)
CRICKLEWOOD ESTATES)
(INVESTMENTS) LIMITED)
was hereunto affixed)
in the presence of:)

Director

Secretary