

**Dacorum Borough Council
Planning Department**

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH



FOR INTERNAL COUNCIL USE ONLY - DO NOT DESPATCH
COPIES FOR FILE AND HERTFORDSHIRE COUNTY COUNCIL ONLY

APT
DOLPHIN HOUSE
ALBANY PARK
CAMBERLEY
SURREY
GU15 2PL

ONE 2 ONE PERSONAL COMMUNICATIONS LTD
ELSTREE TOWER
ELSTREE WAY
BOREHAMWOOD
HERTS
WD6 1DT

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/02049/99/FUL

221-233 HIGH STREET, BERKHAMSTED, HERTS
ERECTION OF THREE PLATFORM-MOUNTED AND A DISH ANTENNAE,
RADIO EQUIPMENT HOUSING AND EXTENSION TO 2 EXISTING
WALL-MOUNTED ANTENNAE

This application for full planning permission dated 29 November 1999 and received
on 30 November 1999 was **WITHDRAWN** on 18 April 2000.

A handwritten signature in black ink, appearing to read 'Kim Barker'.

Director of Planning

Date of Decision: 18 April 2000

DATE 11th February 1997

DACORUM BOROUGH COUNCIL (1)

and

GADE INVESTMENTS LIMITED (2)

and

ORANGE PERSONAL COMMUNICATIONS
SERVICES LIMITED (3)

PLANNING OBLIGATION
pursuant to s.106 Town and
Country Planning Act 1990
relating to land situate at:

221 - 233 High Street
Berkhamsted
Hertfordshire

Keith M Pugsley
Director of Law and Administration
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts HP1 1HH

THIS PLANNING OBLIGATION is made the *eleventh* day of *February* 199⁹ BETWEEN DACORUM BOROUGH COUNCIL of Civic Centre Marlowes Hemel Hempstead Hertfordshire HP1 1HH (hereinafter called "the Council") of the one part and the Owner described in the First Schedule hereto (hereinafter called "the Owner" which expression shall include the Owner's successors in title and assigns) of the second part and the Operator described in the First Schedule hereto (hereinafter called "the Operator" which expression shall include the Operator's 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 1990 as amended for the area of land described in the First Schedule hereto (hereinafter called "the Land")
- (2) The Owner is entitled to the interest in the Land described in the First Schedule hereto
- (3) The Operator is entitled to the interest in the land described in 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")
- (4) This Planning Obligation is made pursuant to s.106 of the Town and Country Planning Act 1990 and is enforceable by the Council

NOW THIS DEED WITNESSETH as follows:

1. IN the event that planning permission with or without conditions is granted by the Council or by the Secretary of State for the Environment pursuant to the Application described in The Second Schedule hereto (hereinafter called "the Application") and such planning permission shall be implemented then this Planning Obligation shall have full force and effect but not otherwise save

that Clause 3 (b) hereof shall have full force and effect from the date hereof

2. IN consideration of the Covenants on the part of the Owner and the Operator contained in the Third Schedule hereto the Council hereby Covenant with them that the Council will forthwith grant planning permission pursuant to the Application subject to the conditions
3. IN consideration of the Council's Covenant contained in Clause 2 hereof the Owner and the Operator hereby Covenant and undertake with the Council
 - (a) to observe and perform the Covenants set out in the Third Schedule hereto
 - (b) to pay the Council's reasonable costs in the preparation hereof on the execution of this Planning Obligation
4. This Planning Obligation shall be registered as a Local Land Charge

IN WITNESS whereof the parties hereto have set their seals and executed this Deed the day and year first before written

FIRST SCHEDULE

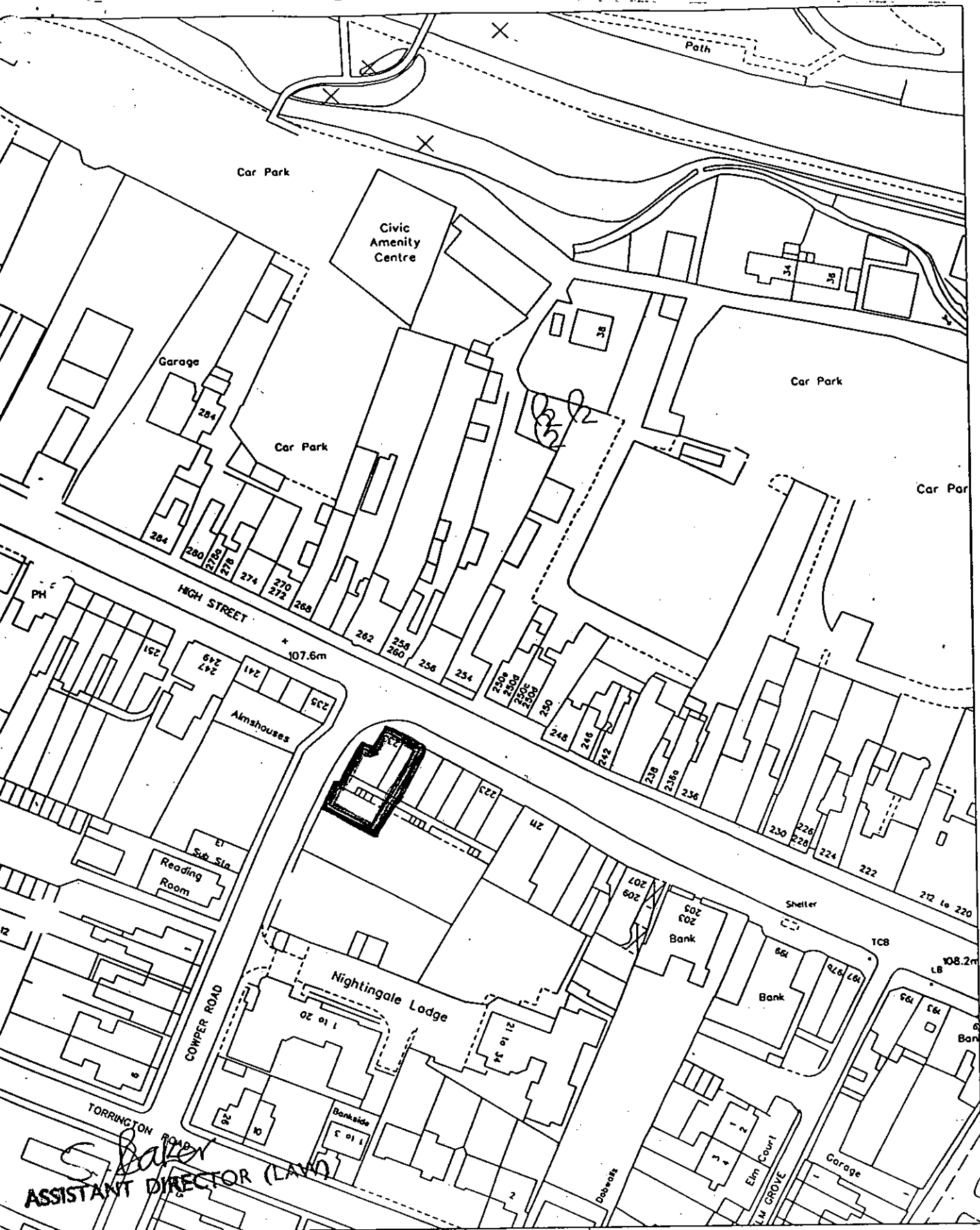
The Owner

Name: Gade Investments Limited

Registered Office: Blue Court
39 Queensway
Hemel Hempstead
HP2 5HE

The Land

All that Land known as 221 - 233 High Street Berkhamsted Hertfordshire shown edged red on the plan annexed hereto



S. Baker
ASSISTANT DIRECTOR (L.A.)



**DACORUM BOROUGH COUNCIL
 PLANNING DEPARTMENT**

Date.. 18/10/96

Keith Hunt
CHIEF EXECUTIVE

[Handwritten signature]

[Handwritten signature]

Map Ref: SP9807NE
 Scale 1: 1250 North

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution and civil proceedings.
 Torrington Borough Council, License No. L1077704

The Owner's Interest in the Land

Unencumbered freehold

The Operator

Name: Orange Personal Communications Services Limited

Registered Office: St James Court, Great Park Road
Almondsbury Park, Bradley Stoke, Bristol BS12 4QJ

The Operator's Interest in the Land

A leasehold interest by virtue of a Lease dated 11th day of November 1992 made between the Owner and the Operator ("the Lease")

SECOND SCHEDULE

The Application and the Development

Application Nos. 4/0736/96 and 4/0737/96 (duplicate application)

The Development consists of a Telecommunications facility comprising 6 sectorised antennae, 1 Transmission Dish and 3 Equipment Cabinets

THIRD SCHEDULE

Covenants on the part of the Owner and Operator

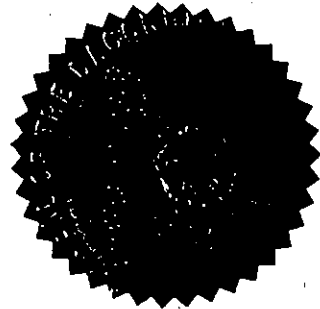
The Owner and Operator hereby covenant with the Council:

That they will permit the Development to be shared by any other person or body PROVIDED

1. Such person or body shall use the premises for telecommunications purposes only
2. Such person or body shall enter into a licence agreement with the Owner or Operator incorporating reasonable contractual and commercial terms

3. Such sharing shall be conditional upon such person or body not causing any disruption degradation or interference with the Operator's equipment and installations
4. The sharing by such person or body shall not prejudice the efficient use of the Premises by the Owner and Operator; and
5. Such sharing shall be dependent on there being sufficient space in terms of physical capacity at the Premises at the time of the proposed shared use

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



Keith Hunt
 Chief Executive

SEAL REGISTER
 BOOK 774
 ENTRY

S. Baker
 Assistant Director
 (Law)

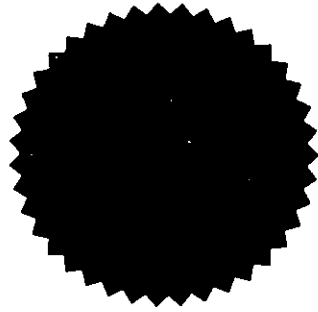
THE COMMON SEAL of the)
 GADE INVESTMENTS LTD)
 was hereunto affixed)
 in the presence of:)



[Signature]
 Director

[Signature] Secretary

Executed as a Deed)
by ORANGE PERSONAL)
COMMUNICATIONS SERVICES)
LIMITED by the signatures)
of:)



Director

Secretary