

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM  
IN THE COUNTY OF HERTFORD

To G. MacLean 36 Belmont Road Hemel Hempstead Herts  
R Gold 33 Hunting Gate Hemel Hempstead Herts

Erection of 9 elderly persons flats (Cat 1) and parking  
at 10 Hillfield Road, 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, in accordance with the provisions of Article 5(2) of the Town and Country Planning General Development Order, 1973 as amended, the development proposed by you in your outline application dated 19 December 1988 and received with sufficient particulars on 22 December 1988 and shown on the plan(s) accompanying such application, subject to the following conditions:-

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, layout, design, landscaping and external appearance of the building(s) and the means of access thereto which shall have been approved by the local planning authority, before any development is commenced.
- 2 (a) Application for approval in respect of all matters reserved in Condition 1 above shall be made to the local planning authority within a period of 3 years commencing on the date of this notice.  
(b) The development to which this permission relates shall be begun by not later than whichever is the later of the following dates:-  
(i) the expiration of a period of 5 years, commencing on the date of this notice.  
(ii) the expiration of a period of 2 years commencing on the date upon which final approval is given by the local planning authority or by the Secretary of State or, in the case of approval given on different dates, the final approval of the last such matter to be approved by the local planning authority or by the Secretary of State.

The reasons for the local planning authority's decision to grant permission for the development subject to the above conditions are:-

1. To comply with the provisions of Regulation 5(2) of the Town and Country Planning General Development Order, 1973, as amended.
2. To comply with the requirements of Section 42 of the Town and Country Planning Act, 1971.
- 3, 4 & 5 To ensure a satisfactory development.
- 6 & 7 To maintain and enhance visual amenity.
- 8, 9, 10 & 11 In the interests of highways safety.

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

Signed.....

Designation .....

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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 Department of the Environment, Caxton House, Tothill Street, London SW1H 9LZ.) 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 (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(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 for the Environment, 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.

(a) The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.

Conditions continued:-

3. Details submitted in accordance with condition 1 hereof shall include:-
  - (a) a survey of the site including levels natural features, trees and hedges;
  - (b) parking circulation loading and unloading facilities;
  - (c) refuse collection and general storage arrangements;
  - (d) boundary treatments.
4. The development hereby permitted shall not be commenced until the items as approved in accordance with conditions 1 and 2 hereof shall have been provided.
5. Details of the ground floor levels of the buildings in relation to the existing highways shall be submitted to and approved by the local planning authority before development is commenced.
6. Adequate arrangements shall be made to the satisfaction of the local planning authority for the protection of all trees on the site which are to be retained to prevent damage during constructional works. Any trees accidentally damaged shall be replaced by approved species in the first planting season thereafter.
7. 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.
8. The developer shall construct the crossover to Standards set out in the current edition of Hertfordshire County Council's "Specification for the Construction of Residential Estate Roads" and the development shall not be brought into use until the access is so constructed.
9. Sight lines of 2.4 m x 35 m shall be provided in each direction within which there shall be no obstruction to visibility between 600 mm and 2.0 m above carriageway level.
10. The gradient of the driveway shall not be greater than 1 in 20 for the first 5 m from the edge of the carriageway.
11. The kerb radii of the access shall be 6 m and shall include a pram/wheelchair crossing.

Dated            Twenty-first            day of            July            1989

Signed: \_\_\_\_\_



Designation: CHIEF PLANNING OFFICER

DATED

21st July

1989

DACORUM BOROUGH COUNCIL

and

IAN GORDON MACLEAN

and

STUART GORDON MACLEAN

COUNTERPART  
AGREEMENT

under s.52 of the Town and Country Planning Act 1971  
and s.33 of the Local Government (Miscellaneous  
Provisions) Act 1982 in respect of  
10 Hillfield Road  
Hemel Hempstead  
Hertfordshire

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

File Ref: 4.89/32/126/135/AMW/TM/BS.6

THIS AGREEMENT is made the *twenty first* day of *July* 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 IAN GORDON MACLEAN AND GORDON STUART MACLEAN both of 48 London Road Apsley Hemel Hempstead Hertfordshire ("the Owners" which expression shall include their 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 Owners are the Owners in unencumbered fee simple of land known as 10 Hillfield Road Hemel Hempstead Hertfordshire ("the Land") shown edged red on the attached plan
- (3) The Owners have made application to the Council for planning permission under reference 4/2320/88 for demolition of dwelling and erection of 9 one bedroomed elderly persons' flats on the Land ("the Development")
- (4) The parties hereto wish to enter into an 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 Owners and their successors in title

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



Def VFFP Def

Def VFFFA Def

FFFA

Def

THE SIDINGS

ROAD

MILLFIELD ROAD

99.7m

110.9m

130.1m

Hemel Hempstead  
General Hospital

Tank

OClinic

C.C.

Lumj

Path Lumj

WAIN

Drive

High

507/13/10/12

2. In consideration of the covenants on the part of the Owners hereinafter contained the Council hereby covenants with the Owners that the Council will forthwith grant planning permission in respect of the Development subject to conditions

3. The Owners hereby covenant with the Council:

(i) That the 9 elderly persons' flats hereby permitted shall not be occupied otherwise than 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 dwelling any other person who resided at the dwelling with the Qualifying Person may remain in occupation and provided no elderly persons' dwelling shall be occupied by anyone who is not aged 55 or over

(ii) That it will pay on completion hereof the reasonable legal costs incurred by the Council in the preparation of this agreement

4. 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 seal and hands the day and year first before written

SIGNED SEALED and DELIVERED  
by the said IAN GORDON MACLEAN)  
in the presence of:



Witness



Address

40 BELMONT ROAD  
APSHAY EN.  
HOMER HEMPSTEAD

Occupation

SALES MANAGER

SIGNED SEALED and DELIVERED  
by the said GORDON STUART MACLEAN)  
in the presence of:

*G. Stuart Maclean*  


Witness

*D. [unclear]*

Address

40 BELMONT 2D  
APRILEY END  
HOTEL HEMPSTEAD

Occupation

*Bar's manager*



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36 Belmont Road 33 Hunting Gate  
Hemel Hempstead Hemel Hempstead  
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