Copy. Simon Birch (for info) ff
Jeni Jackson

Tel: 0118 974 6524 (Direct Line)
Email: colin.lawley@wokingham.gov.uk
Fax: 0118 974 6542
Date: 20 May, 2005
My ref: 000517-CJL/CEM
Your ref:

24 MAY 2005
COPIES TO:

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Berkshire RG40 1WH
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DX: 33506 - Wokingham

Hempsons Solicitors
Hempsons House
40 Villiers Street
London WC2N 6NJ

Attn Karen Boother

SENT BY POST AND FAX NO. 0207 8398212

F/2001/5535
pl. file.

Dear Mrs Boother

RE: DISPOSAL OF WOOSEHILL DOCTORS SURGERY, EMMVIEW CLOSE, WOKINGHAM

I refer to our exchange of e-mails.

I hereby confirm on behalf of the Council as follows:-

> The terms of the Agreement dated 16th February 1983 made between Ferndale Homes West Limited and Ferndale Homes South Limited and Wokingham District Council which relate to the Doctors Surgery and surrounding land referred to in Clauses 2(a) 2(b) 2(c) and 2(d) no longer apply. Accordingly they are to be regarded as null and void and it is hereby confirmed that the Council will not at any time take any steps to enforce the covenants contained within those clauses.

I hope this clarifies the situation.

Yours sincerely

Colin Lawley
Principal Solicitor

With Compliments

19/5/05

WOKINGHAM
DISTRICT COUNCIL

Jeni

As you will see, I got involved in Woodchill Surgery and have instructed Legal to sort it.

Simon

Shute End, Wokingham, Berkshire RG40 1BN Tel: (0118) 974 6000
www.wokingham.gov.uk
Wokingham District Council - A Unitary Authority

POSITIVE ABOUT DISABLED PEOPLE

INVESTOR IN PEOPLE

Simon Birch

From: Colin Lawley
Sent: 19 May 2005 10:47
To: Simon Birch
Subject: RE: Woosehill Surgery, Wokingham

Simon
You will have seen my email in connection with this matter. Thanks for your instructions. This can be carried out under delegated authority. A letter can be done by tomorrow. An agreement in this case in about 5 days.
Colin

Colin Lawley
Principal Solicitor
Environmental/Technical Team
Legal and Democratic Services
Extension no 6524

-----Original Message-----
From: Simon Birch
Sent: 18 May 2005 14:54
To: Colin Lawley
Cc: Jenifer Jackson
Subject: Woosehill Surgery, Wokingham

Colin,
This is an instruction for you to nullify the original agreement relating to the original doctors surgery (which restricts its use). I understand that this can be carried out under delegated authority. Please can you confirm that this is indeed the case and let me have an indication of the likely timescale.
Thanks
Simon Birch

Simon Birch

From: Colin Lawley
Sent: 19 May 2005 10:39
To: 'Karen Boother'
Cc: Mark Lee; Simon Birch
Subject: RE: Disposal of Woosehill Doctors Surgery, Emmview Close Wokingha m

Dear Karen
I have now received instructions to nullify the terms set out below of the sec 52 agreement. Do you require a formal agreement or will a letter suffice. A letter would obviously be quicker. If a letter is acceptable it would be most helpful if you could specify what you require in the letter (including reference to the date of the original agreement and parties). A draft letter would make matters easier. Look forward to hearing from you. Kind regards Colin

Colin Lawley
Principal Solicitor
Environmental/Technical Team
Legal and Democratic Services
Extension no 6524

-----Original Message-----
From: Karen Boother [mailto:k.boother@hempsons.co.uk]
Sent: 09 May 2005 17:31
To: 'Colin Lawley'
Subject: RE: Disposal of Woosehill Doctors Surgery, Emmview Close Wokingha m

That's great, thanks Colin

Best wishes
Karen

-----Original Message-----
From: Colin Lawley [mailto:Colin.Lawley@wokingham.gov.uk]
Sent: 09 May 2005 16:36
To: 'Karen Boother'
Subject: RE: Disposal of Woosehill Doctors Surgery, Emmview Close Wokingha m

Dear Mrs Boother
Thanks for your email. I am consulting with Jeni Jackson and will come back to you as soon as possible. Regards
Colin

Colin Lawley
Principal Solicitor
Environmental/Technical Team
Legal and Democratic Services
Extension no 6524

-----Original Message-----
From: Karen Boother [mailto:k.boother@hempsons.co.uk]
Sent: 09 May 2005 10:14
To: 'Colin.Lawley@wokingham.gov.uk'
Subject: Disposal of Woosehill Doctors Surgery, Emmview Close Wokingham

Dear Mr Lawley

We act on behalf of Dr Lee and partners who are planning to sell the above named doctors surgery and relocate to new premises nearby on Council-owned land.

I understand that your colleague Jennifer Jackson in Planning has updated you regarding an old Section 52 agreement which related to the construction of the surgery

and housing around it back in the 1980s.

The Section 52 agreement did not appear to include time limited or completion triggered deadlines so it gives the impression that the restriction requiring only a doctor's surgery to be built on site still applies. This condition was fulfilled by Ferndale Homes but was not intended to continue to bind the site.

We have therefore requested that Wokingham BC issue a release letter confirming to future buyers that the doctors surgery construction and use requiement is no longer in force.

Your colleague Neil Wise has further details, including a copy of the Agreement itself, but advised he could not liaise with you direct, hence our email.

If we or our client Dr Lee can provide any further information, please do not hesitate to ask. As you may become aware from Neil Wise and Andrew Spicer, the relocation of the doctors surgery is long overdue and engrossment leases for the new site are currently being prepared for issue by Neil.

We would therefore be most grateful for your urgent attention to this matter.

With best wishes
Karen

Karen Boother
Senior Solicitor
Hempsons Solicitors
Tel: 020 7839 0278
Fax: 020 7839 8212
k.boother@hempsons.co.uk

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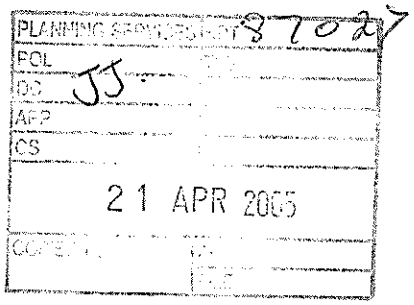
Woosehill Surgery

Emmview Close, Woosehill, Wokingham, RG41 3DA
Tel: (0118) 978-8266 Fax: (0118) 979-3661 www.woosehillsurgery.co.uk

20 April 2005



Jenifer Jackson
Planning Services
Civic Offices
Shute End
Wokingham
RG40 1BN

Dear Jenifer,

Woosehill Surgery Wokingham

Further to our telephone conversation earlier today, I write to ask if the Section 52 agreement relating to Woosehill Surgery could please be varied.

Yours sincerely,

Mark Lee

Mark Lee

F/2001/5535

Dr. Mark C. Lee MB ChB DOccMed DRCOG
Dr. Susan M. Helm BSc MB ChB DCH DRCOG
Dr. P.A.J. Smyly MB ChB MRCGP DRCOG
Dr. Elizabeth A. Watson MB ChB DCH DRCOG MRCGP
Dr. R.N. Blyth MA MB ChB DRCOG
Dr. M.T. Darlison MB ChB DTM&H DRCOG DPD MFGP (SA)

Jenifer Jackson

From: Colin Lawley
Sent: 09 May 2005 15:13
To: Jenifer Jackson
Subject: RE: Disposal of Woosehill Doctors Surgery, Emmview Close Wokingham

Jeni
We can do this with a sec 106 to nullify the original agreement. This could be done under delegated authority. I would need instructions in the form of a memo (signed by Simon). Hope this helps.
Thanks
Colin

Colin Lawley
Principal Solicitor
Environmental/Technical Team
Legal and Democratic Services
Extension no 6524

-----Original Message-----
From: Jenifer Jackson
Sent: 09 May 2005 15:20
To: Colin Lawley
Subject: RE: Disposal of Woosehill Doctors Surgery, Emmview Close Wokingham

Colin

I have had a letter from Dr Lee which I haven't had time to send down to you with an instruction. As far as I can tell the Section 52 restricts the use of the building to a Doctors Surgery and his letter seeks the release of this restriction. It would seem on the face of it not to be an issue but I have not managed to resolve exactly how we would progress this - do you have any view on whether this is something that can be done with delegated authority?
Jeni

-----Original Message-----
From: Colin Lawley
Sent: 09 May 2005 14:31
To: Jenifer Jackson
Subject: FW: Disposal of Woosehill Doctors Surgery, Emmview Close Wokingham

Jeni
Please see below. Can you please comment and let me have instructions if appropriate.
Many Thanks
Colin

Colin Lawley
Principal Solicitor
Environmental/Technical Team
Legal and Democratic Services
Extension no 6524

-----Original Message-----
From: Karen Boother [mailto:k.boother@hempsons.co.uk]
Sent: 09 May 2005 10:14
To: 'Colin.Lawley@wokingham.gov.uk'
Subject: Disposal of Woosehill Doctors Surgery, Emmview Close Wokingham

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We would therefore be most grateful for your urgent attention to this matter.

With best wishes
Karen
Karen Boother
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