## HATFIELD BUSINESS PARK LIMITED

## UNILATERAL PLANNING OBLIGATION

relating to
Plot 5000 Hatfield Business Park
Manor Road Hatfield Hertfordshire

AT(413)/663216



22 Tudor Street London EC4Y 0]] Tel 0171 583 7777 Fax 0171 583 3051 THIS DEED is made the 19th

day of December 1996

By HATFIELD BUSINESS PARK LIMITED of Arlington House Arlington Business Park
Theale Reading RG7 4SA ("the Owner")

#### RECITALS

- WELWYN HATFIELD DISTRICT COUNCIL ("the Council") is the Local Planning
  Authority for the purposes of this Deed for the area within which the land described in
  the First Schedule ("the Land") is situated and by whom the obligations contained in this
  Deed are enforceable
- 2. The Owner is a person interested in the land as the freehold owner thereof
- 3. A Section 106 Agreement dated 12th May 1992 has been made in respect of the development of the land shown edged red on Plan B annexed hereto ("the Manor Road Site") pursuant to outline planning application Reference S6/0223/91/0P which Agreement has been varied by two supplemental agreements dated 26th February 1993 and 17th May 1996 ("the Existing Agreement")
- 4. An application dated 7th October 1996 ("the Planning Application") has been made to the Council for permission to develop the Land in the manner and for the uses set out in the Planning Application and in the plans specifications and particulars deposited with the Council and forming part of the Planning Application more particularly set out in the Second Schedule ("the Development")
- 5. (i) The Council having indicated that it is minded to grant planning permission pursuant to the Planning Application for the Development for the reasons set out in the Report to the Planning Transportation and Policy Committee of the Council of 21st November 1996 attached hereto
  - (ii) the Owner having accepted that the amount of floorspace to be used for Class B8 within the Development on the Land would cause the maximum proportion of floorspace for that class permitted by the Existing Agreement on the Manor Road Site to be exceeded

the Owner is therefore prepared to give this Planning Obligation by way of response to the Council

**NOW THIS DEED** is made in pursuance of Section 106 of the Town and Country Planning Act 1990 and is a planning obligation for the purposes of that section and **WITNESSES** as follows:-

- The Owner covenants with the Council to observe the restrictions specified in the Third
   Schedule
- 2. The Owner covenants with the Council to perform the obligation specified in the Fourth Schedule
- It is declared as follows:-
  - 3.1 The Obligations in this Deed shall be enforceable in accordance with the provisions of section 106(3) of the Town and Country Planning Act 1990
  - 3.2 No person shall be liable for breach of a covenant contained in this Deed after he shall have parted with all interest in the Land or the part in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest
  - 3.3 The covenant contained in this Deed shall take effect only upon the date specified by the Owner or subsequent developer in a written notice served upon the Council as the date upon which the Development is to be commenced or if no such notice is served the actual date on which the Development was begun within the meaning of Section 56 of the Town and Country Planning Act 1990
  - 3.4 If the planning permission granted pursuant to the Planning Application shall expire before the Development is begun as defined above or shall at any time be revoked this Deed shall forthwith determine and cease to have effect
  - 3.5 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land or the Manor Road Site in accordance with a planning permission (other than one relating to the Development as specified in the Planning Application) granted (whether or not on appeal) after the date of this Deed
  - 3.6 This Deed is a local land charge and shall be registered as such



ELWYN ATFIELD DUNCIL

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DRAWING NO.

APPLICATION FOR PLANNING PERMISSION OR FOR APPROVAL OF RESERVED MATTERS

This form should be submitted in triplicate with six copies of the plans (see notes 2 & 3 of the notes for guidance) and the appropriate Section 27 Certificate.

I/WE HERESY APPLY TO THE COUNCIL FOR PLANNING PERMISSION/APPROVAL OF RESERVED MATTERS IN RESPECT OF THE DEVELOPMENT SPECIFIED IN. THIS APPLICATION AND THE PLANS ACCOMPANYING IT.

Signed Cacr. J. Semior.

7 October 1996 Date .....

McConnel Properties & On behalf of Hatfield Business Park Ltd

(if acting as agent)

#### PART 1 - GENERAL PARTICULARS - TO BE COMPLETED IN EVERY CASE

(JOINT) 1. APPLICANT (block letters) me Priory mchard Hill ittle Billing orthampton 943...9AG

#Connel Properties Ltd Hatfield Business Arlington House Arlington Business Pk Theale Reading RG7 4SA

AGENT (if any) (to whom correspondence is sent)

Name: Burks Green & Fartners

Address: Sherwood House Sherwood Avenue Newark Notts

Tel No: NC24 100

 For what are you seaking permission of approval? (Please give a full description) of the proposal and the purpose for which the land and/or buildings are to be used. If your proposal involves residential development, please specify the number and type(s) of residential unit(s)

Construction of new Distribution Centre, Offices and Ancillary Functions

3. Address or location of the land or building involved in the application. Hatfield Business Park

4. Is the application accompained by a fee? (See note 4 of the notes for guidance of applicants and the schedule of current fees). If NO, please indicate your reason for not doing so.

YES/NXX If yes state amount E 8000

5. What is the area of the whole of the site involved in the application?

\_\_sq metecs or 10.76 hectares

Does the applicant own or control any adjoining land?

Hatfield Business Park Ltd YES/XXX If yes, identify by blue colouring on the site plans.

McConnell Properties Ltd-No

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STATE YES OR NO the ocoposals involve? (a) New buildings other than YES If YES, state the extensions to an existing floorspace proposed building? 39,990 sq mecces (see note 4 of Notes for Guidance) (b) Change of use of land? YES If YES, state the area involved sq metres 107.583 (c) Change of use of building? If YES, state the NO floorspace involved sq metres (d) An extension to an existing If YES, state the building? NO floorspace of:-Existing sq metres 2. Extension estres per (e) The demolition of any If YES, state the existing building or part floorspace of a building? demolished ' sq metres and/or number of dwelling units lost 15. What number of cars can be garaged or parked on the site at present Garage Park and what total number is proposed Existing N/A N/A in this application? N/A 343 Proposed Total 16. How is access to be obtained to -(i) Pedestrians?)New Access the site for: )from (ii) Vahicles? )Infrastructur 17. If the proposal involves alteration (i) Pedestrians?) N/A of an existing access, please . . . . (ii)Vahicles? specify those alterations? ACCESS ARRANGEMENTS SHOULD BE CLEARLY SHOWN ON THE SUBMITTED PLAN 18. How will sewage and rain water Sewage: )To Infrastructure disposal be dealt with? drainage Rain Water:) 19. Will any existing trees be felled YES/XXX If YES, please indicate all work on or lopped or existing hedges ramoved? submitted plans and give brief details: (delete as applicable) See survey drawing 12497/A0/120A 20. What materials (type and colour) are Walls: Profile metal cladding and composite cladding in oyster & mountain Elue to be used in the external appearaone of walls, roofing and fences? Roofing: Profiled metal cladding - Goosewing Grey Fencing/means of Palisade enclosure:

. . . . . .

PART 2: ADDITIONAL INFORMATION REQUIRED IN RESPECT OF INDUSTRIAL, COMMERCIAL, SEOPPING OR OFFICE PROPOSALS

_			
21	(a) State name(s) of firm(s) who will occupy the site. If unknown at this time, indicate NOT KNOWN	(a)	Booker Belmont Wholesale
	established at the site subject of	(b)	No
	this application. State YES or NO (c) It NO, give present address and state the intentions in respect of	(c)	Not known
	the premises that are to be vacated.		•

22 Give details of the existing floorspace and of the total proposed floorspace (including any of that which is existing and which is to be retained) in the following uses:

In this question, floorspace means gross floorspace as defined in note 4 of the notes for guidance of applicants.

including retained floorspace

		_	Existing	Proposed*
(a)	All floorspace of all buildings on the site	( <u>a</u> )	) }	39 9 <del>9</del> 0 п <sup>‡</sup>
	Industrial floorspace	(6)	<b>)</b>	2965m²
	Office floorspace	(C)	J	33 <del>85a²</del>
(요)	Retailing floorspace	(a)	) N/A	N/A
(E)	Storage	(e)	)	N/A
(E)	Warehousing (see schedule to the Town	(£)	}	33 640m²
	and Country Planning (Use Classes)			
	Order).			į.
(à)	Remaining floorspace not falling within $(a) - (f)$	(ç)	)	N/A

- 23 In respect of an industrial or commercial premises describe:
- (a) the process to be carried on, the end (a) N/A product and the type of plant or machinery to be installed
- (b) the specific function of the proposed building in relation to the processes in (a)
- (5) Storage and Distribution of food, non food, wines, spirits and tobar

24	How many people are employed
	on the site now and what
	total do you anticipate will
	be employed if the development
	proceeds? Please specify any
	other activities.

Exis	Ting	Total Proposed			
Male	Female		Male	Femal	
N/A	N/A	Office	54	27_	
N/A	N/A	Industry	318	56	
N/A	N/A				

25 What is the type, volume and proposed means of disposal of any trade effluents and cafuse

Vehicle wash-discharge to foul drainage

26 Will any materials be kept or produced of a toxic, flammable, explosive or otherwise potentially hazardous nature? If YES, state materials and approximate quantities.

Not known (Possibly aerosols in relatively small quantities) WELMYN HATFIELD COUNCIL.
PLANNING, TRANSPORTATION & ECONOMIC DEVELOPMENT POLICY COUNTITEE
21ST HOVEMBER 1996
REPORT OF THE CHIEF PLANNING OFFICER

PTEEDP 21.11.96
PART I
ITEM NO II
FOR DECISION
CPO

#### S6/0800/96/FP

ERECTION OF REGIONAL DISTRIBUTION CENTRE (CLASS B8) WITH ANCILLARY OFFICES, VEHICLE PARKING AND VEHICLE MAINTENANCE UNIT

AT HATFIELD BUSINESS PARK, FROBISHER WAY, HATFIELD

(Hatfield North)

APPLICANT: MCCONNELL PROPERTIES LTD/HATFIELD BUSINESS PARK LTD

#### 1.0 INTRODUCTION

- 1.1 The application site is an area of land of 10.76 ha located centrally within the former British Aerospace Dynamics site, to the east of the building presently under construction for the Securicor Distribution Centre.
- 1.2 The proposal is for a regional distribution centre comprising a warehouse building with a storage floorspace of  $33640m^2$  and ancillary offices of  $3385m^2$ . A separate vehicle maintenance building of  $2965m^2$  is proposed.

The warehouse building would be 360m long by 95m wide with a maximum height of some 17m.

338 car parking spaces would be provided to the south of the building adjoining the south-eastern Business Park boundary, with 127 articulated lorry parking spaces distributed around the site.

Vehicular access would be from a new roundabout at the southern end of Probisher Way (the estate road which already serves the Royal Mail, Halla and Securicor sites).

The vehicular maintenance building would be located close to the site entrance and would measure approximately 30m by 22m, with a ridge height of 10m.

A landscaping strip of between 5m and 9m is shown around the edge of the site, with larger landscaped areas at the site entrance.

1.3 The intended occupier of the development is Booker Belmont Wholesale Ltd, whose principal business is the wholesale distribution of foodstuffs.

It is estimated that the total development would eventually provide direct employment for approximately 450 people. This figure would be made up of 276 'semi-skilled' warehouse jobs, 90 drivers, 42 clerical posts and the remainder (47) in supervisory, administrative, engineering or management positions. The warehouse would operate on a 24 hour basis using a three-shift system.

The supporting information submitted with the application suggests that relocation of employees from other Booker sites would be limited and that most of the jobs at the site would be filled by local recruitments.

#### 2.0 PLANNING POLICIES

2.1 Welwyn Hatfield District Plan 1993 - Policies EMP1, RMP2 (Employment Areas)

Proposed Alterations No 1 - Deposit Version January 1996 - British Aerospace Inset Policies BAe2, BAe5.

2.2 Hertfordshire County Structure Plan 1992 - Policy 65 (Provision for employment development).

#### 3.0 REPRESENTATIONS RECEIVED

3.1 The application has been advertised in the local press and a site notice displayed.

Neighbouring commercial occupiers, and the residents of Ashwick Manor Farm and Manor Road, have been notified individually by letter.

3.2 At the time of writing, one letter has been received, from the Hatfield Garden Village Residents Association, supporting the potential for employment creation through the development, but requiring that earlier commitments by the developer to tree replanting and increased bunding close to Manor Road be implemented prior to the construction of this development.

#### 4.0 DISCUSSION

4.1 The application site is within an Employment Area designated as EA/7 in the adopted District Plan and EA(D) in the British Aerospace inset to the proposed Alterations.

The majority of the site also falls within the boundary of the outline planning permission \$6/0223/91/OP granted in May 1992. This permission was subject to a legal agreement containing, amongst other provisions, a restriction on the mix of uses between Classes B1, B2 and B8, and a limit on the total gross floorspace to be erected on the former Dynamics site.

At the time of the Securicor application (\$6/0053/96/FP), determined earlier this year, it was found that part of the development proposed under that application extended beyond the original boundary of the land covered by the legal agreement. The Securicor application was therefore permitted subject to a supplementary agreement which extended the relevant boundary to all the land within the Employment Area. Consequently the present application site, though it extends beyond the boundaries of the outline permission, is wholly subject to the provisions of the agreement.

4.2 The agreement specifies a total gross floorspace limit for the redevelopment of the Dynamics site of 89 423m<sup>2</sup>. The construction of the present proposal would take the total floorspace erected to 76 156m<sup>2</sup>, still within the gross limit. The agreement also states, however, that the proportion of the total floorspace falling within Class B8 should not exceed 18%, unless the amount of floorspace falling within Class B1 is reduced to compensate.

Since the maximum for B1 floorspace is 50%, the absolute maximum proportion for B8 is 50% plus 18% ie 68%. (60808 sq.m.).

The implementation of the present application would result in this figure being exceeded. The proportion of total floor-space as B8 would be between 71% (63490 sq.m.) 72433 sq.m.) and 81%, (72433 sq.m.) depending on whether the two vacant speculative units with Blc/B2/B8 consents are used for B8 purposes. In any event the application could not be approved within the framework of the Section 106 agreement as it presently stands.

I will return to the question of whether a variation to the agreement should be entered into, following consideration of the technical aspects of the application.

4.3 The building itself, as described in 1.2 above, is of course very large in plan, and its ridge height would be some 2.5m greater than that of the Securicor building.

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Due to the location of the building away from the northern and western boundaries of the Business Park, however (it would be separated by the Securicor site from the boundary with the open countryside), I do not consider that it would appear overly dominant or intrusive in the landscape. Landscaping is proposed to cover 20% of the plot area, with a concentration around the site entrance and a 9m strip along the south-eastern Business Park boundary, and this is adequate in my view for this location.

The total number of car parking spaces shown to be provided is 338 and, taking into account the shift-based system of warehouse operation, this appears to be sufficient to allow for the number of people likely to be on site at any one time (although well short of the 1143 spaces theoretically required by the Council's adopted standards). A cycle shed is shown within the parking area and a bus service to the Business Park is currently available during the day and early evening.

4.4 The principal technical issue of concern is in fact the traffic generation potential of the development, but, as the figures above suggest, this type of warehousing development generates significantly less car traffic than the equivalent floorspace of B1 or B2 uses.

At the time of writing I have not received the written responses of the County Council's Transportation Section or the Highways Agency, however I understand from discussions with these parties that no objection will be raised on traffic impact grounds since the proposed floorspace falls the existing Section 106 Agreement. The concern regarding traffic is therefore principally an environmental one arising from the large number of heavy goods vehicles using the development, particularly when considered in conjunction with the HGV traffic for the Securicor development. At certain times of day each of the two developments would be generating an HGV movement every minute and whilst these busiest times do not coincide with the general 'rush-hour' they do include a period between 5 and 7 in the morning. Given that a 24 hour operation is proposed, there is likely to be some level of commercial vehicle activity at other 'unsocial' hours also.

4.5 I am satisfied, on advice from the highway authorities which is subject to their written confirmation, that the highway network has the physical capacity to accommodate the proposed traffic, however I would take the view that, in the event of planning permission being granted, some small-scale works of additional landscaping should take place between the Business Park access road and the old Manor Road to provide a degree of alleviation of any potential disturbance to neighbouring residents.

I now return to the question of the existing Section 106 Agreement covering the development of the Dynamics site, as detailed in 4.2 above.

This Agreement was concluded in 1992, at a time when a major concern was to limit the proportion of office-type B1(a) and (b) class development owing to a perceived over-provision of such floorspace at the time, and to the greater traffic generation implications of such uses. Although the normal 18% maximum proposed for B8 floorspace was based on the proportion existing in the previous British Aerospace buildings, it was not a primary object of the Agreement to limit the amount of B8 floorspace within the approved gross maximum.

The proportion of the total gross floorspace falling within Class B8 would increase to at least 71% if the present proposal were to be implemented, and this greatly exceeds what was originally envisaged. It clearly also implications for the type of jobs to be provided at the Business Park; total employment at the Park would include a greater proportion of low skilled warehousing jobs and fewer opportunities for skilled workers in light or industry.

Notwithstanding this, the number of jobs to be provided by the present proposal is significant, and given the original purposes of the Agreement as detailed above, I consider that it would be reasonable to vary the Agreement to allow for the additional B8 floorspace proposed in the current application.

#### 5,0 RECOMMENDATION

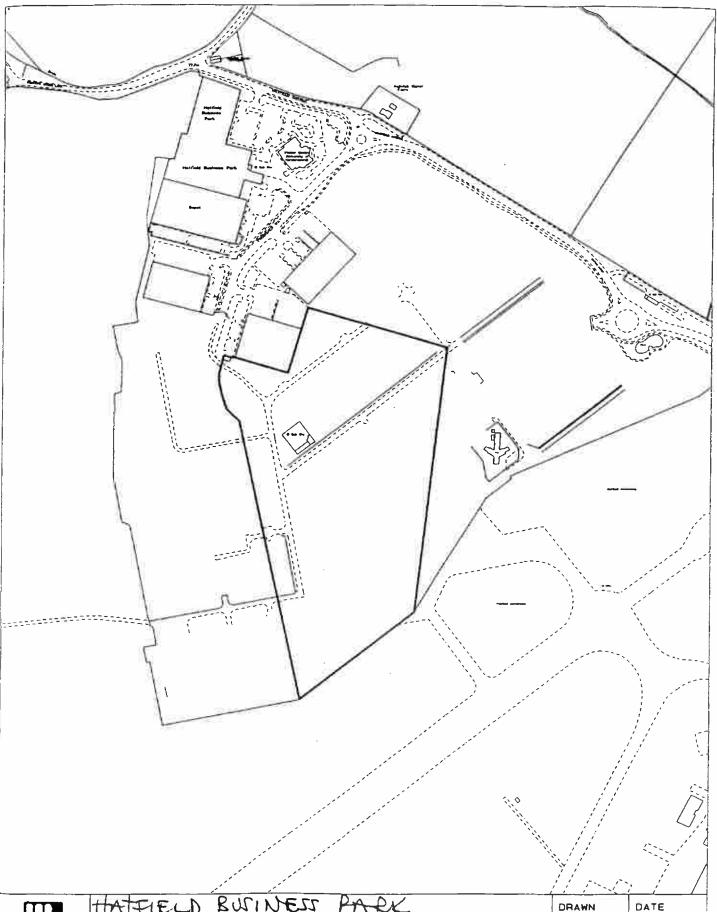
- light of the above report I recommend that planning 5.1 In the permission is granted subject to a variation to the existing Section 106 Agreement covering the Dynamics site to increase the maximum proportion of B8 floorspace to allow for the present proposal, and to require the provision of tree replanting and enhanced bunding between the estate access the old Manor Road, also to the following road and conditions;
  - TIME LIMIT FULL PERMISSION
  - SC14 -LANDSCAPE IMPLEMENTATION 2.
  - MATERIALS DETAILS TO BE SUBMITTED 3.
  - PARKING MAINTAINED 4.
  - No external lighting to the development shall installed without the prior written approval of the Local Planning Authority having been obtained to the type and position of any such lighting units. REASON: In the interest of visual amenity.

6. Surface water drainage works shall be carried out in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency before the development commences.

REASON: To prevent the increased risk of flooding.

BACKGROUND PAPERS
Planning Application S6/0800/96/FP

HOVENBER 1996





COUNCIL

HATFIELD BUINESS PARK FROBISHER WAY, HATFIELD.

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DRAWN	DATE
M.Walker	12/11/96

SCALE 1: 5000

DRAWING NO.

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<u>IN WITNESS</u> whereof these presents have been duly executed as a Deed by the Owner hereto the date and year first before written.

#### FIRST SCHEDULE

All that land and property known as Plot 5000 Hatfield Business Park Manor Road Hatfield Hertfordshire shown edged red on the Plan A annexed hereto

#### SECOND SCHEDULE

Planning application No. S6/0800/96/FP dated 7th October 1996 a copy of which is annexed hereto

#### THIRD SCHEDULE

- 1. The Owner hereby covenants with the Council that the amount of gross floorspace permitted within the Development shall henceforth be regarded by it as contributing towards and shall not be regarded by it as being in addition to the Maximum Gross External Floorspace permitted by the Existing Agreement and referred to and defined therein
- 2. The Owner shall procure that no amount of floorspace shall be used on the Land for Class B8 use other than that permitted by the planning permission granted pursuant to the Planning Application
- 3. For the avoidance of doubt the Owner shall procure that for the purpose of the proper interpretation of Clause 5 of the Existing Agreement the proportion of the Maximum Gross External Floorspace referred to and defined in the Existing Agreement which may be used for any purpose falling within Class B2 and/or for Class B1(c) of the Use Classes Order shall not exceed nineteen per centum (19%) and that the proportion of the Maximum Gross External Floorspace referred to and defined in the Existing Agreement

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for any purpose falling within Class B8 of the Use Classes Order shall not exceed thirty one per centum (31%) but that in all other respects the provisions of Clause 5 of the Existing Agreement shall remain in full force and effect as if made in relation to the Development and the Land

#### **FOURTH SCHEDULE**

The Owner shall procure that within the first planting season after the date that the Development is commenced within the meaning of Section 56 of the Town & Country Planning Act 1990 the works of tree planting and bunding shown on the MacGregor Smith drawing No. 17050-41 annexed hereto or such other amended or substituted drawing as may be agreed with the Council shall be carried out and that full details of the species and the number of plants within each species to be planted shall be agreed in writing with the Council before such works are commenced unless such details have been approved by the Council prior to the signing hereof



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