

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To DRG (UK) Limited
1 Redcliffe Street
Bristol
BS99 7QYJ R Eve
11 Hill Street
LONDON W1X 7FB

..... Construction of new industrial building providing
 Automated storage and despatch facilities (Outline).

 at DRG London Road,
 Apsley, 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, in accordance with the provisions of Article 5(2) of the Town and Country Planning General Development Order, 1977, as amended, the development proposed by you in your outline application dated 23.7.87
 and received with sufficient particulars on 23.7.87
 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 buildings and the means of access thereto which shall have been approved by the local planning authority, before any development is commenced or in default of agreement by the Secretary of State.
- 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 . . . 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.
3. Construction of the building shall not commence until the principal access to the site has been constructed to base course level.
4. The principal access to the site shall be constructed to the standards set out in Department of Transport Advice Note TA 20/84 Layout 1.
5. Construction of the building shall not commence until sight lines of 4.5m x 90 m shall be provided each side of the access within which there shall be no obstruction to visibility between 600 mm and 2.0 m above carriageway level. The sight lines shall be retained thereafter.

Continued on attached sheet/

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, 1977, as amended.
2. To comply with the requirements of Section 42 of the Town and Country Planning Act, 1971.

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 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.

6. Any gates or other barrier to the principal access shall be set back not less than 15 m from the back of the footway and shall open vertically or inwards only.
7. Construction of the building shall not commence until ghost markings have been provided indicating a right turning lane in the centre of the carriageway of London Road at the principal access point.
8. The gradient of the principal access shall not exceed 5% for the first 15 m from the back of the footway and 10% thereafter.
9. The secondary vehicular access indicated on the submitted plans "emergency access only" shall be kept cleared at all times except in the case of emergency.
10. The building shall not be brought into use until the existing vehicular accesses have been closed and the kerbs and footway reinstated to the standards set out in the current edition of Hertfordshire County Council's "Specification for the construction of Residential Estate Roads".
11. The existing trees on the site shall be retained and adequately protected for the duration of development and shall not be wilfully damaged or destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.
12. All planting, seeding or turfing comprised in the landscape scheme approved under Condition 1 above, 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.
13. The building shall be used only as an automated warehouse for storage and distribution.
14. There shall be no alterations to the external appearance of the building nor insertion of any floors within the building without the prior written permission of the local planning authority.
15. The details to be submitted in accordance with Condition 1 shall include:-
 - a) The provision of 18 car parking spaces.
 - b) Space for heavy goods vehicle parking, manoeuvring and loading/unloading areas.

The building shall not be brought into use until these areas have been provided and they shall not be used otherwise than for the specified purposes.

16. No goods, materials, or refuse shall be stored or processed outside the building.
17. The details to be submitted in accordance with Condition 1 shall include provision of a perimeter road which shall facilitate access by fire appliances to all sides of the building.

Continued/

18. The building shall not be brought into use until the perimeter road has been constructed and is available for use and it shall be kept clear of any obstruction at all times thereafter.
19. This permission shall not imply any consent for the felling of any trees protected by a Tree Preservation Order.
20. The details to be submitted in accordance with Condition 1 shall include a scheme of boundary treatment. Such boundary treatment as may be approved shall be carried out before the building is first occupied.

REASONS (contd/)

1. To comply with the requirements of Article 5 (2) of the Town and Country Planning General Development Orders 1977-85.
2. To comply with the provisions of s.42 of the Town and Country Planning Act 1971.
3. To ensure the provision of adequate access and that the access is available for use by construction traffic.
4. In the interests of highways safety.
5. To ensure the provision of sight lines.
6. To ensure sufficient space for a heavy goods vehicle to stand clear of the highway prior to entering the site.
7. In the interests of highways safety.
8. In the interests of highways safety.
9. The access is not of suitable design for regular use.
10. To prevent a proliferation of accesses along London Road.
11. To ensure the provision and retention of adequate landscape planting.
12. To ensure the provision and retention of adequate landscape planting.
13. The building is not provided with sufficient staff car parking to accommodate any other use which is more labour intensive.
14. So that the local planning authority may retain adequate control over such a dominant building.
15. To ensure adequate car parking for staff employed in the building and adequate heavy goods vehicle manoeuvring areas.
16. To prevent the obstruction of manoeuvring and circulation areas.
17. To ensure the provision and retention of adequate access for fire appliances.
18. To ensure the provision and retention of adequate access for fire appliances.

Continued/

19. To enable the local planning authority to retain control of the development pending on accurate tree survey.
20. To ensure the provision of adequate boundary treatment.

Dated5th..... day of November 1987.....

Signed

Chris R. Smith

Designation

Chief Planning Officer

DATED

5th November

1987

DACORUM BOROUGH COUNCIL

and

DRG (UK) LIMITED

AGREEMENT

Under s.52 of the
Town and Country Planning Act 1971 and
s.33 of the Local Government (Miscellaneous
Provisions) Act 1982 regarding land at
London Road Hemel Hempstead

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

File ref: AMB/JA/32/126/99

THIS AGREEMENT is made the
day of

November

1987

BETWEEN

DACORUM BOROUGH COUNCIL of Civic Centre Marlowes Hemel Hempstead
Hertfordshire HP1 1HH ("the Council") and DRG (UK) Limited whose
registered office is at 1 Redcliffe Street Bristol .BS99 7QY
("the Applicant").

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 is a principal Council within the meaning of s.33 of the Local Government (Miscellaneous Provisions) Act 1982
- (2) The Applicant has made an application to the Council for outline planning permission under reference number 4/1130/87 for new industrial buildings providing automated storage and despatch facilities on land at London Road Hemel Hempstead shown edged red and edged blue on the plan annexed hereto (which are together referred to as "the Application Site")
- (3) The Applicant is the owner in unencumbered fee simple of the Application Site and the land edged green on

the said plan ("the Land")

(4) The Applicant has agreed with the Council to enter an agreement securing parking spaces for use in conjunction with the part of the Applicate Site edged blue

(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

NOW THIS AGREEMENT WITNESSES 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 Application 4/1130/87 and the Applicant shall proceed to implement such planning permission then this Agreement shall have full force and effect but not otherwise
2. The Applicant hereby covenants with the Council as follows:-
 - (i) that within six months of the commencement of works pursuant to such planning permission twenty eight parking spaces ("the Car Park") shall be constructed and delineated on the Land to the reasonable satisfaction of the Council's

Chief Planning Officer for the time being ("the Chief Planning Officer") and shall be maintained thereafter at all times for use in conjunction with the Applicant's occupation of the Cottage as offices and the Car Park shall be restricted to employees agents and invitees of the Applicant

- (ii) To pay on or before completion of this Agreement the Council's reasonable legal costs in connection with the preparation of the Agreement

3. IT IS HEREBY DECLARED AND AGREED BETWEEN THE PARTIES AS FOLLOWS:-

- (i) that subject to approval by the Chief Planning Officer (such approval not to be unreasonably withheld) the Applicant may provide twenty eight alternative parking spaces of equal standard and subject to the same provisions as the Car Park and may from a date to be agreed by the Chief Planning Officer use such alternative parking spaces in substitution for the Car Park
- (ii) the covenants herein are entered into pursuant

to s.52 of the Town and Country Planning Act 1971 and s.33 of the Local Government (Miscellaneous Provisions) Act 1982 and all other powers enabling and without prejudice to the generality of the foregoing all the covenants hereinbefore contained on the part of the Applicant to carry out work or to do anything on or in relation to the works or land to which such covenants relate are covenants to which s.33 applies

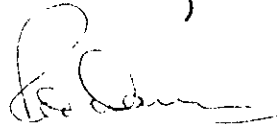
(iii) any expenses incurred or to be incurred by the Council to which the Applicant is or may become liable under this Agreement may be recovered by the Council as provided by s.291 of the Public Health Act 1936 and in particular such expenses and interest accrued thereon shall until recovered be a charge on the Land and on all estates and interests therein

(iv) this Agreement shall be registered as a Local Land Charge and shall henceforth bind the Land.

Such registration shall however be vacated if alternative parking spaces are provided under clause 3(i) hereof and a further Local Land Charge shall be registered and will bind the land on which the alternative parking spaces are sited.

IN WITNESS whereof the parties hereto have respectively set their
common seals the day and year first before written.

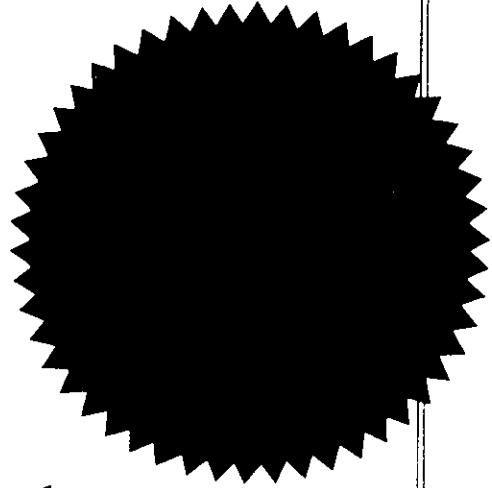
THE COMMON SEAL of
DACORUM BOROUGH COUNCIL
was hereunto affixed in
the presence of:-



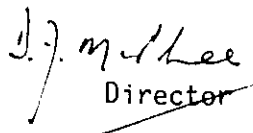
Chief Executive



Assistant Secretary (Admin)



THE COMMON SEAL of
DRG (UK) LIMITED was
hereunto affixed in the
presence of:-


Director


Secretary

