Reason for report

Under the terms of the Lease granted to Biggin Hill Airport Limited (BHALL), the Council's consent as Landlord is now required for a storage and distribution centre at Churchill Way, South Camp, a large hangar with aircraft parking and ancillary offices and car parking at South Camp and a replacement security hut at the Terminal.

RECOMMENDATION

The Portfolio Holder is asked to grant Landlord's Consent for the developments outlined in the report and to agree that appropriate terms for the grant of another licence for development are negotiated by the Chief Property Officer.
Corporate Policy

Existing policy: Maximisation of Council assets

__________________
Financial

1. No cost

2. <please select>

3. Budget head <Insert budget head>

4. Total budget for this head £

__________________
Staff

1. Number of staff (current and additional) - Not applicable

2. If from existing staff resources, number of staff hours -

__________________
Legal

1. Statutory requirement: There is no relevant statutory requirement. Contractual provisions apply.

2. Call-in is applicable

__________________
Customer Impact

Estimated number of users/beneficiaries (current and projected) - Not applicable
1. COMMENTARY

1.1 Storage and Distribution Building at South Camp (PLAN A)

BHAL is proposing to enable the erection of a new storage and distribution building with ancillary offices on an area of open land at the southern edge of the airport. The building would be 37.2 metres long and 25 metres wide. The ground floor would contain a reception area but would be used primarily as a double height storage facility. The top floor of the building would be used as offices.

The building is to be used by Adams Aviation Supply Co Ltd, currently based in a building known as Hunter House on South Camp. The core business of the company is the supply of aircraft components and associated aviation products. Adams Aviation has been based at Biggin Hill for the past 25 years. It has now outgrown its existing premises and is looking to relocate to a new building within South Camp.

Planning permission for this development was given on 28th January 2008.

The proposed development will not alter the current permitted use under the Lease.

1.2 Hangar, Parking Apron, Car Parking, Access Roads and Security Fence at South Camp (PLAN B)

BHAL is proposing to enable the construction of a general aviation hangar, aircraft parking apron, car parking, access roads and security fence for Air Partner. This company has been at Biggin Hill for 7 years, occupying a hangar in South Camp adjacent to this proposed hangar. Air Partner has now outgrown its existing hangar and needs a much larger facility, both to support its current business and enable it to grow over the next few years. In addition to the current premises, which will be retained, extra space is required for hangarage, servicing, maintenance, logistical support, operations and client handling.

Air Partner currently manages and operates 6 Lear 45 jets and 1 Hawker 800. The private jet fleet is being increased with a Challenger 300 due for delivery in January 2008 and other pending contracts. Thereafter Air Partner expects to increase the fleet by approximately 3 aircraft per annum for the next 3 years.

Air Partner currently employs 40 staff dealing with operations and client handling and a further 30 staff involved with servicing and maintenance. The forecast growth over the next 3 years sees the former expanding to approximately 100 persons and the maintenance and servicing staff to 90 persons.

The overall development would have a total site area of 16,407m2 or 1.6ha. The hangar would be 102m. by 36.5 m. and would have a maximum height of 18.2 m. Within the hangar, at the eastern end, there would be four storeys of office accommodation, amounting to 1357.6m2 of floorspace . The ancillary office part of the proposed development would be 15.6m by 36.2m with a height of 9m. The ancillary offices building would connect with the hangar at first floor level.

The hangar would comprise PVF coated flat cladding panels in dark grey and the elevation facing the airfield would comprise six sliding doors with cladding to match the hangar and black tinted glazing. The roof is to be slung under a silver coated steel truss.

The proposed aircraft apron parking area would be 8197m2, part of this being an improved area across Air Partner’s existing hangar. There would be 1973m2 of additional apron on existing grass area.
A total of 70 car parking spaces are to be provided within the proposed development, including 12 spaces already provided with the existing hangar. There will be a new access road from Churchill Way into the site.

The Chief Planner has advised that this proposed development constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 and as such does not require planning permission.

The proposed development will not alter the current permitted use or exceed the number of permitted flights allowed under the Lease.

The Council has already granted BHAL a licence for consent to erect two hangars (70x32m and 43x32m) together with an apron 118mx35m and 44 associated car parking spaces at this site.

1.3 **Replacement Security Hut at the Main Terminal**

BHAL has erected a replacement security hut at the entrance to the main terminal area.

Following the incident at Glasgow Airport last year, BHAL was required to increase the number of security officers at the entrance to the terminal area from one to two and the existing security hut was too small to accommodate the increase in personnel and the necessary CCTV monitors.

The replacement hut has dimensions of 4.9m and 2.7m and a height of 2.8m.

The Chief Planner has advised that this development constitutes Permitted Development.

2. **POLICY IMPLICATIONS**

2.1 The Resources Best Value Portfolio Plan’s aims include being a Council that manages its assets well.

3. **FINANCIAL IMPLICATIONS**

3.1 These are contained in Part 2 of the agenda as the information in this section is commercially sensitive in regard to a proposed underletting.

4. **LEGAL IMPLICATIONS**

4.1 Clause 5.5.2.2 of the Council’s Lease to BHAL stipulates that the Council’s consent is required for the erection of any new building at the Airport, such consent not to be unreasonably withheld or delayed.

4.2 The Council, as Landlord, may require BHAL to enter into such covenants as may reasonably be required in connection with the execution of the development work. However, the Lease does not enable the Council as Landlord to insert conditions in a Licence for Consent limiting the use of the new development.

4.3 The Council, as Landlord, can only withhold consent to the carrying out of development or alterations under the Lease where it can reasonably maintain that the new building or
development would be detrimental to its property interests or conflict with the proper management of its land. It is not possible to argue that the construction and reasonable use of the developments outlined in the report would be so detrimental, indeed the reverse is the case in that the developments would be likely to increase the value of the Airport.

4.4 There is no provision for Arbitration under the terms of the Lease if the Council refuses consent to any proposed development. However, if the Council were to refuse to give Landlord’s Consent to any of the listed developments the tenant could opt to carry out the relevant development without Landlord’s Consent leaving the Council as Landlord to take such action as it considers appropriate.

5. CONSULTATION

5.1 Ward Members’ Comments

The Ward Members for Biggin Hill, Darwin, Farnborough and Crofton and Petts Wood and Knoll wards have been consulted.

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