

Date of Meeting: 16 January 2020

APPLICATION NO: 19/1275/FUL

DATE OF APPLICATION: 12 August 2019

STATUTORY START DATE: 20 August 2019

SITE LOCATION

Elstree Film And TV Studios, Shenley Road, Borehamwood, Hertfordshire, WD6 1JG

DEVELOPMENT

Proposed two linked sound stages with ancillary workshops and vehicle delivery areas

AGENT

Mr John Muir
Bedford House
Fulham Green
69-79 Fulham High Street
SW6 3JW

APPLICANT

Elstree Studios Ltd
Elstree Film And TV Studios
Shenley Road
Borehamwood
WD6 1JG

WARD: Borehamwood Hillside

GREEN BELT: No

CONSERVATION AREA: No

LISTED BUILDING: No

TREE PRES. ORDER: No

REASONS FOR COMMITTEE CONSIDERATION

This application has been brought forward for determination by committee because Hertsmere Borough Council owns the site.

1.0 SUMMARY OF RECOMMENDATION

1.1 Grant Planning Permission subject to the details as set out in paragraph 9.0 of this report.

2.0 APPLICATION SITE AND SURROUNDINGS

2.1 Elstree Studios covers an area of 6.1 hectares and contains various, predominantly large-scale buildings such as the George Lucas Studios, the set for the production of 'The Crown' (to the west of the application site), other sound studios, workshops, offices and other ancillary buildings. The studios are located within the Borehamwood Town Centre.

- 2.2 The proposed site is to the southwest and is part of the site that was utilised for the former 'Big Brother House' production. It is situated towards the rear of the site in an area that accommodated the old water tank.
- 2.3 Immediately to the east and beyond the backlot site lies Maxwell Park, an area of open land and wildlife site which divides the studios from residential properties to Hillside Avenue and Bullhead Road. To the southwest of the site abuts a Tesco superstore. The distance to the closest residential property is 61m. The residential area is set significantly higher than the application site and is bordered by a dense tree line.

3.0 THE PROPOSAL

- 3.1 The application proposes the erection of two linked sound stages with ancillary workshops and vehicle delivery areas.
- 3.2 The twin soundstages will be located in the place of the existing studio and production areas of the former 'Big Brother House' at the northern part of the site. The remaining site will accommodate deliveries and short term parking of mobile units, ancillary to the operation of the soundstages.
- 3.3 The proposed new soundstages will be approximately 20.3m in height and have a footprint of 3360m².
- 3.4 The application includes for a partial demolition of old, existing pitched roof, unheated and uninsulated section of the terrace of existing workshops. Ancillary accommodation will be provided in the first floor attic space. The new workshops will service the new soundstages.
- 3.5 Vehicular access to the site is through the main entrance from Shenley Road. This entrance is security guarded and only permitted vehicles are allowed onto the site. The main road axis through the site allows vehicles to pass from the gate house at the front of the site to the proposed soundstage. HGV's delivering goods and equipment will use the existing road to access the stage and workshop adjacent to the Tesco's store where there is an existing entrance.
- 3.6 Existing parking is provided for staff and visitors using the site which will be retained and there is no anticipated traffic increase from the proposal.

RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
13/1982/DOC	Application for approval of details reserved by conditions 2, 3, 4, 5, 6 _ 7 of planning permission reference TP/13/1233.	2 October 2013 Approves the Details with conditions

Reference number	Description	Date and outcome
14/2113/FUL	Temporary permission for a period of up to six years for the erection of building facades, associated structures, areas of hard and soft landscaping and associated works, in connection with the existing use of the site for film and tv production.	25 March 2015 Grant Permission
15/0210/ADV	Self-illuminating led screen on the side of the John Maxwell building overlooking the Tesco car park (Advertisement Consent)	25 June 2015 Grants Consent
15/0829/DOC	Application for approval of details reserved by condition(s) 4 & 5 of planning permission reference 14/2113/FUL.	6 August 2015 Condition Discharged
15/0847/MA	Non-material minor amendment for planning permission 14/2113/FUL dated 25/3/2015 for "Temporary permission for a period of up to six years for the erection of building facades, associated structures, areas of hard and soft landscaping and associated works, in connection with the existing use of the site for film and tv production". Amendments include a reduction in the scale of the set design, alternative building facades and associates structures.	14 August 2015 Approval
15/0994/FUL	Permission for three porta cabin offices and five containers for storage.	21 August 2015 Application Withdrawn
15/0995/FUL	Permission for five porta cabin offices and related changes to car parking.	13 August 2015 Application Withdrawn
16/0064/FUL	Erection of an additional television production set and a television studio; Creation of an additional external area and extension of acoustic and visual fence to North East corner of compound (Amended Plans received 15.02.16)	24 March 2016 Grant Permission
16/0438/FUL	Erection of a new soundstage with ancillary facilities including workshop, dressing rooms, offices, backlot filming area, and associated works.	11 October 2016 Grant Permission
17/0562/VOC	Application for removal of condition 2 (to extend the time period) following grant of planning permission TP/13/0011	26 May 2017 Grant Permission
17/2498/FUL	Temporary permission for a period of up to 10 years for the erection of building facades, associated structures, storage, areas of hard and soft landscaping and associated works, in connection with the existing use of the site for film and TV production.	20 April 2018 Grant Permission
18/0846/DOC	Application for approval of details reserved by condition 3 (submit detailed surface water drainage scheme) of planning permission reference 17/2498/FUL	23 August 2018 Approval

Reference number	Description	Date and outcome
18/0903/VOC	Application for variation of conditions 1 & 2 attached to planning permission TP/13/1681 - To allow for the Big Brother Building and acoustic & visual screening to remain in place until 30th Sept 2019.	
18/0904/VOC	Application for variation of conditions 1 & 2 attached to planning permission 16/0064/FUL - To allow for additional television production set, television studio, external area & acoustic & visual fence to NE corner of compound to remain in place until 30th Sept 2019.	
18/1358/FUL	Retention of the buildings for the Big Brother television production with 32 eviction shows per annum (including 14 mid-week eviction shows) and occasional corporate events at Elstree Studios for a period of three years.	17 September 2018 Grant Permission
19/0445/ADV	Installation of 1 internally illuminated fascia sign. (Application for Advertisement consent)	
TP/13/1681	Retention of building for the Big Brother television production with 32 eviction shows per annum (including up to 14 mid-week eviction shows) and occasional corporate events at Elstree Studios for a period of five years.	13 September 2013 Grant Permission
TP/13/1233	Reclamation and re-profiling of 'The Mound' to create a level platform for future use as a back-lot for filming purposes.	24 July 2013 Grant Permission
TP/01/1267	Erection of a temporary dwelling for television production (for a period of up to 12 months)	1 February 2002 Grant Permission

Nil

CONSULTATION & RESPONSES

Notices

Site Notice (Generic) 23rd August 2019 Expiry Date: 13th September 2019

Borehamwood Times 5th September 2019 Expiry Date: 26th September 2019

Summary of consultation responses

Consulted:

Consultee	Date Consulted
Place Services - Essex County Council - Urban Design Advice	21 August 2019
Elstree & Borehamwood Residents Association	21 August 2019
Heathrow Airport	21 August 2019
Met Office	21 August 2019
Elstree & Borehamwood Town Council	21 August 2019

Consultee	Date Consulted
Elstree Aerodrome	21 August 2019
Environmental Health & Licensing	21 August 2019
Hertsmere Chamber Of Trade	21 August 2019
Parks & Cemeteries - Waste & Street Scene	21 August 2019
Housing	21 August 2019
Senior Flood Risk And SuDS Officer	21 August 2019
Highways England	21 August 2019
CIL	21 August 2019
Senior Traffic Engineer	21 August 2019
Tree Officer	21 August 2019
Policy & Transport - Majors Only	21 August 2019
Transport For London	21 August 2019
Policy & Transport - Majors Only (LW)	21 August 2019
Affinity Water Limited	21 August 2019
Highways HCC	21 August 2019
Hertfordshire Fire & Rescue Service	21 August 2019
EDF Energy Networks	21 August 2019
Cadent Gas Limited (Prev National Grid Company Plc)	21 August 2019
NHS England	21 August 2019
NHS England (CCG)	21 August 2019
Health & Community Services Management Board (HCC)	21 August 2019
Waste Management Services	21 August 2019
Drainage Services	21 August 2019
Thames Water Development Planning	21 August 2019
Architectural Liaison Officer (Police)	21 August 2019
Hertfordshire Ecology	21 August 2019
Hertfordshire Constabulary	28 August 2019

Responses:

Consultee	Comment
Highways England	No objections raised
Heathrow Airport	No objections raised
Environmental Health & Licensing	No objections raised
Senior Flood Risk And SuDS Officer	Objection raised. Additional information required and is requested by condition. <i>{Refer to para. 7.31 of this report}</i> .
Tree Officer	Comments made: Arboricultural documents submitted offer suitable protection to retained trees both on and adjacent to site. A very minimal number of trees have been proposed for removal with all trees falling into cat B and almost all cat C trees being retained. No objection is raised to these removals.
Transport For London	No objections raised.
Highways HCC	No objections raised
Waste Management Services	No objections raised
Drainage Services	No objections raised. Apply Informative

Consultee	Comment
	CG01. The proposals as outlined in RPS's Flood Risk Report & Conceptual Surface Water Drainage Strategy Ver. 002 ref HLEF72437 dated Aug 2019 will satisfy the requirements of CG01 standard drainage condition. <i>{This is covered in condition 4}</i>
Thames Water Development Planning	No comments to make. Apply informatives with regards to waste and surface water.
Hertfordshire Ecology	No objections raised subject to a condition requiring a biodiversity and landscape plan and Informatives for protected species in this instance, nesting birds, bats and lighting.
Hertfordshire Constabulary	No objections raised. I have spoken to the Security Manager and content that security and crime prevention measures are in place.

Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	0	4	181	4

5.4 Summary of neighbour representations

Concerns regarding site traffic and concerns regarding using Maxwell Road for access:

Noise and light pollution;

Concerns regarding ecology;

Water system needs to be investigated and protected

{These matters are addressed in the relevant sections of the report}

PLANNING POLICY CONTEXT

National Planning Policy

National Planning Policy Framework (2012)

Planning Practice Guidance

Community Infrastructure Levy

Site Allocations and Development Management Policies Plan

Policy SADM10

Biodiversity and habitats

Policy SADM12

Trees, Landscaping and Development,

Policy SADM14	Flood Risk
Policy SADM20	Environmental pollution and development
Policy SADM30	Design principles
Policy SADM40	Highway and access criteria for new development

Core Strategy 2013

Policy SP1 Creating Sustainable Development
 Policy CS11 Promoting film and television production in Hertsmere
 Policy CS12 The enhancement of the natural environment
 Policy CS16 Environmental impact of development
 Policy CS17 Energy and CO2 reductions

Policy CS22 Securing a high quality and accessible environment
 Policy CS24 Development and accessibility to services and employment
 Policy CS25 Accessibility and parking
 Policy CS27 Town centre strategy

Supplementary planning documents

Planning and Design Guide SPD Part D: Guidelines for Development (Draft for DM) 2016

Car Parking Standards SPD (2014)

Biodiversity, Trees and Landscape SPD 2010

7.0 ASSESSMENT AND REASONED JUSTIFICATION

7.1 **Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material consideration indicate otherwise'.**

7.2 The proposal raises the following key issues:

- Principle of development
- Character and appearance
- Sustainability and Energy Efficient Design
- Residential Amenity and Noise Pollution
- Access and Highway Implications
- Flood Risk, Drainage and Watercourses
- Trees and Ecology and biodiversity
- Community Infrastructure Levy
- Equalities and Diversity

Principle of Development

7.3 Paragraph 80 of the NPPF 2019 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This is further reiterated by paragraph 82 which states that decisions should recognise and address the specific locational requirements of different sectors, including making provision for clusters or networks of creative industries at a variety of scales and in suitably accessible locations.

- 7.4 The overarching principle of sustainable development is established throughout the framework and the effective use of brownfield land is encouraged subject to the safeguarding and improvement of the environment and the preservation of safe and healthy living conditions.
- 7.5 Hertsmere's statutory development framework highlights the importance of the film and television industry within the borough. Policy CS11 of the Core Strategy (2013) states that proposals to develop, refurbish and upgrade film and television studios will be supported subject to environmental constraints and other relevant policies. Furthermore, policy CS8 contends that the Council will support development proposals in appropriate locations, which attract commercial investment, maintain economic competitiveness and provide employment opportunities for the local community.
- 7.6 The application proposes two linked sound stages with ancillary workshops and vehicle delivery areas. The proposals would allow a currently under-used part of the Elstree Film Studios to operate effectively and to provide modern high-quality production facilities, in order to compete with other film studios offering similar facilities in the UK. It would support the development of the film and television industry in Borehamwood. Subject to other material considerations, the proposal is acceptable in principle.

Character and Appearance

- 7.7 The NPPF 2019, Policy SP1, CS22 of the Core Strategy 2013 and Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016 all seek to ensure that any new development respects or improves the character of its surroundings. The Hertsmere Planning and Design Guide Part D gives guidance for good practice for quality design, position, scale and size, layout and positive impact on neighbouring properties and the surrounding street scene.
- 7.8 In this instance, the proposed twin sound stage buildings would be sited in the location of the former "Big Brother House" to the south western part of the studios and would be approximately 20.3 metres in height and have a footprint of 3360m². (each studio would measure 40m in length, an overall length of 80 wide x 42m depth). The remaining site will accommodate deliveries and short term parking of mobile units, ancillary to the operation of the soundstages.
- 7.9 The design of the building is similar to that of the 'George Lucas' studio building, with a rectangular base topped by a shallower dual-pitched roof. The main frontage of the building would face south west onto the service road

opposite the Tesco store. The set of 'The Crown' would be located behind. The sides of the building would face the other buildings within the studios and the residential properties along Hillside Avenue. The building shell incorporates enhanced insulation and the enclosed soundstage itself would shield neighbours from sound pollution compared with the previous outdoor activities from the Big Brother House. There would also be flexibility of use of two separate stages or a combined supersize soundstage.

- 7.10 The application also includes partial demolition of old, existing pitched roof, unheated and uninsulated section of the terrace of existing workshops and their replacement by new pitched roof workshops. Cladding colour will match that of the adjoining workshops. Ancillary accommodation will be provided in the first-floor attic space. These workshops will service the new soundstages.

Materials

- 7.11 The design of the soundstages and the materials has evolved from pre-application discussions and during the application process. Place services were also involved in the design process. Officers felt that the materials proposed utilising graded colours were no different to those used on large B8 buildings (Storage and distribution) across the country and given the size, height and prominence of the sound studios within the internal street within the studios and from other vistas around the site that some higher quality materials could be used in particular to the north elevation.
- 7.12 Following this, the design has been revised to incorporate high quality materials consisting of metal finished wall cladding on the Sound Stages. The wall cladding now comprises a low level three-metre wide band of Corten weathering steel around the base of the building with copper faced composite cladding above this. The composite copper cladding is a rigid flat panel that has high levels of fire, acoustic and thermal performance and its core material will be fire resisting. It is also proposed to reduce the visual presence of the gable end of the building facing Maxwell Park by landscape screening.
- 7.13 The proposed materials are welcomed and would improve the overall visual appearance of the sound stages and the overall character of the area.

Sustainability and Energy Efficient Design

- 7.14 An Energy report has been submitted with the application and advises that to maximise the energy efficiency of the development and thus reduce the energy demands, the following design principles and features have been incorporated:
- Building fabric elements and glazing specifications significantly improved to the Building Regulation requirements.
 - Reduced air permeability compared to maximum required standards.
 - Specification of efficient heating services and control systems.
 - Energy efficient lighting through the development.

- Air Source pumps and
- photovoltaic panels.

7.15 As the Council has declared a state of climate emergency, a contribution of £100,000 is to be paid by the Applicant to offset the remaining omissions of the building for a 30 year period such that the net impact is zero-carbon. The monies will be used within the borough. As such, this would be in accordance with the principles of sustainable development that are set out in the National Planning Policy Framework (2019).

Residential Amenity and Noise Pollution

- 7.16 Policy SADM30 of the Site Allocations and Development Management Policies 2016 and Part D of the Planning and Design Guide requires that the privacy and amenity of adjacent residential properties be maintained. In addition, all new buildings should be orientated so that the front and rear building lines fit comfortably within the line drawn at 45 degrees from the nearest edge of the neighbouring front and rear facing windows.
- 7.17 The NPPF 2019 states that new development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 7.18 Where harm to amenity may be caused by noise generated by development, measures should be taken to mitigate the harm.
- 7.19 The sound stages would be sited over 60m from the private rear gardens of the nearest residential properties which front onto Hillside Avenue. There are also residential properties 130m to the east on Bullhead Road and
- 7.20 Further to the above, between the application site and these residential properties is a 40m deep green buffer within Maxwell Park which acts as a natural barrier and helps to screen the houses from residential properties along Hillside Avenue. It is proposed to use climbing plants on woven stainless-steel mesh and to strategically plant new trees to along the side of Hillside Avenue to further screen the building. A condition is recommended to ensure that further details of the planting and management are submitted and agreed in writing. In the interest of visual and residential amenities.
- 7.21 Given the level of separation set out above, the proposal is not considered to affect the outlook and privacy of the nearest residential properties.

Noise pollution

- 7.22 The sound from the soundstage will be transmitted through the roof and walls of the building. The building is designed to provide a level of sound insulation to prevent external sources of sound breaking from breaking in. Therefore this also natural provides insulation for sound breaking out. In addition to the soundstage, mechanical air handling plant will be located to the rear of the building.
- 7.23 A noise Impact Assessment has been submitted with the application and Environmental health have been consulted on the application and raise no objection in regards to noise. If any noise complaints are received Environment Health can attend to these under relevant legislation.

Access and Highway Implications

- 7.24 The NPPF states that proposals should only be refused on transport grounds where the residual cumulative impact of the development is severe, and encourages local authorities to set non-residential parking standards that take into account the accessibility of sites and the availability of public transport. Core Strategy Policy CS25 and the Parking Standards SPD support this approach, encouraging lower levels of parking provision for sites in accessibility zones and where developments are supported by Travel Plans. SADM policy SADM40 sets out criteria for providing satisfactory access to new developments.
- 7.25 The main access to Elstree Studios is via the Shenley Road / Elstree Way roundabout from the northern end of the site. This entrance is guarded by security. A secondary access is located at the south-western end of the wider site, adjacent to the development site area. This access is taken from the adjacent Tesco delivery / service road that runs along the western boundary of the Elstree Studios complex and forms the main access to the Application Site. The gated access on Maxwell Road can also be used by delivery and servicing vehicles, if required.
- 7.26 A Transport Assessment has been provided with the application. Hertfordshire Highways have been consulted and raise no objections in relation to highway safety. In addition Highways England were also consulted and have commented that the additional trips that would be generated by the proposed redevelopment would be minimal and would not have a severe impact on the local highway networks.

Parking

- 7.27 The NPPF sets out criteria for local planning authorities to use in setting local parking standards. Parking requirements for new developments in Hertsmere are set out in the Council's Parking Standards SPD, as provided for in Core Strategy Policy CS25. The development of a sound stage is considered to be a sui generis use and therefore the parking provision is assessed on a case

by case basis. The Transport Impact Assessment should assess the expected parking demand for the site, taking into account its siting in accessibility zone 2 which provided a discount of 50-75% of required parking spaces.

- 7.28 Existing parking is provided for staff & visitors using the site including a mixture of motorcycle, and covered bicycle spaces. The proposal provides vehicle delivery parking and the proposal when fully developed will retain similar parking levels. There is no anticipated traffic increase from these proposals.
- 7.29 Overall, It is not considered that the proposals would have a detrimental impact on the highway network or parking and no objections are raised from Hertfordshire Highways. Informatives are recommended with regards to Construction management. As such the proposal would be in accordance with the above policies.

Flood Risk, Drainage and Watercourses

- 7.30 The NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 7.31 In this case, the site is identified within the Council's SFRA (2018) as being at medium-high risk of surface water flooding. SADM13 of the Site Allocations and Development Management Policies (2016) required new development to be directed to Flood Zone 1. The application site falls within Flood Zone 1, where there is the lowest probability of flooding; less than 1 in 1,000 annual probability of river flooding and the site measures less than 1 hectare in size, the Environment Agency have not been formally consulted on the application.
- 7.32 The land in the surrounding area is predominantly in use for the wider Elstree Studios. The area immediately west of the site comprises a service road. Further west is a large commercial retailer (Tesco Superstore). Directly south of the site is an area of parkland (Maxwell Hillside Park) and trees. There is also a watercourse (drainage ditch) located adjacent to the south west corner of the site (outside of the site ownership boundary). This drainage ditch is identified as flowing west before joining Borehamwood Brook located approximately 50 m south west of the site.
- 7.33 A flood risk report and conceptual surface water drainage strategy has been submitted with the application and the Lead Local Flood Authority (LLFA) was consulted on the application. The LLFA have requested additional details which includes clarification of the proposed discharge mechanism with all relevant agreements submitted and an updated, detailed drainage plan to ensure that there is no flood risk from surface water. A condition is recommended to ensure that these details are submitted and agreed by the LLFA before any development commences. In the interest of flooding and to comply with the NPPF and the relevant policies.

- 7.34 In addition to the above Thames Water have requested an informative in relation to waste and surface water.

Trees, Ecology and biodiversity

- 7.35 The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity. This is reiterated by policies CS12 and SADM10 which state that permission will be refused where there will be harm to ecology, unless it can be demonstrated that adequate mitigation measures can be implemented to overcome this harm, or the proposed development can be moved elsewhere within the site to reduce the level of harm.

Trees

- 7.36 The majority of trees are within the neighbouring property and form part of Maxwell Park. An Arboricultural report has been submitted with the application and concludes that the proposal will require the removal of three C Category trees and a select number of young self-seeded trees located on site. Details regarding the protection of the existing trees are also included in the report.
- 7.37 The Tree Officer has been consulted on the application and has commented that the Arboricultural documents submitted offer suitable protection to retained trees both on and adjacent to site. A very minimal number of trees have been proposed for removal with all trees falling into cat B and almost all cat C trees being retained.

Ecology and Biodiversity

- 7.38 An Ecological appraisal has been submitted with the application and Herts Ecology have been consulted and have commented that adjacent to the southern edge of the site is Maxwell Hillside Park, an Ecosite (not a Local Wildlife site as stated in some of the submitted documents) with broadleaved woodland and neutral grassland of site-based value only.

For Information:

- Ecosites do not have any form of status of importance, but are merely sites that ecology have some ecological information on - thus they do support some wildlife interest, at least at a local level. Whilst these sites are often a valuable starting point in identifying the county's wildlife resource, they do not meet the rigorous and quantifiable assessment criteria needed to identify them as non-statutory Local (County) Wildlife Sites.
- 7.39 Further comments from ecology indicate that the site is considered to be of very limited ecological value, the loss of the trees should be planted with new planting, ideally native species, within the landscape scheme. The buildings

have very low bat roosting potential and no further survey or mitigation is needed. Informatives in respect of nesting birds, bats and lighting are recommended.

Biodiversity

- 7.40 Herts Ecology have also commented with regards to biodiversity and the proposal will include landscaping and 'character of wildlife area' (which appears to mean façade treatment). Climbing plants and new trees will be incorporated into the design of the scheme as discussed in para. 7.18. It would also be appropriate for this development to enhance the site for bats and birds. This could include the provision of roosting opportunities through the integration of bat bricks/units within the design of the buildings, or installation of bat boxes on suitable retained trees. The creation of foraging areas by planting species which attract night flying insects will also be beneficial to bats. For birds, the inclusion of bird boxes on trees for common garden bird species, or nest box terraces on buildings for Swifts and/or House sparrows would be welcomed.
- 7.41 In conclusion a condition is recommended to ensure that details of tree replacement, native-species planting, and biodiversity enhancements are included within a Landscape and Biodiversity Plan to ensure the expectations of NPPF in achieving overall net gain for biodiversity are realised and to comply with the relevant policies.

Community Infrastructure Levy

- 7.42 The proposal is not chargeable under the Community Infrastructure Levy Regulations 2010 (as amended) due to the proposal not being one identified in the Council's CIL charging schedule as generating a CIL liability.

Equalities and Diversity

- 7.43 The Equality Act 2010 came into force in April 2011. Section 149 of the Act introduced the public sector equality duty, which requires public authorities to have 'due regard' to the need to eliminate discrimination on the grounds of the relevant protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation, and to advance equality of opportunity. In relation to this specific application due regard has been made to the protected characteristics and it is considered that there would be no adverse impact caused following this development.

8.0 CONCLUSION

- 8.1 Subject to the relevant conditions, the proposal is considered acceptable. The proposals will facilitate the continued operation of Elstree Studios, supporting the film and television industry in Borehamwood and providing a source of employment within the Borough. The proposals are not considered to result in an unacceptable impact on the visual amenities of the area or

residential amenities of neighbouring residents and is not considered to raise any issues in respect of security or highway impacts, flooding/drainage, ecology or environmental issues. The proposal would therefore comply with policies: The application has been considered in the light of the following policies; the NPPF 2019, PPG, CIL, Policies SADM10, SADM12, SADM14, SADM20, SADM30, SADM40 of the Site Allocation and Development Management Plan 2016. Policies CS11, CS12, CS16, CS17, CS22, CS24, CS25, CS27 of the Core Strategy 2013, Part D of the Planning & Design Guide (Draft for DM) 2016, the Parking Standards SPD 2014. Biodiversity, Trees and Landscape SPD 2010

9.0 RECOMMENDATION

9.1 Grant planning permission subject to the recommended conditions:

(A) The following monies be collected through a Memorandum of Understanding between the Council and the Applicant.

The obligations sought are as follows:

1. A contribution to Carbon offsetting within the borough - £100,000

CONDITIONS/REASONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The application has been approved having regard to the following plans and documents:

DRAWINGS

- Topographical Survey
- Rev F0_Project no. 07819M
- 4D_1842_PL_001_Location Plan_ Rev A
- 4D_1842_PL_002_Proposed New Stages Block Plan _ Rev C
- 4D_1842_PL_100_Proposed New Stages Site Plan_ Rev E
- 4D_1842_PL_110_Proposed New Stages Ground Floor Plan and West Elevation_ Rev D
- 4D_1842_PL_111_Proposed New Stages Roof Plan and East Elevation_ Rev B
- 4D_1842_PL_112_Proposed New Stages North and South Elevations_ Rev B
- 4D_1842_PL_113_Proposed New Stages Section 1-1_ Rev B

- 4D_1842_PL_120_Proposed New Workshops Ground Floor Plan_ Rev A
- 4D_1842_PL_121_Proposed New Workshops First Floor Plan_ Rev A
- 4D_1842_PL_122_Proposed New Workshops Proposed Elevations_ Rev A
- 4D_1842_PL_123_Proposed New Workshops Section 1-1_ Rev A
- 4D_1842_PL_600_Access and Welfare Facilities_ Rev A

GENERAL DOCUMENTS AND REPORTS

- Design and Access Statement (dated January 2020)
- Energy Report 1 (ref: HLEU72484) dated 19th August 2019
Consultant: RPS
- Flood Risk Report and Conceptual Surface Water Drainage Strategy 002 (ref: HLEF72437) dated August 2019
Consultant: RPS
- Preliminary Ecological Appraisal inc. Bat Scoping Assessment (ref: 190415-ED-01) dated August 2019 Consultant: Tim Moya Associates
- Sustainability Statement (ref: HLEU72484) dated 19 August 2019
Consultant: RPS
- Transport Assessment version 02 (ref: JNY10143-01a) dated 19 August 2019 Consultant: RPS
- Arboricultural Report - (ref: 190415-PD-11) dated August 2019
Consultant: Tim Moya Associates
- Noise Impact Assessment – (report number: JAE11016-REPT-01-R0) date of issue 02 July 2019 - Consultant: RPS

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to commencement of the development, a Landscape, a Biodiversity Plan, and a management plan shall be submitted and agreed by the Local Planning Authority and detailing how biodiversity will be incorporated within the development scheme. The plan shall include details of replacement trees, the climbing wall as well as the location of any habitat boxes to be installed.

Reason: To ensure the expectations of NPPF in achieving overall net gain for biodiversity are realised. To comply with Policies SADM10 and SADM12 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS12 of the Hertsmere Core Strategy 2013.

4. NO DEVELOPMENT SHALL TAKE PLACE UNTIL further details of the proposed drainage discharge mechanism with all relevant agreements shall be submitted to the Local Planning Authority and shall include an updated, detailed drainage plan to ensure that there is no flood risk from

surface water.

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policies SADM13, SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Hertsmere Core Strategy 2013.

GENERAL REASON(S) FOR GRANTING PERMISSION

The proposals are considered acceptable. The proposals will facilitate the continued operation of Elstree Studios, supporting the film and television industry in Borehamwood and providing a source of employment within the Borough. The proposals are not considered to result in an unacceptable impact on the visual amenities of the area or residential amenities of neighbouring residents and is not considered to raise any issues in respect of security or highway impacts, flooding/drainage, ecology or environmental issues. The proposal would therefore comply with polices: The application has been considered in the light of the following policies; the NPPF 2019, PPG, CIL, Policies SADM10, SADM12, SADM14, SADM20, SADM30, SADM40 of the Site Allocation and Development Management Plan 2016. Policies CS11, CS12, CS16, CS17, CS22, CS24, CS25, CS27 of the Core Strategy 2013, Part D of the Planning & Design Guide (Draft for DM) 2016, the Parking Standards SPD 2014. Biodiversity, Trees and Landscape SPD 2010

INFORMATIVES

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186, 187 and 188) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone us for fees guidance on 01438 879990.

We can also be contacted by post at Hertfordshire Building control Ltd.,
4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in our acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

Excavation for foundations

Damp proof course

Concrete oversite

Insulation

Drains (when laid or tested)

Floor and Roof construction

Work relating to fire safety

Work affecting access and facilities for disabled people

Completion

Please phone 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

Party Wall etc. Act 1996

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Hertsmere Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

3. Thames Water

Waste Comments

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Supplementary Comments

Surface water disposal to follow the Drainage Hierarchy.

4. Ecology

Nesting birds

Any tree removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Bats

In the unlikely event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

Lighting

Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

5. Construction Management

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/Highways-roads-and-pavements/Highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse,

in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website <https://www.hertfordshire.gov.uk/services/Highways-roads-and-pavements/Highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/Highways-roads-and-pavements/Highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

Case Officer Details

Sharon Richards - email address sharon.richards@hertsmere.gov.uk