

Date of Meeting: 16 January 2020

APPLICATION NO: 19/1737/REM

DATE OF APPLICATION: 28 October 2019

STATUTORY START DATE: 28 October 2019

SITE LOCATION

Units 3 & 4, Former J Sainsbury Distribution Depot, York Crescent, Borehamwood, Hertfordshire, WD6 1SN

DEVELOPMENT

Application for the approval of **reserved matters** relating to (a) **access**, (b) **appearance**, (c) **landscaping**, (d) **layout**, and (e) **scale** in relation to the development of **Units 3 & 4** following approval of 19/0401/OUT for the demolition of existing buildings and erection of new employment units for flexible use within Use Classes B1 (c) (light industry), B2 (general industrial) and B8 (storage and distribution), including ancillary offices and open air storage, plus alterations to and creation of new accesses from the highway; provision of car parking, service yards and external plant; means of enclosure, acoustic screens, landscaping and lighting.

AGENT

Craig Slack
8th Floor, Lacon House
84 Theobalds Road
London, WC1X 8NL

APPLICANT

Panattoni and LU UK V Sarl
care of the agent

WARD: Borehamwood Kenilworth

GREEN BELT: No

CONSERVATION AREA: No

LISTED BUILDING : No

TREE PRESERVATION ORDER: No

REASONS FOR COMMITTEE CONSIDERATION

This is a Reserved Matters application following on from an Outline Planning Permission that was granted in July 2019. As the Outline permission was granted by the Planning Committee, it is considered appropriate that the Reserved Matters application should likewise be determined by the Committee, rather than being determined under delegated powers.

1.0 SUMMARY OF RECOMMENDATION

- 1.1 Approve the reserved matters, subject to conditions that are set out at the end of this report.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is part of the former Sainsbury's distribution depot on York Crescent, Elstree Way, Borehamwood. It changed hands last year (2019) after having been vacated by Sainsburys. The main building on the site was a refrigerated warehouse for frozen goods, and the second building was a power plant that supported it. There were also some ancillary offices and paved hardstanding. The site's new owners are developers who specialise in commercial warehouse developments, and they are the applicants in this case. Work has been underway over the last few months on demolishing the former depot buildings and clearing the site.
- 2.2 There is a belt of mature trees on the eastern boundary of the site with Rowley Lane – some standing with their trunks inside and some outside the boundary. Along the site's northern and western boundaries are rows of fir trees whose trunks are outside the boundary but whose branches overhang into the site. This is not a Conservation Area, and there are no Tree Preservation Orders on or near the site.
- 2.3 Neighbouring the site to the north are some commercial buildings at Borehamwood Industrial Park, and those are the nearest neighbours as regards the particular section of the site that is the subject of this report (i.e. Units 3 & 4). There are also some residential properties on Banks Road, Laughton Court and Mason Close to the north, and on Rutherford Close and Studio Way to the west of the wider site; but those residential areas are not adjacent to the portion of the site that is the subject of this report (which relates only to Units 3 & 4) but rather they are adjacent to Unit 1 (which has recently had its reserved matters approved under reference 19/1532/REM as per the decision of the Planning Committee at its meeting of 16th December 2019).
- 2.4 To the west of the wider site (though not adjacent to the portion that is the subject of this report) is a neighbouring warehouse known as Lupa House, which fronts onto Elstree Way. Members of the Planning Committee may recall that an application seeking permission to redevelop Lupa House as a supermarket and warehouse (19/0989/FUL) was to have been considered at the committee's meeting of December 2019, and that the officer's report was included on the agenda, but the applicants withdrew their application shortly before that meeting. Beyond Lupa House is the Elstree University Technical College.
- 2.5 The site is bounded to the east by Rowley Lane and to the South-East by York Crescent, on which stands Elstree House, which is a tower with a distinctive triple-winged design that was once an office building, but which has been converted into flats. This building shares with the site the use of York Crescent as its one-way access road – vehicles must enter from Rowley Lane to the north, and exit onto Elstree Way to the south. York Crescent is a public highway.

- 2.6 The site has two entrances: one is on its eastern boundary, giving access directly off York Crescent; the other is at its south-western corner, and that is accessed from York Way, which is a private road running parallel to Elstree Way and which is connected to York Crescent. Units 3 and 4 (which are the subject of this report) would be served by both of those access points. To be clear, York Way (running parallel to Elstree Way) is land which belongs to the applicants and forms part of the site, whereas York Crescent (the short one-way road to the east of the site) is a public highway.
- 2.7 The site was once a film studio, but no trace of its former role remains. The buildings on the opposite side of Elstree Way are commercial premises, and two of those are Locally Listed Buildings, being art deco style warehouses at 4 and 5 Elstree Way. Despite their appearance (which is reminiscent of film studio buildings of that period) it is thought that these Locally Listed warehouses were never part of the film studio.

3.0 GRANTING OF THE OUTLINE PLANNING PERMISSION

- 3.1 Planning application 19/0401/OUT was submitted in March 2019, seeking Outline Planning Permission with all matters reserved. That application was considered by the Planning Committee at their meeting of 18th July 2019, at which a decision was made to grant Outline Planning Permission (subject to fourteen conditions, and with all matters reserved). The permission was issued on 23rd July 2019.
- 3.2 The description of the Outline Planning Permission was as follows:
- 3.3 *Demolition of existing buildings and erection of new employment units for flexible use within Use Classes B1 (c) (light industry), B2 (general industrial) and B8 (storage and distribution), including ancillary offices and open air storage, plus alterations to and creation of new accesses from the highway; provision of car parking, service yards and external plant; means of enclosure, acoustic screens, landscaping and lighting. Outline application with all matters reserved.*
- 3.4 **Condition 1 of that outline permission specified the Reserved Matters as follows:**

No construction work for any phase of the development shall commence (other than site clearance and demolition) until written approval has been obtained from the Local Planning Authority as regards the following matters for that phase (which are hereafter referred to as the Reserved Matters), and the development of each phase shall thereafter be carried out in accordance with the approved Reserved Matters:

i) Access

To include the location and design of the site's access to the public highway for vehicles, cycles and pedestrians.

ii) **Appearance**

To include the external built form of the development and its materials, decoration, external lighting, colour and texture.

iii) **Landscaping**

To include details of any existing trees that are to be retained (specifically those on the eastern boundary of the site adjacent to Rowley Lane).

iv) **Layout**

To include details of parking (including the parking of cycles and electric vehicles) and circulation space within the open spaces of the development.

v) **Scale**

To include the size and dimensions of each building within the development in relation to the ground level and in relation to adjacent neighbouring buildings.

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

4.0 PHASES OF THE DEVELOPMENT

- 4.1 The developers intend to build the scheme in phases, starting with Unit 1. That unit is to be built first because the developers already have a tenant for it, and that tenant (UK Power Networks) is currently occupying one of the old buildings on the site – all of which are to be demolished. The intention therefore is to build Unit 1 first because it would stand on land in the North-West corner of the site that previously had no building on it; it was hardstanding for surface parking. Once Unit 1 is completed the tenants would be moved into the new building, thereby enabling the developers to demolish their current building, so as to be able to build Unit 2 on that land – which is the southern part of the site, fronting onto York Way and Elstree Way. The Reserved Matters for Unit 1 were recently approved under reference 19/1532/REM as per the decision made by the Planning Committee at their meeting of 16th December 2019. Unit 2 will be the subject of another Reserved Matters application, but that has yet to be submitted.
- 4.2 Units 3 and 4 are to be built together in the North-Eastern part of the site, and they are the subject of this report (19/1737/REM). They are to be a “semi-detached” pair, with Unit 3 being the western half and Unit 4 the eastern half.

5.0 THE PROPOSAL

- 5.1 This application relates only to Units 3 and 4 (there are to be four units in total) which would be located in the North Central and North Eastern portion of the site. The proposal is to erect a pair of warehouses which would be “semi-detached”. Unit 3’s gross internal floor area would be 7,860 square metres and that of Unit 4 would be 6,433 square metres. Each of these buildings would be mostly devoted to a double height warehouse area (7,021

square metres for Unit 3 and 6,433 square metres for Unit 4) but in each case there would also be a reception area and toilet on the ground floor, and on the partial first floor there would be an open plan office with a meeting room and toilets. The pair of buildings would be 18m high at the ridge and 15m high at the eaves. The external materials would be coated metal cladding in a palette of black, white and grey.

- 5.2 A total of 76 parking spaces are proposed for Unit 3. This would include four spaces for disabled users, 8 spaces for charging electric vehicles, and ducting would be installed to allow for the future installation of electric vehicle charging points for up to another 27 spaces. Cycle racks are also proposed.
- 5.3 Unit 4 would have a total of 70 parking spaces. This would include 4 spaces for disabled users, 7 electric vehicle charging spaces, and ducting to allow for the future installation of EV charging posts to serve 28 more of the spaces. Cycle racks are proposed. Both units would also have loading bays for lorries on the south elevation.
- 5.4 Apparently the applicants do not yet have tenants for Unit 3 and 4, but they have stated that they are confident of being able to market warehouses of this type and size in Borehamwood.

5.5 Key Characteristics

Site Area	3.28 hectares for the area outlined for this application (i.e. Units 3 and 4 including the access road). The overall site (i.e. including Units 2, 3 and 4) covered by the Outline Permission is 6.79 hectares.
Floor Areas	Unit 3 warehouse space: 7,021 square metres Unit 3 offices: 839 square metres Unit 3 total gross internal area: 7,860 square metres Unit 4 warehouse space: 5,885 square metres Unit 4 offices: 548 square metres Unit 4 total gross internal area: 6,433 square metres
Mix	Warehouses (B8) with ancillary office space (B1).
Dimensions	Max height: 18m Width (of both buildings combined): 1,927.4m Depth: 65.1m

Number of Car Parking Spaces	<p>For Unit 3: 8 electric vehicle charging spaces 4 disabled parking spaces 64 standard car parking spaces (27 of which would have ducting installed to allow their easy conversion in future to electric vehicle charging spaces) Total: 76 car parking spaces</p> <p>For Unit 4: 7 electric vehicle charging spaces 4 disabled parking spaces 59 standard car parking spaces (28 of which would have ducting installed to allow their easy conversion in future to electric vehicle charging spaces) Total: 70 car parking spaces</p>
-------------------------------------	---

6.0 PLANNING HISTORY

- 6.1 The table below sets out the planning history since the Outline Planning Permission was granted in 2019. For the earlier planning history please refer to the planning officer's committee report for the outline application 19/0401/OUT.

Reference	Description	Outcome and date
19/0401/OUT	Demolition of existing buildings and erection of new employment units for flexible use within Use Classes B1 (c) (light industry), B2 (general industrial) and B8 (storage and distribution), including ancillary offices and open air storage, plus alterations to and creation of new accesses from the highway; provision of car parking, service yards and external plant; means of enclosure, acoustic screens, landscaping and lighting. Outline application with all matters reserved.	Grant Outline Permission 23 July 2019 The decision to grant outline planning permission was made by the Planning Committee at their meeting of 18 July 2019.
19/0474/DEM	Demolition of all buildings on site. (Application for Prior Notification of demolition).	17 April 2019 Application Withdrawn As it is impossible to extend the determination deadline for this type of Prior Approval application, it was withdrawn (and subsequently resubmitted

		under reference 19/0742/DEM see below) by the applicant to allow more time for discussions with the Council on the subject of wildlife protection.
19/0742/DEM	Demolition of all buildings on site. (Application for Prior Notification of demolition).	Prior Approval was granted 6 June 2019 The decision to issue Prior Approval was made under delegated powers.
19/1189/DOC	Application for approval of details reserved by condition 5 (unexploded ordnance threat assessment) of planning permission reference 19/0401/OUT	Condition Discharged 8 August 2019 The condition was discharged under delegated powers.
19/1650/DOC	Application for approval of details reserved by condition 9 (noise impact assessment) of planning permission reference 19/0401/OUT, as regards Unit 1 only (does not include Units 2, 3 or 4).	Condition Discharged 28 Nov. 2019 The condition was discharged under delegated powers.
19/1680/DOC	Application for approval of details reserved by condition 6 (environmentally sustainable design) of planning permission reference 19/0401/OUT, as regards Unit 1 only (i.e. not including Units 2, 3 or 4).	Condition Discharged 29 October 2019 The condition was discharged under delegated powers.
19/1713/DOC	Application for approval of details reserved by condition 7 (tree protection) of planning permission reference 19/0401/OUT.	Condition Discharged 10 December 2019 The condition was discharged under delegated powers.
19/1714/DOC	Application for approval of details reserved by condition 11 (drainage) of planning permission reference 19/0401/OUT as regards Unit 1 only (i.e. not including Units 2, 3 or 4).	Condition Discharged 28 Nov. 2019 The condition was discharged under delegated powers.
19/1715/DOC	Application for approval of details reserved by condition 11 (drainage)	Condition Discharged 28 Nov. 2019

	of planning permission reference 19/0401/OUT as regards Units 3 & 4 only (i.e. not including Units 1 or 2).	The condition was discharged under delegated powers.
19/1532/REM	Application for the approval of reserved matters relating to (a) access, (b) appearance, (c) landscaping, (d) layout, and (e) scale in relation to the development of Unit 1 following approval of 19/0401/OUT for the demolition of existing buildings and erection of new employment units for flexible use within Use Classes B1 (c) (light industry), B2 (general industrial) and B8 (storage and distribution), including ancillary offices and open air storage, plus alterations to and creation of new accesses from the highway; provision of car parking, service yards and external plant; means of enclosure, acoustic screens, landscaping and lighting.	Reserved Matters were approved on 19 Dec 2019 This case was determined by the Planning Committee at their meeting on 16.12.2019.
19/1743/DOC	Application for approval of details reserved by condition 6 (sustainable design) of planning permission reference 19/0401/OUT as regards Units 3-4 only (i.e. not including Units 1 or 2).	Condition Discharged 28 Nov. 2019 The condition was discharged under delegated powers.
19/1774/DOC	Application for approval of details reserved by condition 9 (noise mitigation) of planning permission reference 19/0401/OUT, as regards Units 3 & 4 only (i.e. not including Units 1 or 2).	Condition Discharged 3 Dec. 2019 The condition was discharged under delegated powers.
19/1992/DOC	Application for approval of details reserved by condition 12 (land remediation) of planning permission reference 19/0401/OUT	Pending
No application received yet	An application is expected early in 2020 for approval of the reserved matters as regards Unit 2 , but no such application has yet been received.	No application has yet been received. Expected in the first quarter of 2020.

7.0 CONSULTATION & RESPONSES

7.1 Notices

A site notice (Generic) was put up on 30th October 2019, with an expiry date of 20th November 2019

A press notice was published in the Borehamwood Times on 14th November 2019, with an expiry date of 5th December 2019

7.2 Summary of consultation responses

The following organisations were consulted:

Consultee	Date Consulted
Natural England Consultation Service	30 October 2019
Elstree & Borehamwood Residents Association	30 October 2019
Elstree & Borehamwood Town Council	30 October 2019
Well END Ers (Well End residents' association)	30 October 2019
Senior Traffic Engineer Hertsmere Borough Council	30 October 2019
Building Control	30 October 2019
CPZ - Parking Operations Hertsmere Borough Council	30 October 2019
Drainage Services Hertsmere Borough Council	30 October 2019
Environmental Health & Licensing Hertsmere Borough Council	30 October 2019
Waste Management Services Hertsmere Borough Council	30 October 2019
Policy & Transport team Hertsmere Borough Council	30 October 2019
Tree Officer Hertsmere Borough Council	30 October 2019
Archaeology team Hertfordshire County Council	30 October 2019
Thames Water	30 October 2019
Highways England	30 October 2019
Hertfordshire Ecology	30 October 2019
EDF Energy Networks	30 October 2019
Cadent Gas Limited (Previously called National Grid Company Plc)	30 October 2019
Planning Obligations Officer (a.k.a. Growth & Infrastructure Unit) Hertfordshire County Council	30 October 2019
Highways Service Hertfordshire County Council	30 October 2019
Environment Agency	30 October 2019

Consultee	Date Consulted
Place Services (Conservation & design consultants to Hertsmere Borough Council)	30 October 2019
Flood Risk And SuDS Officer Hertfordshire County Council	30 October 2019 Again on 09.12.2019
Affinity Water Limited	30 October 2019
The Hertfordshire Environmental Records Centre	30 October 2019
Transport For London	30 October 2019
UK Power Networks	30 October 2019

7.3 Short responses have been reproduced verbatim in the table below, while longer responses are summarised (the full text of those is published on the Council's website). In the case of the comments that have been received from Hertfordshire County Council's Highways Officer, her first and second responses are summarised in the table below, and her second response is also reproduced whole and verbatim in section 10.9 of this report (section 10 addresses highways issues).

Consultees	Response
Natural England	A response was received on 05.11.2019 SUMMARY: Natural England have not assessed this application and they have no comments to make. They refer the Council to the standing advice that they have published on their website.
Elstree & Borehamwood Town Council	A response was received on 01.12.2019 VERBATIM: At its meeting on 26 November 2019 the Environment and Planning Committee commented that the Town Council supported applications that promoted a thriving local economy such as this one.
CPZ - Parking Operations Hertsmere Borough Council	A response was received on 15.11.2019 VERBATIM: The property is outside of the Controlled Parking Zone – no comment.
Drainage Services Hertsmere Borough Council	A response was received on 13.11.2019 VERBATIM: No comments.
Environmental Health & Licensing Hertsmere Borough Council	A response was received on 21.11.2019 VERBATIM: Environmental Health has reviewed the documents

	<p>submitted and raises concerns as no details have been provided for the acoustic screens. Is this something that would be covered under reserved matters or will this be approved under the noise condition?</p> <p>PLANNING OFFICER'S NOTE: An acoustic screen is proposed, but not in this application (which relates to Units 3 & 4); rather it is in application 19/1532/REM which relates to Unit 1. That is because it will be Unit 1 that backs on to residential neighbours, whereas Units 3 & 4 will back on to a neighbouring commercial site that is less sensitive to noise. In application 19/1532/REM there are 2 drawings showing details of the proposed acoustic screen (drawing A114337 by WYG and XXX-XXX-SGP-ST-ZZ-DR-A-100101-B by Panattoni), which will be on the north boundary behind Unit 1's service yard, backing onto Mason Close. The drawings show that the acoustic fence will be a timber barrier 4 metres tall, and that the fir tree branches above will be cut back to make space for it.</p> <p>Details of noise mitigation for Units 3 & 4 have been approved (under delegated powers) as a discharge of Condition 9 under reference 19/1774/DOC, on 03.12.2019. Another Environmental Health Officer commented on that application on 25.11.2019 and raised no objection to it. The conclusion of the consultants' noise report that was submitted with that application was that the predicted worst-case noise levels would be within acceptable levels at daytime and at night time, regardless of whether neighbouring windows are open or closed, and that noise levels are predicted to be below those that were generated by the previous use of the site. A similar discharge of condition application as regards Unit 1 was approved under reference 19/1650/DOC – again with comments having been received from Environmental Health raising no objection.</p>
Waste Management Services Hertsmere Borough Council	A response was received on 13.11.2019 VERBATIM: No comment.
Archaeology Unit Hertfordshire County Council	A response was received on 14.11.2019 VERBATIM: Please note that we have no comments to make on the above application.
Highways Service	A first response was received on 25.11.2019

Hertfordshire County Council

SUMMARY:

In their **first response**, the county council, in their capacity as the Highway Authority, objected to this application, and they recommend refusal on the following grounds:

- No swept path plan had been submitted to show that a large car would be able to access some of the spaces that appear difficult to manoeuvre into.
- No swept path plan had been submitted to show that a large HGV (16.5m long) can access the trailer spaces.
- No swept path plan had been submitted to show that a large HGV (16.5m long) can enter the site while another is waiting to depart, nor to show that such vehicles could manoeuvre within the site to leave in forward gear.
- Detailed design drawings of the proposed access points were lacking.
- Details should have been submitted, but were not, of the existing on-street parking along York Crescent, explaining how these would be affected by the proposed access arrangements.
- The quantum of car parking spaces was below the minimum standard that is required by the Parking Standards supplementary planning document, but no justification for that shortfall had been submitted.
- The quantum of cycle parking spaces was below the minimum standard that is required by the Parking Standards supplementary planning document. Information was lacking as to whether the cycle spaces would be secure and covered.

In response to the Highways Officer's concerns, the applicants submitted a revised layout plan on which more cycle parking was proposed for both units, and they also submitted a Transport Technical Note which is a document addressing each of the issues that she had raised, with detailed drawings of the proposed access appended.

The County Council's Highways Officer has reviewed these new documents and **on 02.01.2020 she**

	<p>submitted a second response in which she removed her objection to the application. She requested that 6 conditions and 3 informatives be applied to the planning permission. Please refer to section 10.9 of this report for the full text of her second representation.</p>
<p>Environment Agency</p>	<p>A response was received on 19.11.2019 SUMMARY:</p> <p>They note that the eastern boundary is adjacent to the Rowley Lane Drain but there are no medium or high risk flood zones affecting this site, and they have no objection to the application. They suggest that an informative note be applied to remind the applicants that an Environmental Permit might be required in addition to planning permission.</p>
<p>Flood Risk And Sustainable Drainage (SuDS) Officer Hertfordshire County Council</p>	<p>A first response was received on 15.11.2019 VERBATIM:</p> <p>Following a review of the information submitted with this application, we note that the proposed revised layout impacts on the original drainage strategy approved. Therefore, we would advise the LPA to obtain from the applicant an updated drainage scheme. Therefore, we would recommend the LPA not to approve the proposed reserved matters planning application on surface water and flood risk grounds. Should the LPA require further information from the applicant, we would be happy to offer any further advice on any subsequent information received by the LPA.</p> <p>Following discussions with the planning officer and a second consultation, a second response was received on 19.12.2019</p> <p>VERBATIM:</p> <p>Following our discussion with the LPA, we understand that a detailed drainage scheme has been approved by the LPA under a planning application 19/1715/DOC. As we have not recommended its approval, we are not in a position to formally comment on it. However, having reviewed the information submitted with reserved matters application, we note that the proposed revised layout does not impact on the approved drainage strategy. Therefore, we would have no comment to make on surface water and flood risk grounds.</p>
<p>Transport For London</p>	<p>A response was received dated 31.10.2019</p>

	<p>VERBATIM:</p> <p>The proposed development does not appear to have any impact on TfL projects, services or infrastructure and so we have no comments to make on the planning application.</p>
--	---

7.4 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	2	0	524	2

7.5 Summary of neighbour / public representations

7.6 Five hundred and twenty four consultation letters were sent to premises that are neighbours to the site or which are located nearby. A site notice was put up, and a press notice was published in a local newspaper. In response two representations have been received, which were both objections: one was from a resident of one of the flats at Elstree House, and the other was from a resident of Pinewood Close. The following is a summary of the points that they raised which are relevant to this application:

- The number of car parking spaces does not seem adequate for the site. This could result in overspill parking on local residential streets such as Studio Way (which is already congested with commuters' cars) or Pinewood Close.
- A new access road should be created so that the site would not be accessed via York Crescent, as the residents of Elstree House fear that traffic associated with the site will disturb them as it passes their block of flats.

8.0 PLANNING POLICY CONTEXT

8.1 National Policy / Guidance

- National Planning Policy Framework 2019
- Planning Practice Guidance

8.2 The Development Plan

The **Hertsmere Local Plan** comprising the following three documents:

- Core Strategy (adopted 2013)
- Site Allocations and Development Management Policies Plan (adopted 2016)
- Elstree Way Corridor Area Action Plan (adopted 2015)

The following County Council documents also form parts of the Development Plan:

- Hertfordshire Minerals Local Plan Review 2002-2016 (adopted March 2007)
- Hertfordshire Waste Core Strategy & Development Management Policies (adopted November 2012)
- Hertfordshire Waste Site Allocations Document (adopted July 2014)

Relevant policies from the Hertsmere Local Plan:

Core Strategy 2013:

- SP1 Creating sustainable development
- CS8 Scale and distribution of employment land
- CS10 Land use within employment areas
- CS16 Environmental impact of new development
- CS17 Energy and CO2 reductions
- CS18 Access to services
- CS19 Key community facilities
- CS22 Securing a high quality and accessible environment
- CS24 Development and accessibility to services and employment
- CS25 Accessibility and parking
- CS26 Promoting alternatives to the car
- SP2 Presumption in Favour of Sustainable Development

Site Allocations and Development Management Policies Plan 2016:

- SADM5 Employment Areas
- SADM10 Biodiversity and Habitats
- SADM12 Trees Landscaping and Development
- SADM19 Waste Storage in New Development
- SADM20 Environmental Pollution and Development
- SADM30 Design Principles
- SADM40 Highway Access Criteria for New Developments

Supplementary Planning Documents (SPDs)

- Parking Standards SPD
- Planning and Design Guide SPD Part D: Guidelines for Development (consultation draft 2016, not yet adopted)
- Biodiversity Trees and Landscape SPD

9.0 ASSESSMENT AND REASONED JUSTIFICATION

- 9.1 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 considerations indicate otherwise'.
- 9.2 All of the “matters” were reserved at the Outline stage, and therefore they should all be considered now (as regards Units 3 and 4 only). These reserved matters were: (a) *access*, (b) *appearance*, (c) *landscaping*, (d) *layout* and (e) *scale*. The following assessment will address each of these matters. As the matters of *access* and *layout* (including parking) both relate to vehicles and have both been addressed in comments received from the County Council in their capacity as the local Highways Authority, those issues are considered together below.

10.0 Access and layout (including parking)

- 10.1 Highways England (not to be confused with Hertfordshire County Council’s Highways Service – see below) were consulted because they are responsible for the Strategic Road Network, including motorways and major main roads such as the A1 which has a junction near this site. No response has been received from them in this case. However they were also consulted on the Reserved Matters application for Unit 1 (19/1532/REM) and in that case they did reply, sending two responses (on 22.10.2019 and 13.11.2019) both stating that they had no objection to that application as they did not consider that it would adversely affect the Strategic Road Network.
- 10.2 Hertfordshire County Council were consulted, as they are the local Highway Authority who are responsible for public highways other than those which are covered by the Strategic Road Network. They wrote initially on 25.11.2019 to object to the application and to recommend refusal on the following grounds:
- No swept path plan had been submitted to show that a large car would be able to access some of the spaces that appear difficult to manoeuvre into.
 - No swept path plan had been submitted to show that a large HGV (16.5m long) can access the trailer spaces.
 - No swept path plan had been submitted to show that a large HGV (16.5m long) can enter the site while another is waiting to depart, nor to show that such vehicles could manoeuvre within the site to leave in forward gear.
 - Detailed design drawings of the proposed access points were lacking.
 - Details should have been submitted, but were not, of the existing on-street parking along York Crescent, explaining how these would be affected by the

proposed access arrangements.

- The quantum of car parking spaces was below the minimum standard that is required by the Parking Standards supplementary planning document, but no justification for that shortfall had been submitted.
- The quantum of cycle parking spaces was below the minimum standard that is required by the Parking Standards supplementary planning document. Information was lacking as to whether the cycle spaces would be secure and covered.

10.3 Applicants' response to the initial objection from Hertfordshire County Council's Highways Service

- 10.4 In response to the concerns that were raised by the County Council's Highways Officer in her letter of 25th November 2019, the applicants submitted (on 5th December 2019) a revised version (revision F) of the proposed site layout plan (the revision being that more cycle racks are now proposed) and also a new Technical Transport Note which addresses the points that the Highways Officer had raised in her objection.
- 10.5 One of the points that the County Council's Highways Officer had raised was that detail had been lacking on the proposed alterations to the existing access from York Crescent. In response the Transport Technical Note explained what those alterations would consist of, and showed them in plan form as appendix B.
- 10.6 Another of the points that the County Council's Highways Officer had raised was that swept path assessments (also known as tracking plans) were lacking to show that vehicles (including HGV lorries of up to 16.5m in length) could manoeuvre safely within the site and leave in forward gear. In response the Transport Technical Note contains tracking plans as appendices to show that such vehicles would be able to manoeuvre within the site.
- 10.7 Another issue of concern that had been raised by the Highways Officer had been that the number of car parking spaces proposed had been below that which Hertsmer Borough Council's Parking Standards supplementary planning document recommends for a mixed commercial development of classes B1, B2 and B8 – which (based on the floorspace areas proposed and taking account of allowable discounts) would be a requirement of 98 car spaces at Unit 3 and 80 car spaces at Unit 4, making a total requirement of at least 178 car parking spaces. The number of parking spaces is not stated anywhere in the application so both the Highway Officer and the Planning Officer have counted them on the plan, and both have arrived at the same figure of 146 spaces in total. In response to the concerns expressed by the Highways Officer, the Technical Transport Note has now been submitted providing survey figures to justify the quantum of parking space that is proposed. It argues that allowance should be made for the fact that these units would be primarily B8 warehouse units, with the office uses being

secondary, and that warehouses are likely to have less need for car parking spaces than would a development that was primarily office space.

- 10.8 The County Council's Highways Officer was re-consulted on the amended site plan and on the new Transport Technical Note. She responded with a second letter on 2nd January 2019, the full text of which is reproduced below. In it she withdraws her former objection, and she requests that six conditions and three informative notes be applied to the planning permission.
- 10.9 **Text of the second representation, which was received from Hertfordshire County Council's Highways Service on 2nd Jan 2020:**

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions. Hertfordshire County Council (HCC) as highway authority wishes to recommend permitting the proposed development, subject to suitable conditions.

Condition 1: Existing Access

Prior to the first use the development hereby permitted the vehicular access (indicated for improvement on drawing number 20011-04) shall be upgraded to a width of 7.3m with provision for 2m footways on either side of the carriageway. Kerb radii of 12m shall be provided in accordance with Hertfordshire County Council industrial access construction specification. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movements and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 2: Provision of Visibility Splays

Prior to the first use of the development hereby permitted, a visibility splay shall be provided in full in accordance with details as indicated on the approved drawing number 20011-04, of 27 metres to the east at a setback of 2.4 metres. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 3: Provision of Parking and Servicing Areas

Prior to the first use of the development hereby permitted, the proposed onsite car, trailer and cycle parking, servicing and loading / unloading areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 4: Construction Traffic Management Plan

No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;*
- b. Access arrangements to the site;*
- c. Traffic management requirements;*
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);*
- e. Siting and details of wheel washing facilities;*
- f. Cleaning of site entrances, site tracks and the adjacent public highway;*
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;*
- h. Provision of sufficient on-site parking prior to commencement of construction activities;*
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;*
- j. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.*

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 5: Servicing and Delivery Management Plan

Prior to commencement of the development, the applicant shall submit a Servicing and Delivery Plan to be submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that would be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles.

Reason: In the interests of maintaining highway efficiency and safety.

Condition 6: Electric Vehicle Charging Points

Prior to the use of the development hereby permitted, the details of the siting, type and specification of EVCPs, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All

EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Informatives

HCC recommends inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.

AN1) 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.

AN2) 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 willfully 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.

AN3) 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.

Section 278 / Section 184 Agreement

A Section 278 / 184 Agreement, whichever is more appropriate, will be required for any changes on the highway. Any proposed alterations to the

highway network would be subject to a detailed design review at a later stage as part of the Section 278 or 184 agreement, whichever is most appropriate.

Application Type

The application is a reserved matters application. The application was originally supported by a Cover Letter (dated 24th October 2019) and supporting plans. Following an initial review of the information submitted, HCC recommended refusal as further information was required on the transport and highways aspects of the scheme. Additional information in the form of a transport Technical Note (dated 4th December 2019) and additional access and swept path assessments have since been submitted, and the following updated comments provided.

Description of the Proposal

The application seeks to obtain approvals relating to the consented scheme for new employment units at the former J Sainsburys Deport, on York Crescent in Borehamwood. The outline application (reference 19/0401) was approved in July 2019, subject to conditions. With regards to highways and transport, Condition 1 (i) related to agreement of the proposed location and design of access junctions to serve the scheme. Condition 1 (iv) related to approval of the layout including details on car and cycle parking provision. The submitted reserved matters application refers to the proposed 'Unit 3' and 'Unit 4' only, which have been identified as within 'Building Zone B' on the approved Parameters Plan. It is understood that Unit 1 has already been subject to a submitted reserved matters application (reference: 19/1532/REM), with separate phased reserved matters applications forthcoming for all other units.

Site Description

The proposed Units 3 and 4 will occupy the northern extents of the consented site. However, it is not yet known who the end-occupiers will be. Unit 3 and Unit 4 would comprise 7,860sqm and 6,433sqm GFA, respectively, of the total 34,650sqm GFA permitted under the outline permission.

Details relating to the site's accessibility, anticipated trip generation, distribution and anticipated highway impacts of the scheme have already been provided as part of the outline planning consent (reference: 19/0401) and accepted by the Local Highway Authority. An updated general arrangement plans for Unit 3 and Unit 4 submitted as part of this reserved matters application has been reviewed (drawing no. SGP-34-00-DR-A-P301 Revision F), and the following comments provided.

Highway Layout

Vehicular Access

Previous comments made by the Local Highway Authority on the outline application stated that any access details submitted at reserved matters stages should include details on the proposed position of any new access junctions, any consequential loss of on-street car parking as a result, and details to ensure that all drivers leaving the development are fully aware of the one-way working on York Crescent. The proposed access strategy is shown

on drawing no. 20011-04 and is described in the accompanying transport Technical Note. As described, Unit 3 and Unit 4 are proposed to be accessed via the existing junction from York Crescent.

The existing access comprises an informal T-junction arrangement from York Crescent with an access width measuring approximately 38 metres wide. The existing access would have accommodated a number of access and egress movements and served multiple parts of the existing site including: the former car park to the northeast, the main depot buildings to the north and surplus parking areas to the west. An advisory 10mph speed limit restriction is also signposted on entry to the site from the existing access. A footway is provided along the eastern side of the carriageway only. Existing 'No Entry' signage is provided along York Crescent to the immediate east of the existing access junction to advise drivers that the road eastbound is one-way only.

The access strategy as shown on drawing no. 20011-04 confirms that the existing access junction is proposed to be upgraded to provide a more standardised T-junction arrangement. As illustrated, the proposed access strategy includes for the existing junction to be reduced in width to provide a 7.3m wide carriageway with 12m kerb radii. The access will also provide 2m wide footways on either side of the junction. A visibility splay of 27m to the east of the junction, at a setback of 2.4m has been demonstrated as achievable, which is commensurate to the recorded 85th percentile speed of the road at 24.1mph. Based on the existing one-way working of York Crescent, this is considered acceptable.

The proposed access strategy, as illustrated on drawing no. 20011-04, also confirms that the extent of the visibility splay (eastbound) will not impact on existing on-street parking along York Crescent. The access strategy proposed is therefore considered compliant with Condition 1 (i) of the outline consent.

It is noted that any works within the highway, including changes to the existing site access junction, will be subject to Section 278 / Section 184 Agreements. The design proposals will be subject to detailed design review as part of either the Section 278 or 184 Agreement, whichever is most appropriate.

Servicing and Refuse Vehicle Access

The existing access junction and internal access roads into the site are wide enough to accommodate any larger vehicles which may have required access to the former depot. To confirm appropriateness of the proposed access improvements and internal layout, swept path assessments has been submitted as part of the transport Technical Note (drawing nos. 20011-03-A, 20011-03-1-A, 20011-03-2-A and 20011-04-1). The swept path assessments confirm that a 16.5m long articulated lorry is able to access, egress and turnaround within the site without conflict. This is considered acceptable.

Pedestrian and Cycle Access

As mentioned above, the proposed access strategy as shown on drawing no. 20011-04 confirms that 2m wide footways will be provided along both sides of

the altered access junction, extending into the site, to facilitate pedestrian access. This is considered acceptable.

Parking

Car Parking Provision

The proposed car parking strategy is shown on drawing no. SGP-34-00-DR-A-P301 Revision F. The Proposed Site Plan confirms that the proposals will include for approximately 76 car parking spaces located to the western side of the proposed building for Unit 3. This includes approximately 64 standard car parking spaces, four dedicated disabled parking spaces and eight dedicated Electric Vehicle Charging (EVC) spaces for Unit 3. The proposed parking strategy for Unit 4 will include for approximately 70 car parking spaces located to the eastern side of the proposed building for Unit 4. This includes approximately 59 standard car parking spaces, four dedicated disabled parking spaces and seven EVC spaces for Unit 4. Both proposed parking areas include for ducting to facilitate additional future EVC provision.

Hertsmere Borough Councils adopted parking standards are set out in the Parking Standards SPD (July 2014). For B1/B2/B8 'flexible consent' schemes, the standards require one space per 40sqm. Based on Unit 3 accommodating approximately 7,860sqm, a total 197 car parking spaces would be required. Based on the same standards, Unit 4 which accommodates 6,433sqm would be required to provide 161 car parking spaces. It is noted that the site falls near Zone 3 of Hertsmere's Non-Residential Accessibility Zones and would therefore be able to provide a reduced provision of 50-75% of the total required parking. On this basis, Unit 3 should have between 98 and 148 spaces and Unit 4 could have between 80 and 121 spaces. This would be a total of between 178 and 279 spaces. In total, the scheme proposes to provide 146 spaces which would only equate to approximately 40% of the total provision required. The transport Technical Note (dated 4th December 2019) has used previously agreed TRICS trip rate data as part of the consented Transport Assessment (arrivals and departures over a 12-hour period for Uses B1c/B2) to calculate anticipated car parking accumulation. It is noted that the proposed trip rates do not account for any B8 usage to be included within the mix of Use Classes, which would typically be associated with fewer vehicle trips. The trip rates used can therefore be considered robust. The car parking accumulation exercise confirms that the maximum demand for Unit 3 is 71 spaces and the maximum demand for Unit 4 is 58 spaces. The total number of spaces proposed for each of these units exceeds anticipated maximum demand. It is also noted that some of the trips accounted for may relate to HGV / trailer trips and separate parking spaces have been provided for larger vehicles. Whilst only equating to approximately 40% of the total provision required, based on the car parking accumulation exercise undertaken, the proposed level of car parking provision is considered acceptable and appropriate for likely demand and use on site.

Additional swept path assessments have also been undertaken and submitted as part of the transport Technical Note (dated 4th December 2019). Drawing nos. 20011-03-A, 20011-03-1-A and 20011-03-2-A confirm that there is sufficient space for a vehicle to enter and exit from car parking spaces without

conflict. The swept path assessments submitted demonstrate manoeuvrability for the most difficult to access spaces in each of the car parking areas proposed. This is considered acceptable. The parking strategy proposed is therefore considered compliant with Condition 1 (iv) of the outline consent.

Larger Vehicle Parking Provision

In terms of HGV spaces, the Proposed Site Layout as shown on drawing no. SGP-34-00-DR-A-P301 Revision F also confirms that approximately 12 and 10 'trailer' spaces will be provided for Units 3 and 4, respectively, to the south of the proposed buildings. The proposed number of larger vehicle parking spaces is considered acceptable.

Swept path assessments have been undertaken and submitted as part of the transport Technical Note (dated 4th December 2019). Drawing nos. 20011-03-A, 20011-03-1-A and 20011-03-2-A confirm that there is sufficient space for a 16.5m long articulated lorry to safely manoeuvre into and out of the proposed trailer parking spaces without conflict, and that larger vehicles are able to access, egress and turnaround in and out of the site in a forward gear. This is considered acceptable. The parking strategy proposed is therefore considered compliant with Condition 1 (iv) of the outline consent.

Cycle Parking Provisions

In terms of cycle parking provision, drawing no. SGP-34-00-DR-A-P301 Revision F confirms provision of up to 20 cycle parking stands to the west of Unit 3, providing up to 40 cycle parking spaces for Unit 3. A total 15 cycle parking stands are also proposed to be provided for Unit 4 to the east of the proposed building, which would be able to accommodate up to 30 bicycles. The total number of cycle parking spaces proposed equates to approximately 1 space per 204sqm (based on the GIA of Units 3 and 4 combined). Hertsmere Borough Councils adopted parking standards SPD (July 2014) requires 1 short-term cycle parking space per 500sqm and 1 long-term cycle parking space per 10 staff. It is noted that the end-occupiers of the proposed are not yet known; however, the applicant has referred to the Employment Density Guide to estimate likely staff numbers. According to the above standards (and assuming 1 staff member per 47sqm), Unit 3 would require 33 cycle parking spaces and Unit 4 would require 27 cycle parking spaces.

Based on the above, the proposed level of cycle parking spaces proposed for each of these units exceeds anticipated maximum demand. The proposed level of cycle parking provision is considered acceptable and appropriate for likely demand and use on site. The cycle parking strategy proposed is therefore considered compliant with Condition 1 (iv) of the outline consent.

Conclusion

Hertfordshire County Council (HCC) have reviewed the information provided and consider that the reserved matters in relation to parking and access for the proposed Unit 3 and Unit 4 are considered acceptable and compliant with guidance. On this basis, HCC does not wish to raise any objection to the proposals.

End of the second representation received from Hertfordshire Highways.

10.10 Planning officer's comments on the conditions that were recommended by Hertfordshire County Council's Highways Service:

- 10.11 Following the submission of an updated layout plan and a Transport Technical Note, Hertfordshire Highways have removed their previous objection to this application. They have requested that six conditions and three informatives (or in their parlance "advisory notes") be attached to the planning permission. However, for the reasons that are set out below, it is the opinion of the Planning Officer that five of those six conditions would not be justified in this case. The National Planning Policy Framework (NPPF) 2019 states in paragraph 55 that conditions should only be applied to planning permissions when they are: "*necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*"
- 10.12 The existing access point to the site from York Crescent is to be used, but the proposal would involve making some alterations to it. Any alterations affecting the public highway would require a Section 278 agreement with the Highway Authority (Hertfordshire County Council). This is not a Planning matter but a highways matter. The first and second conditions that the County Council's Highways Officer requested related to the detailed design of any alterations to the access. Details have now been submitted as appendices to the Transport Technical Note; but if any further details were needed those will be required by the County Council anyway when they make their Section 278 agreement with the developer, so there is no need to duplicate that requirement in a condition of the planning permission.
- 10.13 The third condition that the Highways Officer requested is intended to ensure that the proposed parking and loading arrangements are laid out and implemented prior to the development being brought into use. The planning officer agrees that this is important and that it is a valid condition which should be applied to the planning permission. It is included in the list of conditions at the end of this report.
- 10.14 The fourth condition that the County Council's highways officer requested would require the submission of a Construction Management Plan. The purpose of such a document would be to ensure that no harm would be done to the public highway while the construction is underway. However such a condition seems unnecessary and it would be difficult to justify. Storing items on the public highway without the consent of the Highway Authority is an offence under the Highways Act, as is depositing dirt on the public highway, and parking in violation of restrictions (such as the double yellow lines that cover parts of York Crescent) is also an offence. These are not Planning matters and they are already prohibited under other (non-Planning) legislation, so it is unnecessary to apply a planning condition to address them.
- 10.15 The fifth of the six conditions that the County Council's highways officer requested was as follows: "*Prior to commencement of the development, the*

applicant shall submit a Servicing and Delivery Plan to be submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that would be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles.”
The reason given to justify the condition was: *“In the interests of maintaining highway efficiency and safety.”*

- 10.16 It is difficult to see how such a condition could be justified as necessary in planning terms because elsewhere in the same letter the Highways Officer has written that she considers the proposed access arrangements for large vehicles to be acceptable. If it has already been established that large heavy goods vehicles can safely enter and leave the site, then it is difficult to see why the submission of further details about servicing and deliveries should be necessary in order to maintain highway efficiency and safety.
- 10.17 The sixth (of six) condition that was requested by Hertfordshire Highways was as follows: *“Prior to the use of the development hereby permitted, the details of the siting, type and specification of EVCPs, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.”*
- 10.18 However details of the siting and the number of electric vehicle charging points have already been submitted, as has been noted by the Highways Officer elsewhere in the same letter: Unit 8 would have 8 electric vehicle charging points, Unit 4 would have 7, and in both cases the proposal includes the installation of ducting to allow for more charging points to be installed subsequently if required. Applying a condition to request yet more information on the EV charging points (including on matters such as their energy source, which is not a Highways issue, and which is not relevant to this site or this development) would seem to be unjustified.
- 10.19 Besides recommending six conditions, Hertfordshire Highways also recommended that three informative notes be attached: one stating that materials should not be stored on the public highway without their agreement, another stating that the public highway should not be obstructed, and a third stating that mud or debris should not be deposited on the public highway. The opinion of the Planning Officer is that, as these are not planning matters and as they are already prohibited by other non-planning legislation (the Highways Act) it is not necessary to attach such informatives to a planning permission.

11.0 Appearance

- 11.1 Units 3 and 4 will be large buildings (up to 18m tall) so they will be seen from Rowley Lane despite the belt of mature trees that is to be retained on that North-Eastern boundary, and they will be seen from Borehamwood Industrial Park to the north despite the belt of fir trees that is to be retained there. They will also be seen from the flats in the converted former office building of Elstree House on York Crescent. However they will be replacing the former Sainsbury's depot which itself consisted of two very large buildings which were up to 16m tall and which were of no architectural or aesthetic merit. While it is true that we do not yet have details of the design of Unit 2, it is never the less clear that it will be a large unit and that it is likely to screen Units 3 and 4 from the Elstree Way. The part of the overall development that will have an impact on the street-scene of Elstree Way will be Unit 2 (the Reserved Matters for which have not yet been submitted) rather than Unit 1 (which will be set well back from the street and behind Lupa House) or Units 3 & 4 (which will be concealed behind Unit 2).
- 11.2 This is not a Conservation Area. There is a pair of Locally Listed art-deco style warehouse buildings on the opposite side of Elstree Way (at 4 and 5 Elstree Way) but Units 3 and 4 will be screened from Elstree Way because Unit 2 will stand in front of them. Units 3 & 4 will not affect the setting of those locally listed buildings. Otherwise there are no heritage assets nearby.
- 11.3 The site falls within a designated Employment Area in which warehouses are a type of development that is encouraged by the Local Plan. There have been warehouses (the Sainsbury's depot) on the wider site for several decades, which have been of no particular architectural merit. The neighbouring site to the North-East is the Borehamwood Industrial Park, which consists of two large warehouses in a somewhat similar style to that which is proposed. The style of architecture that is proposed is typical of modern warehouses: it is a simple, utilitarian style that is characterised by powder-coated (black, white and grey) metal cladding. The secluded location means that the proposed buildings will cause no harm to the visual amenity of the street-scene, and the muted monochrome palette will mean that they will not draw undue attention to themselves.
- 11.4 Condition 1 of the Outline Planning Permission stated that one of the reserved matters was *appearance* and that this should include the issue of external lighting. This issue of lighting is important for two reasons – which are firstly to ensure that bats (a European protected species, with pipistrelle bats being known to live in the area) foraging in the belt of mature trees on the Rowley Lane border (adjacent to Unit 4) are not disturbed by inappropriate lighting, and secondly to ensure that neighbouring residential premises are not affected by poorly directed lighting such as floodlights shining directly towards sensitive windows. Hertfordshire County Council's Ecology Officer was consulted, but has not responded in this case. However it is worth noting that he did respond to application 19/1532/REM for Unit 1, commenting positively in that case as the proposal was to use lights that would point downwards so as to avoid disturbing nocturnal wildlife.

- 11.5 There is a dense belt of fir trees which forms a tall evergreen hedge around the northern boundary of the site, and the trunks of those fir trees stand just outside the site's boundary. Those trees will help to screen the neighbouring premises to the north – although in any case those are commercial premises at Borehamwood Industrial Park, rather than being homes.
- 11.6 The applicants have engaged consultants Couch Perry Wilkes to produce an External Lighting Report (ref 180237) and an External Lighting Layout Plan (ref CPW-180237-E-EXT-210-00-03 revision T3) which have been submitted with the application. These show that modern low energy LED lights are proposed on columns in the yard and car park, which produce a focused beam that can be directed downwards to prevent spillage. The conclusion of the lighting consultant's report is that no significant harm will be caused, and that the proposed lighting scheme will represent an improvement over the previously existing lighting arrangement as regards its impact on neighbouring premises and the surrounding area.
- 11.7 The Council's Environmental Health department have been consulted on this application. In their response they did not raise any concerns about light pollution.

12.0 Landscaping

- 12.1 Condition 1 of the Outline Planning Permission stated that the third of the five reserved matters was *landscaping*. It stated that this should include the issue of any trees to be retained on the eastern boundary with Rowley Lane.
- 12.2 The landscaping and arboricultural scheme that is proposed for Units 3 & 4 is set out on three plans that have been produced for the applicants by consultants Barry Chinn Landscape Architects. One of those is a Tree Retention Removal and Protection Plan which shows that some pruning is proposed to the overhanging branches of the fir tree hedge on the northern boundary. As the trunks of those fir trees stand on neighbouring land and do not belong to the applicants, it would be only the branches that overhang the boundary that they would be entitled to cut – the intention being to ensure that the branches would not touch the buildings. As those trees are not within a Conservation Area and not protected by a Tree Preservation Order, the applicants are entitled to prune branches that overhang the site.
- 12.3 There is a belt of mature deciduous trees, including some oaks, on the short boundary with Rowley Lane in the North-Eastern corner of the site. Although these are not protected by a Tree Preservation Order they are considered to be valuable for their visual amenity, for the screening that they provide, and for their benefits to wildlife, flood protection, air quality and the natural environment. The proposal is to retain this belt of trees, and to add further trees and a hedgerow (consisting of a mix of indigenous species) to thicken it. Protective barriers are to be put in place during the construction works to ensure that the trees come to no harm.

13.0 Layout

- 13.1 Condition 1 of the Outline Planning Permission stated that the fourth of the five reserved matters was *layout*, including details of car and cycle parking and circulation space. This has been addressed above, in section 10 of this report, alongside the issue of *access*.

14.0 Scale

- 14.1 Condition 1 of the Outline Planning Permission stated that the fifth of the five reserved matters was *scale*. Units 3 and 4 will be a semi-detached pair. The buildings' layout will be mostly rectangular, but with a projecting wing on the eastern side. Its roof will be a double-pile pitch with hips and a central valley. The maximum height at the ridge will be 18m, which is exactly the limit that was allowed for this portion (Building Zone B) of the site by the parameters plan (17-242 P002 Rev. M) that was approved with the Outline Planning Permission. For comparison, the former Sainsbury's depot building was up to 16m tall.
- 14.2 The Outline Planning Permission allowed a maximum 33,325 square metres of floorspace (gross internal area) for all of the buildings on the wider site. The quantum that is proposed by this application for Units 3 and 4 is 14,293 square metres of gross internal floorspace. The proposal therefore represents just under half of the maximum floorspace that was allowed for the overall development. Much of the space in each building will be devoted to a double height warehouse area, but there will be a partial first floor for each building that will contain offices.

15.0 Section 106 planning obligation

- 15.1 There is no need for a Section 106 planning obligation in this case. If there had been such a requirement it would have been addressed at the Outline stage; but there was no such need.

16.0 Community Infrastructure Levy (CIL)

- 16.1 The Community Infrastructure Levy (CIL) is a charge to support the delivery of funds to infrastructure in Hertsmere. Currently for proposed developments in the B-classes the required contribution is zero, and therefore there is no requirement for CIL contributions in this case because the proposal is for a development in use classes B1c (light industry), B2 (general industrial) and B8 (storage and distribution) with ancillary offices (B1).

17.0 EQUALITIES AND DIVERSITY

17.1 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.

18.0 CONCLUSION

18.1 This application for the approval of Reserved Matters relates only to Units 3 and 4, which are the North-Eastern and North Central portion of the overall site. The Reserved Matters for Unit 1 have already been approved under reference 19/1532/REM and those for Units 2 will be considered separately. Being well set back from the main road of Elstree Way, and screened from Rowley Lane by an existing belt of mature trees, which are to be retained, it is considered that this pair of functional modern warehouse buildings, in subdued monochrome tones, will not be an obtrusive feature despite their size, and will not cause any significant harm to the amenity of neighbouring premises. Neither will these two buildings harm the street-scene, the character of the area, or the operation of the public highway. Only two objections have been received from members of the public in response to a consultation exercise that included the posting of a site notice, the publication of a press notice, and the mailing out of 524 notification letters to neighbouring and nearby premises. The proposal does not exceed the maximum height that was specified by the Outline Planning Permission, and it is considered that all five of the Reserved Matters are satisfactorily addressed by the submission.

19.0 RECOMMENDATION

19.1 It is recommended that the Reserved Matters for Units 3 and 4 be **approved**, subject to the conditions that are listed below.

20.0 CONDITIONS

1. Approved plans and documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Cover letter (serving as a planning statement) dated 24.10.2019 by Turley
External lighting report for units 3-4, ref 180237 by Couch Perry Wilkes
CPW-180237-E-EXT-210-00-03 rev T3 - Proposed external lighting layout
units 3-4

Drawing SGP-34-00-DR-A-P300 - Site location plan

Drawing SGP-34-00-DR-A-P301 revision F - Proposed site plan

Drawing 17-242-SGP-34-GF-DR-A-P100 - Units 3-4 warehouse plan

Drawing 17-242-SGP-34-ZZ-DR-A-P101 - Unit 3 proposed floor plans

Drawing 17-242-SGP-34-ZZ-DR-A-P102 - Unit 4 proposed floor plans

Drawing 17-242-SGP-34-ZZ-DR-A-P103 -Roof plan

Drawing 17-242-SGP-34-ZZ-DR-A-P302 - Units 3 & 4 proposed
elevations

Drawing 02 - Tree constraints plan by Barry Chin Associates

Drawing 14 rev A -Units 3 & 4 detail planting plan by Barry Chin
Associates

Drawing 15 rev A -Units 3 & 4 tree retention removal & protection plan by
Barry Chin Associates

Drawing 20011-03 - Tracking plan for unit 3

Drawing 20011-03-2 - Tracking plan for unit 4

Transport Technical Note SJT/NES/20011-03A

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

2. **Landscape proposal**

The Landscape Proposal that is hereby approved shall be carried out in the first planting season following the completion of this phase of the development. Any trees, shrubs or plants that die within a period of five years from the completion of the development, or which are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policy SADM12 of the Site Allocations and Development Management Policies Plan 2016 and Policies CS12 and CS22 of the Hertsmere Core Strategy 2013.

3. **Tree protection**

No work shall commence on site until the tree protection measures that are set out in the submitted documents have been implemented in full, and those tree protection measures shall be kept in place until the works are completed.

Reason: To ensure the safety and continued health of the existing trees which stand adjacent to the site, pursuant to Policy SADM12 (Trees Landscaping and Development) of the Hertsmere Local Plan.

4. **External lighting**

No external lighting shall be installed as regards Units 3 and 4 other than as per the external lighting scheme that is hereby approved.

Reason: To ensure that no unreasonable harm is caused to the amenity of neighbouring residential premises, or to protected species of nocturnal wildlife such as bats, pursuant to Policy CS12 (The Enhancement of the Natural Environment) and Policy SADM10 (Biodiversity and Habitats) of the Hertsmere Local Plan.

5. **Parking & service areas**

Prior to the first use of the development hereby permitted, the proposed onsite car, trailer and cycle parking, servicing and loading / unloading areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan. They shall be retained thereafter available for those specific uses..

Reason: To ensure construction of a satisfactory development and in the interests of highway safety, in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

21.0 GENERAL REASONS FOR GRANTING PERMISSION

This application for the approval of Reserved Matters relates only to Units 3 and 4, which are the North-Eastern and North Central portion of the overall site. The Reserved Matters for Unit 1 have already been approved under reference 19/1532/REM and those for Units 2 will be considered separately. Being well set back from the main road of Elstree Way, and screened from Rowley Lane by an existing belt of mature trees, which are to be retained, it is considered that this pair of functional modern warehouse buildings, in subdued monochrome tones, will not be an obtrusive feature despite their size, and will not cause any significant harm to the amenity of neighbouring premises. Neither will these two buildings harm the street-scene or the character of the area. Following the submission of further details by the applicants as regards cycle parking and access proposals, the Highways Authority (Hertfordshire County Council) has confirmed that the proposal would not be likely to jeopardise the operation of the public highway. Only two objections have been received from members of the public in response to a consultation exercise that included the posting of a site notice, the publication of a press notice, and the mailing out of 524 notification letters to neighbouring and nearby premises. The proposal does not exceed the maximum height that was specified by the Outline Planning Permission, and it is considered that all five of the Reserved Matters are satisfactorily addressed by the submission.

22.0 BACKGROUND PAPERS

1. The planning application (19/1737/REM) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
2. Replies from statutory consultees and correspondence from third parties.
3. Any other individual document specifically referred to in the agenda report.
4. Published policies / guidance

23.0 INFORMATIVES

1. This application (19/1737/REM) has been a Reserved Matters application, following on from the granting of Outline Planning Permission in July 2019 under reference 19/0401/OUT. The two decision notices should be read together as they form two parts of the same planning permission. Please note that, while the Outline Permission relates to the whole of the former Sainsbury's Depot site, this Reserved Matters decision relates to only part of that site - which is Units 3 and 4. This is because the development is to be phased. The Reserved Matters for Unit 2 are to be assessed separately under a different application reference number, and those for Unit 1 have been approved under reference 19/1535/REM.
2. This application was determined by the Planning Committee of Hertsmere Borough Council at their meeting of 16th January 2020. The planning officer's report to the committee and the minutes of that meeting will be published on the Council's website, where they will remain permanently. Video footage of the committee meeting will be published on the Council's website for six months following the date of the meeting.
3. The Environment Agency wish it to be known that the eastern boundary of the site is adjacent to the Rowley Lane Main Drain (Main River), although there are no medium or high risk flood zones on the site. They remind the developers that the Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place within 8 metres of a main river or a culverted main river.

24.0 CASE OFFICER

Max Sanders, Senior Planning Officer
e-mail address: max.sanders@hertsmere.gov.uk