

Date of Meeting: 12 November 2020

APPLICATION NO: 20/0800/REM

DATE OF APPLICATION: 8 June 2020

STATUTORY START DATE: 8 June 2020

SITE LOCATION

Site of the 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 Unit 2 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
C/O 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. When the Outline Permission application was debated by the Planning Committee the then Head of Planning And Economic Development informed members that all of the Reserved Matters applications would 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.
- 2.2 This is not a Conservation Area, and there are no Tree Preservation Orders on or near the site.
- 2.3 Neighbouring the overall site to the north (i.e. behind Units 3-4 which are now nearing completion) are some commercial buildings at Borehamwood Industrial Park. 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 Unit 1 (which has been completed).
- 2.4 To the west of the site (the part of the site that would be Unit 2, which is the subject of this report) is a neighbouring warehouse known as Lupa House, which fronts onto Elstree Way. Members may recall that an application for permission to redevelop Lupa House as a supermarket and warehouse (20/0316/FUL) was recently approved by the Planning Committee at its meeting of 8th October 2020. Beyond Lupa House is the Elstree University Technical College.
- 2.5 The overall site is bounded to the east (the rear) by Rowley Lane and to the South-East (the right side) 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 residential 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 Unit 2 would have two accesses. There is an existing access from York Crescent which would be shared by Units 3-4 and Unit 2. This would be the access for Unit 2's car park. A separate access for lorries would give off the eastern end of York Way (which is a private service road belonging to the site, running parallel to Elstree Way).
- 2.7 A film studio (MGM) once stood on this site (before it was redeveloped as the Sainsburys' depot) 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 are building the scheme in phases. They started with Unit 1 in the North-Western part of the site because they already had a tenant for it. The Reserved Matters for Unit 1 were approved under reference 19/1532/REM, as per the decision made by the Planning Committee at their meeting of 16th December 2019. Unit 1 has recently been completed.
- 4.2 Having completed Unit 1, the developers commenced work this summer on Units 3 and 4, which are a semi-detached pair of warehouses in the North-Eastern part of the site. The reserved matters for those units (19/1737/REM) were approved in January 2020. They are now nearing completion, and it is understood that they are due to be finished this year (i.e. in the next few weeks).

5.0 ALTERNATIVE PROPOSAL FOR A DATA STORAGE CENTRE

- 5.1 The following section is included for information only; it does not relate to the application that is the subject of this report (20/0800/REM) but rather to a parallel application for an alternative development on the same site. This section is included because it is necessary that Committee Members understand the circumstances; but this application (20/0800/REM) should be assessed on its own merits.
- 5.2 This application (20/0800/REM) was submitted on 9th June. The applicants are Panattoni, who are the owners of the site. They are developers who specialise in building warehouses.
- 5.3 Members of the Committee might be aware that more recently (on 6th October) another application (20/1573/FUL) has been received for an alternative development on the same site. It covers a larger site because it includes not only the Unit 2 land but also the Units 3-4 land. In other words, it would cover most of the former Sainsburys' Depot site, except for that which is occupied by Unit 1 (which is the warehouse that has already been completed behind Lupa House). Building the data centre would entail demolishing Units 3-4, which are the semi-detached pair of warehouses that are currently nearing completion. A document that was submitted recently as part of a request for an Environmental Impact Scoping Opinion (20/1465/EI1) included a schedule which stated that Panattoni are aiming to finish building Units 3-4 by the end of December, and then to start demolishing them at the beginning of January 2021 (if planning permission 20/1573/FUL has been granted for the data centre).

- 5.4 The joint applicants for 20/1573/FUL (seeking permission for the data centre) are Panattoni and Pure Data Centres. It is an application for a new full planning permission, i.e. it is not seeking to make use of the outline permission that has already been granted (19/0401/OUT), the reason being that it would be larger than the maximum height and floorspace that the Outline Planning Permission allowed.
- 5.5 That planning application for the data centre is still pending; it will be some time before officers are ready to present it to the Planning Committee.

6.0 THE PROPOSAL

- 6.1 This application relates only to Unit 2 (there are to be four units in total, although 3-4 are a semi-detached pair) which would be located in the southern portion of Building Zone B (the outline permission divided the overall site into Zone A, where Unit 1 now stands, and Zone B which is the rest of the site, the distinction being the maximum heights allowed: which were 11m and 18m respectively). Unit 2 would front onto Elstree Way and York Way (which is the private service road running parallel to Elstree Way).
- 6.2 The proposal is to erect a warehouse building with ancillary offices. The total floor area would be 12,820 square metres (gross internal area). The main part of the building would consist of a double height warehouse (floor area 12,021 square metres) and there would also be a projecting office wing at the front right (south-east) corner of the building, which would be arranged over two floors, with a total floor area of 798 square metres.
- 6.3 The warehouse building would be 18m high at the ridge (it would have a double pile roof with two ridges running east-west) and 15m high at the base of the parapet.
- 6.4 The external materials would mainly be coated metal cladding, but some elements of brick slips are also proposed on the warehouse's southern elevation.
- 6.5 A total of 101 parking spaces are proposed for Unit 2. This would include 5 spaces for disabled users near the office entrance (all 5 to be served by ducts for potential electric vehicle charging points), while 36 of the standard parking spaces would be served by ducts for potential EV charging points. Cycle racks are proposed for 40 cycles. The warehouse would also have loading bays for lorries and vans along its the south elevation, and parking spaces for HGV trailers – most of which would be arrayed along the southern boundary.

6.6 Key Characteristics

Site Area	32,680 square metres (i.e. 3.2 hectares) for the area outlined for this application (i.e. for Unit 2). The overall site (i.e. including Units 1, 2 and 3-4) covered by the Outline Permission is 6.79 hectares.
Floor Areas	Total: 12,820 square metres gross internal area Total: 13,090 square metres gross external area Warehouse element: 12,021sqm GIA Office element (both floors): 798sqm GIA
Mix	Warehouse (B8) with ancillary office space (B1).
Dimensions	Max height to ridge: 18m Height to base of parapet: 15m Total width: 176m Depth of warehouse: 68m Additional depth for office: 28m Total depth: 96m
Number of Car Parking Spaces	Total: 101 car parking spaces 5 of those to be for disabled users adjacent to office entrance (all 5 served by ducts for potential installation of EV charging as required) Of the 96 standard spaces, 36 would be served by ducts for potential EV charging, as required.
Number of HGV Parking Spaces	Total: 36 Of which 25 would be along the southern boundary of the site, the other 11 being adjacent to the front (i.e. the southern elevation) of the warehouse.

7.0 REASON FOR THE DELAY IN BRINGING THIS CASE TO COMMITTEE

7.1 This application was submitted on 9th June 2020. It had been preceded by a pre-application enquiry (19/1907/PA1) and the advice that officers gave to the applicants then (in April) had been that the architectural design would be a key consideration for this unit - more so than it had been for the other units because this would front onto a major public highway (Elstree Way). However when the application was received in June it was not accompanied by a Design and Access Statement (DAS). Officers considered that the application had not been accompanied by sufficient detail on the design issue for it to be presented to the Planning Committee with a recommendation to approve. Therefore on 10th July the agent was asked to submit a Design and Access Statement, but it was not until 3rd September that one was submitted.

8.0 RELEVANT PLANNING HISTORY

8.1 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
19/1189/DOC	Application for approval of details reserved by condition 5 (unexploded ordnance threat assessment) of planning permission reference	Condition Discharged 8 August 2019

	19/0401/OUT	
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.	Grant Permission 19 December 2019
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
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
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
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
19/1715/DOC	Application for approval of details reserved by condition 11 (drainage) of planning permission reference	Condition Discharged 28 Nov. 2019

	19/0401/OUT as regards Units 3 & 4 only (i.e. not including Units 1 or 2).	
19/1737/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 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.	Grant Permission 20 January 2020
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
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
19/1907/PA1	Pre-application enquiry regarding the design of proposed Unit 2 warehouse.	Letters of advice were sent to the agent by the Council's design consultant (09.04.2020) and by the planning officer (01.05.2020).
19/1992/DOC	Application for approval of details reserved by condition 12 (land remediation) of planning permission reference 19/0401/OUT (as regards Unit 1 only).	Condition Discharged 27 February 2020

20/0778/DOC	Application for approval of details reserved by condition 12 (land remediation) in respect of Units 3 & 4 of planning permission reference 19/0401/OUT	Condition Discharged 14 July 2020
20/0866/DOC	Application for approval of details reserved by condition 8 (Travel Plan) of planning permission reference 19/0401/OUT as regards Unit 1.	Condition Discharged 16 September 2020
20/0929/MA	Application for a non-material amendment to allow for increase in security fence height, omission of substation, landscaping amendments, reconfiguration of photovoltaic solar panels on roof, insertion of louvres on elevation and roof, and change of doors on elevation following the grant of planning permission ref 19/1532/REM	Approval 6 August 2020
20/0986/DOC	Application for approval of details reserved by condition 6 (environmentally sustainable design) of planning permission reference 19/0401/OUT, as regards Unit 2 only (i.e. not including Units 1, 3 or 4).	Condition Discharged 28 August 2020
20/1013/DOC	Application for approval of details reserved by condition 9 (noise mitigation) of planning permission reference 19/0401/OUT, as regards Unit 2 only (i.e. not including Units 1, 3 or 4).	Condition Discharged 14 August 2020
20/1121/MA	Application for a non-material amendments to Reserved Matters planning permission 19/1532/REM comprising: increase in security fence height and change of fence type, new condenser compound to South of Unit 1, omission of substation, landscaping amendments, reconfiguration of roof-mounted PV solar panels, insertion of vents as wall louvres and roof cowl, and amended design of external doors.	Approval 19 August 2020

20/1465/EI1	Request for a screening opinion (Environmental Impact Assessment).	Response given on 8 October 2020 This EIA screening request related to a proposed data centre.
20/1573/FUL	Demolition of existing structures and construction of a data centre building (Use Class B8) (including ancillary offices), generators, substation and security structures. Alterations to access and creation of internal roads and car parking/service yards, and provision of landscaping scheme.	Pending

9.0 CONSULTATION & RESPONSES

9.1 Notices

Site notice (generic) 12th June 2020 Expiry date: 16th July 2020
 Press notice in Borehamwood Times 25th June 2020 Expiry date: 16th July 2020

9.2 Summary of consultation responses

Consulted:

Consultee	Date Consulted
Elstree & Borehamwood Town Council	11 June 2020
Elstree & Borehamwood Residents Association	11 June 2020
Well END Ers	11 June 2020
Building Control	11 June 2020
Senior Traffic Engineer	11 June 2020
CPZ - Parking Operations	11 June 2020
Drainage Services	11 June 2020
Environmental Health & Licensing	11 June 2020
Waste Management Services	11 June 2020
Policy & Transport - Majors Only	11 June 2020
Policy & Transport - Majors Only (LW)	11 June 2020
Tree Officer	11 June 2020
Thames Water Development Planning	11 June 2020
HCC Archaeology	11 June 2020
Highways England	11 June 2020
Hertfordshire Ecology	11 June 2020
Natural England Consultation Service	11 June 2020
EDF Energy Networks	11 June 2020
Cadent Gas Limited (Previously National Grid Company Plc)	11 June 2020
HCC Development Services (S106)	11 June 2020

Consultee	Date Consulted
Highways	11 June 2020
HCC Planning Obligations Officer	11 June 2020
Environment Agency	11 June 2020
Place Services - Essex County Council - Urban Design Advice	11 June 2020
Senior Flood Risk And SuDS Officer	11 June 2020
Affinity Water Limited	11 June 2020
Transport For London	11 June 2020
UK Power	11 June 2020
Senior Flood Risk And SuDS Officer	17 July 2020
Historic England	2 September 2020

9.3 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 9.12 of this report.

Consultees	Response
CPZ - Parking Operations Hertsmere Borough Council	A response was received on 02.07.2020 VERBATIM: The location of the premises is not within a controlled parking zone. However there is limited on-street parking within the surrounding streets and in great demand, so sufficient off street parking within the proposed complex would be important.
Drainage Services Hertsmere Borough Council	A response was received on 01.07.2020 SUMMARY: No comments on this application as they were provided previously at the Outline Permission stage.
Environmental Health & Licensing Hertsmere Borough Council	A response was received on 09.07.2020 VERBATIM: Environmental Health has no comments.
Waste Management Services Hertsmere Borough Council	A response was received on 07.07.2020 VERBATIM: No comments.
Hertfordshire Ecology Hertfordshire County Council	A response was received on 29.06.2020 SUMMARY: The proposed lighting scheme is acceptable

	<p>because it is sufficiently far from the retained belt of trees (adjacent to Unit 4) that it would not be likely to disturb any bats that might be there. Although the amount of landscaping is to be modest, it is considered acceptable given the urban location. The lighting scheme and the landscaping proposals should be secured by conditions.</p>
<p>Growth & Infrastructure Unit a.k.a. Development Services (S106) Hertfordshire County Council</p>	<p>A response was received from the Growth & Infrastructure Unit on 12.06.2020 SUMMARY: No comment.</p>
<p>Highways Service Hertfordshire County Council</p>	<p>An initial response was received on 10.08.2020 SUMMARY:</p> <p>Herts County Council, writing as the Local Highway Authority, object to the application (until further information is submitted) for the following reasons. A swept path plan should be submitted to show that a large car could access every parking space. HCC are not satisfied that the plan only shows ducting for potential EV charging points; they wish to see how many actual charging points would be installed. A justification should be submitted as to why a lower number of car parking spaces is proposed (including disabled spaces) than is required by HBC's Parking Standards SPD (101 are proposed but HCC note that the Parking Standards SPD would require 241 for a flexible B-class use in this area). Details are required of existing on-street parking on York Crescent and how this might be affected by the proposed access point. An inconsistency has been noted between the submitted Transport Note and the site layout plan regarding the cycle parking proposals. HCC wish to see a Construction Management Plan required by condition if this application is approved.</p> <p>.....</p> <p>FOLLOWING SOME CORRESPONDENCE BETWEEN THE AGENTS AND HERTS HIGHWAYS, A FURTHER RESPONSE WAS RECEIVED DATED 05.10.2020</p> <p>SUMMARY:</p> <p>HCC remove their former objection. They are now</p>

	<p>satisfied with the number of car parking spaces that is proposed (101) and the number of those that would be for disabled users (5), and they note that ultimately this is a matter for Hertsmere Borough Council to decide upon. The number of cycle spaces has now been clarified as 40, which is more than adequate. They recommend that a kerb line of the footway on the street be reinstated.</p> <p>They recommend that 4 conditions and 4 informatives be applied to the permission. The first condition would require the submission of a Construction Traffic Management Plan. The second condition would require the submission of a Safety Audit regarding works to the public highway and the access. The third condition would require the submission of a Travel Plan Statement. The fourth condition would require the provision of electric vehicle charging points.</p>
<p>Flood Risk And Sustainable Drainage (SuDS) Officer Hertfordshire County Council</p>	<p>A response was received dated 06.07.2020 SUMMARY</p> <p>HCC, writing in their capacity as the Lead Local Flood Authority, state that they have no objection to this application. They note that the submission of plans relating to the surface water drainage proposals is controlled by a condition of the outline planning permission, rather than being an issue for this Reserved Matters application.</p>
<p>UK Power Networks</p>	<p>A response was received, dated 16.06.2020. It notes that there is a substation nearby. However it seems to be an automated response. The wording suggests that no one has looked at or considered this particular application; for instance it talks about UK Power Networks' attitude to bedroom windows of proposed residential developments in relation to their substations, whereas this is not a residential proposal. Given that UK Power Networks have long been tenants of this site, and that they are to be the tenants of the new Unit 1 (which is currently being constructed) they should be aware of what is proposed by this application; but it seems that this is a standard automated response to a planning consultation.</p>
<p>Highways England</p>	<p>A response was received on 17.06.2020 SUMMARY:</p>

	No objection.
--	---------------

9.4 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	3	0	524	3

9.5 Summary of neighbour representations

9.6 Five hundred and twenty four consultation letters were sent to premises located nearby. A site notice was put up, and a press notice was published in a local newspaper. In response three representations have been received, which were all objections. The following is a summary of the points that they raised which are relevant to this application:

- The prospect of HGVs driving down York Crescent at night or early in the morning is worrying for residents of the flats at Elstree House as it could cause a disturbance in terms of noise and air pollution. This was a problem when Sainsburys were using the site, and a similar problem might arise as a result of this development.
- The development already underway on other parts of the site is depositing dust on the neighbours' cars.
- Noise is also a problem that is affecting neighbours.
- Confused regarding what the various use classes are which are mentioned in the application (NOTE: the Planning Officer has contacted the resident to explain this).
- A resident of Elstree House fears that when this development is finished it will feel as if she is living on an industrial estate. (OFFICER'S NOTE: The residents of Elstree House already are living on an industrial estate: this area has long been designated part of the *Elstree Way Employment Area*. Their block of flats was converted by Permitted Development rights, having formerly been an office building. The site has had large commercial buildings on it for the last century).

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 Unit 2 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.

Access and layout (including parking)

9.3 As York Crescent is partly a residential street (in that it has the flats of Elstree House on it) it is considered appropriate that the access from this street is only for cars and bicycles. The access for HGVs is to be from York Way (the private service road). It is true that the HGVs will have to pass down York Crescent in order to get there (only when arriving, not when leaving, as York Crescent is a one-way street flowing from north to south) but this is a designated Employment Area, and lorries have been passing down York Crescent since at least the 1970s.

9.4 The warehouse would face south towards Elstree Way, and its loading bays would be arranged along that front elevation. There would also be parking bays for HGV trailers: 36 in total, with 25 of those being along the southern boundary of the site, the other 11 being adjacent to the front (i.e. the southern elevation) of the warehouse. A swept path diagram was submitted with the application to show that lorries would be able to manoeuvre into the loading bays and parking areas.

- 9.5 At the pre-application stage, discussions were held between the planning officer, the council's Design Consultant (Place Services) and the applicants about whether this is the best place to park HGV trailers, in view of their potential impact on the street-scene of Elstree Way. But the conclusion was that the alternative of putting the HGVs at the rear would not be desirable because, in order to create enough space for such large vehicles to manoeuvre at the rear, it would be necessary to move the whole building forwards; and, given how large and tall the warehouse would be (18m tall), that would result in it being overbearing in the street-scene. It was agreed that alternative strategies are preferable to reduce the visual impact of the HGV trailers as seen from Elstree Way – see below regarding the tree retention, the hedge planting, and the 3m tall “art fence” boundary treatment.
- 9.6 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. They have written to say that they have no objection to the application.
- 9.7 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 10.08.2020 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 every parking space.
 - HCC are not satisfied that the plan only shows ducting for potential EV charging points – they wish to see how many actual charging points would be installed and where they would be.
 - A justification should have been submitted as to why a lower number of car parking spaces is proposed (including disabled spaces) than is required by HBC's Parking Standards SPD (101 spaces are proposed, but HCC note that the Parking Standards SPD would require 241 for a flexible B-class use in this area).
 - Details are required of existing on-street parking on York Crescent and how this might be affected by the proposed access point.
 - An inconsistency was noted between the submitted Transport Note and the site layout plan regarding the cycle parking proposals.
 - HCC wrote that they would like a Construction Management Plan to be required by a condition if this application is approved.

- 9.8 In response to the concerns that were raised by the County Council's Highways Officer in her letter of 10th August 2020, the agent submitted further information on 1st September (note that this included a revised version of the site layout plan with the reference SGP-02-00-DR-A-201001 Rev A, but the agent later withdrew that and reverted to the version that they had initially submitted which was SGP-02-00-DR-A-P201 Rev N).
- 9.9 An issue that had been raised by the Highways Officer had been that the number of car parking spaces proposed had been below that which Hertsmere 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 241 car parking spaces, whereas the proposal was 101 spaces. However, as this development is to be primarily a warehouse, with the office element being ancillary to that and relatively small, the parking requirements are different to those that the SPD envisages for a mixed commercial scheme. The agent submitted further details about the predicted parking needs of the development, and the County Council's Highways Officer is now satisfied on that point.
- 9.10 The County Council's Highways Officer submitted a second letter on 5th October 2020, withdrawing her previous objection and recommending that four conditions and four informative notes be applied. The full text of her letter is reproduced below.
- 9.11 **Text of the second representation, which was received from Hertfordshire County Council's Highways Service on 5th Oct 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 as Highway Authority recommends permitting the proposed development, subject to suitable planning conditions.

Condition 1: 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 2: Safety Audits – Prior to the commencement of the development hereby permitted a Stage 2 Road Safety Audit, for the proposed highway improvements and access junction shall be completed and submitted for approval by the Highway Authority.

Reason: In the interests of highway safety

Condition 3: Travel Plan Statement

At least 3 months prior to the first occupation of the approved development a detailed Travel Plan Statement for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan Statement shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition 4: Electric Vehicle Charging Points

Prior to the occupation of the development hereby permitted, the development shall include provision for 20% of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready [domestic and/or fast] charging points.

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:

The following Advisory Notes (ANs) are recommended 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN4) Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Description of the Proposal

The application is for reserved matters as directed in the planning approval of 19/0401/OUT. The outline planning permission is for the redevelopment of the former Sainsburys depot located in Borehamwood into a B1, B2 and B8 development totalling approximately 34,650sqm. The reserved matters application covering letter identifies the application includes reserved matters approval for access, appearance, landscaping, layout, and scale in relation to the development of Unit 2, totalling 13,090sqm.

Site Location

The proposed development site is located within Borehamwood, approximately 2km to the east of the town centre. The reserved matters are in relation to Unit 2 to the south of the wider outline site. The site is bounded to the east by York Crescent and to the east and Elstree Way to the south.

Analysis

The application has supplied additional information in support of the application and in direct response to queries raised by Hertfordshire County Council. The additional information was supplied via email on 1st September 2020 and provided further information with regards to the movement of vehicles at the site and proposed parking provision.

Trip Generation

No further information was requested by HCC, therefore nothing additional to add.

Traffic Impact

No further information was requested by HCC, therefore nothing additional to add.

Trip Distribution

No further information was requested by HCC, therefore nothing additional to add.

Impact on the Highway

Junction Assessment

No further information was requested by HCC, therefore nothing additional to add.

Highway Safety

No further information was requested by HCC, therefore nothing additional to add.

Refuse and Service Delivery

No further information was requested by HCC, therefore nothing additional to add.

Highway Layout

Vehicle Access

No further information was requested by HCC, therefore nothing additional to add.

However, it was recommended that the dropped kerbline on the south edge of the service access road mouth is reinstated as part of works at the junction. This is to encourage pedestrians to use the dedicated crossing being provided by the applicant.

Pedestrian Access

No further information was requested by HCC, therefore nothing additional to add.

Road Safety Audit

The proposed site entrance works shall be subject to a Stage 2 Road Safety Audit. This has been included as a required condition.

Parking

Car Parking Provision

In HCCs previous response the parking provision was questioned as being potentially too low for the development type; a parking accumulation assessment provided the worst-case scenario (assumed the development was a B1/B2 office development), however the provision identified was lower than the parking accumulation maximum (i.e. less than 110 spaces). It was recommended by HCC the parking accumulation for the mix of B1/B2/B8 against the proposed land use floor areas provided in the site designs.

The revised parking accumulation identifies a maximum accumulation of 100 spaces and this is accommodated within the proposed 101 spaces. Therefore HCC are now satisfied with the level of provision, however it is a matter for the local authority to ultimately decide upon.

Disabled Parking Provision

The current proposed provision of five disabled parking spaces conforms with the standards if the 101 standard parking spaces was acceptable. As the level of parking is now acceptable following further analysis, the provision is accepted but is ultimately the local authorities to decide upon.

Cycle Parking Provision

Further clarification surrounding cycle parking was requested as the numbers provided in the transport note were conflicting with those presented on supplied drawings. It was subsequently confirmed that 40 cycle parking shall be provided and this was a between the minimum of 19 for a full B8 land use development and 52 for a full B2 development. As previously identified the land use shall be predominately B8 land use and therefore the site shall be well catered for in terms of cycle parking provision. HCC therefore has no further query on this provision; however it is for the local authority to ultimately decide the required level of cycle provision.

Construction Phase

No construction traffic management plan (CTMP) has been supplied in support of the development proposal. A CTMP has been requested as a condition for this planning application.

Summary

Hertfordshire County Council as Highway Authority wishes to recommend that permission is granted for the proposed development, subject to conditions.

End of the second representation received from Hertfordshire Highways.

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

- 9.12 Hertfordshire Highways have removed their initial objection to this application. They have requested that four conditions and four informatives (or in their terminology "*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 those 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.*"
- 9.13 The first 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.
- 9.14 The second condition that the County Council's Highways Officer requested related to the detailed design of any alterations to the access junction and the associated public highway improvements. 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. Those details 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.
- 9.15 The third condition that the County Council's Highways Officer requested would require the submission of a Travel Plan Statement. No such condition was applied when the Council granted the Reserved Matters for Unit 1 (19/1532/REM) nor when we approved the Reserved Matters for Units 3-4 (19/1737/REM). The submission of a Travel Plan for each phase of the development is already required by Condition 8 (Travel Plan) of the original Outline Planning Permission 19/0401/OUT, which is as follows:
- "No phase of the development shall be occupied until a Travel Plan for that phase shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan, once approved, shall be implemented upon first occupation of that phase of the development."*
- 9.16 The fourth condition that the Highways Officer recommended would require that 20 percent of the parking spaces be equipped with Electric Vehicle

charging points, and that those spaces should be designated for electric vehicles only. Members of the Planning Committee might decide to apply such a condition at their discretion, but it has not been included in the list of recommended conditions at the end of this report. The planning officer is of the opinion that such a condition could have unintended negative consequences because, in the event that there are more EV charging points than there are employees who have electric vehicles, the result could be that some parking bays would stand permanently empty and wasted because ordinary cars would not be allowed to make use of them. This might result in staff driving around the area and parking their cars on neighbouring streets, while spaces stand empty on the site. A preferable approach is to allow the operators of the site the freedom to install charging points as their staff require them, making use of the ducting that will have been installed (for 36 of the 101 spaces) from the outset (see Condition 5). It will be in the owners' interests to increase the number of charging points over time, as EVs become more commonly used by their workforce as a result of changes in government policy on the sale of petrol and diesel engine cars.

- 9.17 Hertfordshire Highways also recommended that four informative notes be attached to remind the developers not to obstruct, dirty or damage the public highway. In the interests of brevity, the planning officer has summarised these points in a single note (see Informative 4 at the end of this report).

Appearance

- 9.18 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 otherwise there are no heritage assets nearby.
- 9.19 Unit 2 would be a large building (18m tall) but it would be only two metres taller than the tallest part of the former Sainsburys depot buildings, and it will be set back from Elstree Way considerably further than they were – meaning that its visual impact on the neighbours opposite (including those two locally listed buildings) and on the street scene will be less than was the case previously – making this development an improvement in that regard.
- 9.20 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. Before that there was a film studio here (established in the 1920s) including large sound-stages, so there have been large buildings on the site of one kind or another for a century.
- 9.21 In the case of Unit 1 and of Units 3-4 (the reserved matters for which have already been approved) a functional, utilitarian appearance was considered appropriate, given that this area is designated as an Employment Site, and given that those warehouses would be relatively secluded behind Unit 2 and behind Lupa House. However in this case (Unit 2) the architectural design and the role that the building will play in the street-scene are more important because it will front onto Elstree Way, which is one of major roads acting as a

gateway into Borehamwood. While this northern side of Elstree Way does not have a coherent architectural character, the buildings on the southern side are characterised by their red brick finish. Some of those buildings are modern, while others are early twentieth century art deco buildings – such as numbers 4 and 5 which are a Locally Listed pair, and also Evelyn House which is in a more restrained art deco style.

- 9.22 Discussions were had at the pre-application stage between the planning officer, the Council's design consultant (Place Services) and the applicants and their architects about how Unit 2 could be designed so as to fulfil its function as a large, practical modern warehouse, while respecting the street-scene opposite. Constructing such a large warehouse out of brick was not regarded as practicable. Any attempt to produce a pastiche of early 20th century art deco would run the risk of producing an unconvincing development of dubious taste, given the differences in physical scale and the limitations in the budget for a warehouse scheme. The agreed approach has therefore been firstly to clad the building in materials that are more visually interesting and appropriate than the basic type that was used on Unit 1 and Units 3-4, and secondly to make a prominent feature of the office element, where the architectural detail and the lower height will lend the frontage a more human scale, more visual interest (for example through the horizontal *brize soleil* feature) and draw attention away from the mass of the warehouse behind.
- 9.23 The southern elevation of the warehouse (facing Elstree Way) would make use of vertical elements finished in a copper-coloured metal cladding to give the frontage a sense of rhythm, and to echo the red brickwork of the buildings opposite. There will also be some narrow vertical strips of brick-slips to add visual interest – again referring to the buildings opposite. At three points along the frontage there will be vertical strips of continuous windows running up the full height of the building, featuring a modern equivalent of the “Crittall” style of frames that typified early 20th century art deco buildings. These features would lend this warehouse a sense of architectural presence and contextual relevance that is lacking in most modern warehouses. It would certainly be a more interesting piece of architecture than Unit 1 or Units 3-4 are.
- 9.24 The two storey office element is only a small part of the overall building, and it is lower than the warehouse to which it is attached; but it would be the most prominent element as it would project forward towards Elstree Way. This is the part of the building which will feature the most human activity, so it is appropriate that it should be at the junction of York Crescent and Elstree Way. Its presence will help to draw attention away from the larger warehouse building behind it, reducing the sense of scale to a more human level. The main architectural features will be over-sized windows on the front corner, and a wrap-around set of *brize soleil* external louvres which – as well as preventing the offices from overheating at midday in the summer – will provide visual interest; their horizontal lines will draw attention away from the height of the development by emphasising its width instead.

External lighting

- 9.25 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 – firstly to ensure that bats (a European protected species) 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 at Elstree House are not affected by poorly directed lighting. Hertfordshire County Council’s Ecology Officer was consulted, and in his response he has commented that he considers Unit 2 to be far enough from that belt of retained trees that it would not threaten any bats that might forage there. He is satisfied with the proposed lighting scheme.
- 9.26 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-210-00-02 revision T6) 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 of white light that can be directed downwards to prevent spillage. The conclusion of the lighting consultant’s report is that no significant harm will be caused (including to receptor points at Elstree House) 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.
- 9.27 The Council’s Environmental Health department have been consulted on this application. In their response they did not raise any concerns about light pollution or about any threats to the amenity of neighbours.
- 9.28 Condition 4 will oblige the developers to comply with the approved external lighting scheme.

Landscaping

- 9.29 Condition 1 of the Outline Planning Permission stated that the third of the five reserved matters was *landscaping*.
- 9.30 The landscaping and arboricultural scheme that is proposed for Unit 2 is set out on three plans that have been produced for the applicants by consultants Barry Chinn Landscape Architects: a planting plan, a tree protection & removal plan, and a tree constraints plan. One of the elevation drawings by architects SGP is also relevant as regards the southern boundary treatment: 17-242-401 rev C.
- 9.31 York Way (the private service road that runs parallel to Elstree Way) is flanked by trees – mostly to the south (i.e. in the grass verge between York Way and Elstree Way) but there are also some to the north. Although the southern trees appear to be “street trees” they all stand with their trunks within

the site (albeit many of them overhang the public highway) and therefore they all belong to the applicants. They are not protected by Tree Preservation Orders, nor is this a Conservation Area. Never the less, we should consider the contribution that they make to the street-scene. The applicants' arboricultural consultant has surveyed these trees and rated them. None of them are rated as Category A (although there are some of those beside Units 3-4). All of the trees to the north of York Way will have to be removed to allow for the creation of the lorry parking area, but all of the existing trees between York Way and Elstree Way are to be retained and protected during the works. They will continue to contribute to the street-scene of Elstree Way, and they will help to soften the visual appearance of the development, as seen from Elstree Way. The grass verge and the low brick wall will be retained. A few new trees (acers) will be planted to fill gaps in this row of trees.

- 9.32 New shrubberies and hedges (of mixed indigenous hedge plants) are to be planted along the western, southern and eastern boundaries of Unit 2's compound. Several new trees are to be planted flanking both the entrances to Unit 2, and along the boundary with York Crescent; they include *Platanus x Hispanica*, *Carpinus Betulus*, *Sorbus Aucuparia* and *Acers*.

Art fence

- 9.33 The southern boundary of the compound (i.e between the HGV parking area and York Way) is (in addition to the new hedge) to have an "art fence" erected on it. Further details of this art fence are to be required by a pre-occupation condition (see Condition 6). The idea is that the art fence will help to partially screen the row of parked HGV trailers, so that they will not be an unsightly feature in the street-scene. The metal fence would be 3m tall and perforated. It is to feature bespoke artwork that the developers would commission from a metal-worker. This idea was suggested at pre-application stage by the Council's design consultant (Place Services) as an alternative to a brick boundary wall. Because there is a sewer running beneath the line on which that structure would stand, Thames Water would not be likely to allow a heavy brick wall to be built there, so an interesting, unique and artistically pleasing metal fence has been proposed as an alternative.

Layout

- 9.34 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. Please note that this has been addressed above, in sections 9.3 – 9.19 of this report, alongside the issue of *access*.

Scale

- 9.35 Condition 1 of the Outline Planning Permission stated that the fifth of the five reserved matters was *scale*. The building's layout will be mostly rectangular, but with a projecting wing at the south-eastern corner containing the offices. The warehouse's roof would 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. Unit 2 will be the same height as Units 3-4 which are nearing completion now to the rear. The former Sainsbury's depot building was up to 16m tall.

- 9.36 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. Unit 1 has already been approved (and built) with 3,344 square metres of internal floorspace. Units 3-4 are nearing completion with 14,293 square metres of gross internal floorspace. This application is proposing that Unit 2 would have 12,820 square metres GIA. The total for all four buildings would come to 30,457 square metres of gross internal floor area, which would be within the limit of 33,325 square metres that was permitted by the outline planning permission.

Environmental sustainability and climate change

- 9.37 The Council made it clear at the Outline stage that this development is expected to achieve a high standard as regards environmental sustainability. That was controlled through Condition 2 of the outline permission, which required the submission of a statement on this subject for each phase of the development. The applicants have already submitted that statement as regards Unit 2 as a discharge of condition application (reference 20/0986/DOC) and that was approved under delegated powers in August. The topic of sustainability is therefore not a matter specifically to be addressed in this Reserved Matters application – although of course the fundamental principle of *sustainable development* is a theme of national and local planning policy which underlies every decision that a planning authority makes.

10.0 SECTION 106

- 10.1 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 need.

11.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 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).

12.0 EQUALITIES AND DIVERSITY

- 12.1 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.

13.0 CONCLUSION

- 13.1 This application for the approval of Reserved Matters relates only to Unit 2, which is the southern part of the overall site, fronting onto York Way and Elstree Way. The Reserved Matters for Unit 1 and for Units 3-4 have already been approved under references 19/1532/REM and 19/1737/REM. The proposed design is considered acceptable in terms of its appearance and its impact on the street-scene. The development will not cause significant harm to the amenity of neighbouring premises when compared with the previous buildings that they will replace, nor will they harm the setting of the pair of Locally Listed buildings opposite. Following the submission of additional details, the Highways Authority (Hertfordshire County Council) has confirmed that the proposal would not be likely to jeopardise the operation of the public highway. The proposal does not exceed the maximum height or floor area that was specified by the Outline Planning Permission 19/0401/OUT, and it is considered that all five of the Reserved Matters are satisfactorily addressed by the submission.

14.0 RECOMMENDATION

- 14.1 It is recommended that the Reserved Matters for Unit 2 be **approved**, subject to the conditions that are listed below.

15.0 CONDITIONS

1. **Approved plans, drawings and documents**
The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission. The approved plans, drawings and documents are as follows:

- Location plan, ref. SGP-02-00-DR-A-P200 Rev A
- Proposed site plan, ref: SGP-02-00-DR-A-P201 Rev N (Note that this is the version that was initially submitted; on 1 Sep 2020 the agent submitted revised version 201001 rev A, but later decided to withdraw that and to revert to the original version)
- Proposed ground floor plan, ref: SGP-02-00-DR-A-P100 Rev E
- Proposed office plan, ref: SGP-02-ZZ-DR-A-P101 Rev C
- Proposed roof plan, ref: SGP-02-ZZ-DR-A-P102 Rev C
- Proposed elevations; ref: SGP-02-ZZ-DR-A-P302 Rev E
- Southern elevation and boundary, ref. 17-242-K401 rev C
- Detail planting plan, ref: 12 Rev E, by Barry Chinn Associates
- Tree protection and removal plan, ref: 13 Rev C, by Barry Chinn Associates
- Tree constraints plan, ref: 02, by Barry Chinn Associates
- Transport Note by DTA, including Appendix A: Section 184 Access Junction Works drawing no. BOR-BWB-HGN-U34-XX-D-0140 d2 Rev T1, and Appendix B: Site Access Measurements drawing no. 20011-04, and Appendix C: Vehicle Tracking Plan drawing no. 20011-05 Rev A.
- External Lighting Report Unit 2 Rev T6, by Couch Perry Wilkes
- Proposed external lighting layout, by Couch Perry Wilkes, ref: CPW-180237-E-EXT-210-00-02 Rev T6
- 3D rendered view from South-East, ref: 17-242-SGP - A-K500
- Design and Access Statement revision C, dated 21 August 2020

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 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 Unit 2 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. The ducting to serve charging points for electric vehicles shall be installed as shown on the approved plan.

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).

6. **Art fence**

The development shall not be occupied until details of the "art fence" (a metal fence featuring commissioned art work by a metal-worker, which is to be installed between the HGV parking area and York Way) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the height, the design and the materials that are proposed for the fence. The art fence shall be installed, as per the approved details, prior to the first occupation of the site, and it shall be retained thereafter.

Reason: To ensure a high standard of design for the development, and to provide screening to mitigate the visual impact that the row of parked HGV trailers would otherwise have on the street-scene of Elstree Way, pursuant to Policy CS22 (Securing a High Quality and Accessible Environment) of the Hertsmere Local Plan, Core Strategy (adopted 2013).

16.0 GENERAL REASONS FOR GRANTING PERMISSION

1. This application for the approval of Reserved Matters relates only to Unit 2, which is the southern part of the overall site, fronting onto York Way and Elstree Way. The Reserved Matters for Unit 1 and for Units 3-4 have

already been approved under references 19/1532/REM and 19/1737/REM. The proposed design is considered acceptable in terms of its appearance and its impact on the street-scene. The development will not cause significant harm to the amenity of neighbouring premises when compared with the previous buildings that they will replace, nor will they harm the setting of the pair of Locally Listed buildings opposite. Following the submission of additional details, the Highways Authority (Hertfordshire County Council) has confirmed that the proposal would not be likely to jeopardise the operation of the public highway. The proposal does not exceed the maximum height that was specified by the Outline Planning Permission 19/0401/OUT, and it is considered that all five of the Reserved Matters are satisfactorily addressed by the submission.

17.0 BACKGROUND PAPERS

1. The Planning application (20/0800/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

18.0 INFORMATIVES

1. This application (20/0800/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 Unit 2. This is because the development is phased. The Reserved Matters for Unit 1 have been approved under reference 19/1535/REM and for Units 3-4 they have been approved under reference 19/1737/REM.
2. The Council has acted positively and pro-actively in this case, in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015. Pre-application advice was given in April and May 2020 under reference 19/1907/PA1.
3. This application was determined by the Planning Committee of Hertsmere Borough Council at their meeting of 12th November 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.

4. Hertfordshire County Council are the local highway authority. Advice on matters relating to the public highway is available on their website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047. The applicant is reminded that it is an offence under the Highways Act 1980 to obstruct the public highway (such as by storing materials or other items on it without the consent of the local highway authority) or to deposit mud or other items on the public highway. No works may be carried out to the public highway other than by licensed contractors of the highway authority. Developers should contact Hertfordshire County Council to agree any works relating to the public highway such as the creation of new accesses or alterations to existing accesses; this process is separate to any planning application.

19.0 CASE OFFICER

Max Sanders, Senior Planning Officer

e-mail address: max.sanders@hertsmere.gov.uk