

Planning Statement

Use of site (house and garden) for commercial film-making and photographic activities (Use Class E(g)) ancillary to the main use of the site as a dwelling house (Use Class C3).

At

51 Kentish Lane, Brookmans Park, Hertfordshire, AL9 6NG

Prepared by Langdale Planning Limited on behalf of Mrs T Flammia

November 2021

Planning Portal Reference PP-10260278

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1. Introduction

1.1 This Planning Statement has been prepared on behalf of Mrs T Flammia (the Applicant) in support of a planning application for commercial filming and photographic activities at 51 Kentish Lane (the Site).

1.2 The description of development is:

“Use of 51 Kentish Lane (house and garden) for commercial film-making and photographic activities (Use Class E(g)) ancillary to the main use of the Site as a dwelling house (Use Class C3)”

1.3 This Planning Statement provides justification for the proposals having regard to the Site context and the Council’s Development Plan policies and considers how any impacts associated with the use can be controlled and mitigated via properly worded conditions.

1.4 It covers the following:

- Description of the Site and surrounding area;
- Summary of the proposal;
- Assessment of the proposals against national and local planning policy considerations; and
- Summary.

1.5 This Planning Statement should be read in conjunction with the following information, which accompany the application:

- Site Location Plan;
- Event Management Plan prepared by Pulsar Transport Planning;
- Lighting Set Up Summary;
- Lighting Exclusion Zone Plan prepared by Technical Detail. Drawing Ref – TDC058/PL2/001; and
- Payment of Planning Application Fee (£462).

2. Site and Surrounding Area

- 2.1 The Site is located on the northern side of Kentish Lane and comprises a detached dwelling and garden set behind a wall and railings with gated access. The rear boundary of the property benefits from mature conifer trees which exceed 10 metres in height. The Site extends to approximately 0.5 hectares.
- 2.2 The surrounding area consists of residential properties arranged in ribbon form on the northern side of Kentish Lane, typically comprising large, individually designed houses set within generously proportioned and well landscaped plots.
- 2.3 Neighbouring properties are well screened and mature trees and planting limit any potential overlooking between properties.
- 2.4 To the east of Kentish Lane is predominantly open countryside. The Site lies within the Green Belt.

3. Background to the Proposals

- 3.1 51 Kentish Lane has on various occasions in the past been rented out by the Applicant for commercial filming and photographic activities.
- 3.2 In December 2004, as a result of complaints from neighbours, the Council issued an Enforcement Notice requiring the Applicant to cease the use of the land as a film set and to remove all associated materials and works. This Enforcement Notice was subsequently upheld at appeal in November 2005.
- 3.3 Since this time, the Site has been used for small scale commercial photographic and filming events.
- 3.4 Following discussions with the Council's Planning Enforcement Officer, it was agreed that the Applicant would take no further bookings until the planning situation had been remedied.
- 3.5 In September 2020, an application was submitted to the Council seeking prior approval under Schedule 2, Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the temporary use of the Site (both the house and garden) for commercial film-making for no more than 9 months in any 27 month period. (Ref - 6/2020/2399/PN16). This was refused on 12th November 2020 with the decision notice stating one reason for refusal in respect of noise impact.

Pre-Application Discussions

- 3.6 This pre-application request is made following positive pre-application discussions with the Council about how best to resolve the planning situation.
- 3.7 A formal pre-application enquiry was submitted on 9th February 2021 with a virtual meeting taken place on 11th May 2021. A written response was provided on 14th June 2021.
- 3.8 The written response confirmed that a mixed use of the Site as a single dwelling and for commercial filming and photographic activities would be acceptable subject to the following requirements:
 - No more than 2-3 activities per month if the activities include external shooting and no more than 4-6 activities per month¹ if the activities are solely internal. 'Activities' includes on-site preparation, actual filming and dismantling/returning everything to normal;
 - Hours of operations between 07.30 to 19.30 Mondays to Fridays and no Bank Holiday use;

¹ The Council subsequently clarified that this meant no more than 2-3 indoor events per month and no more than 4-6 indoor per month. If an event is a mix of indoor and outdoor, that would fall under the lower 2-3 event limit.

- No more than 20 people on-site (actors and crew) and no parking of a vehicle on-site between the footway and entrance or exit gates;
 - External lighting must not exceed 2.5 metres in height, must not be sited within 2 metres of the boundaries with neighbours and must be fitted with light spill protectors at all times; and
 - Use of generators not permitted.
- 3.9 As recommended by the Council, pre-application discussions have also taken place with the highways authority (Hertfordshire County Council) in July 2021.
- 3.10 Hertfordshire County Highways recommended that any future planning application should set out measures to reduce single occupancy trips, as well as consider other mitigation measures including measures to maximise the on-site parking provision by providing grass reinforcement mesh, and an Event Management Plan with measures which can be secured and enforced via a planning condition.
- 3.11 The Highways Authority also stated that details should be provided to demonstrate how delivery vehicles will access the Site if vehicles are parked on the driveway and details of access for a fire appliance.
- 3.12 An Events Management Plan was subsequently prepared and provided to the Highways Authority. A written response was received on 1st November 2021 confirming that the Highways Authority is satisfied with all of the measures outlined in the Events Management Plan, subject to a planning condition restricting any filming is restricted to the rear garden.
- 3.13 This planning application seeks to positively address all the points raised during pre-application discussions with both the Council as Local Planning Authority and the Highways Authority.

4. Assessment of Key Issues

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The relevant national planning policy context is provided by the NPPF (July 2021) and NPPG. The current development plan comprises the Welwyn Hatfield District Plan 2005. It is also noted that the Council is in the process of preparing its new Local Plan and the Draft Proposed Submission Version was published in 2016.
- 4.3 The section assesses the application against relevant planning policy and material considerations.

Principle of Development

- 4.4 It is not uncommon for private residential dwellings to be used as locations for commercial filming and photography. Such properties provide unique locations and fulfil gaps in the existing provision of film locations. Work is typically secured by a Location Agency and can include a range of different filming events such as cookery shows, magazine shoots, commercial photography, TV work and film shoots. This type of work is popular in Hertfordshire where the film industry is an important employer with several major studios located within the county including Leavesden, Elstree and Park Lane. The industry provides a large number of jobs locally.
- 4.5 The property is a unique house with a landscaped garden and the unusual nature of the property has led to demand for its use as a location for small scale commercial photography and commercial filming.
- 4.6 The application seeks permission for the use of the Site (both the house and garden) for commercial film-making (Use Class E(g)) ancillary to the use of the Site as a dwelling house (Use Class C3). The Applicant owns and occupies 51 Kentish Lane as their family home and the proposed commercial filming and photographic activities will be ancillary to the dwelling house, which will continue to be used as a family home.
- 4.7 When the Site is being used for filming, it takes place for short period of time and the long established residential use of the Site will not be harmed or threatened. There will be no changes to the internal layout of the property, and the filming will operate alongside the residential use, as the occupants carry on their normal lives whilst any filming or photography is taking place.
- 4.8 On occasions, filming at the Site may involve the erection of temporary small aluminium towers, however these will not exceed 2.5 metres in height.

Dates/hours of operation

- 4.9 At the current time, there are no future bookings for filming at the property. The exact dates and hours of any future filming depend on the specific requirements of the production company undertaking the filming and photography.
- 4.10 It is proposed that the Site will be used for no more than 2-3 activities per month if the activities include external shooting and no more than 4-6 activities per month if the activities are solely internal. If a filming/photography event comprises a mix of indoor and outdoor activities, then it would fall under the lower 2-3 event limit. 'Activities' are deemed to include on-site preparation, actual filming and dismantling/returning everything to normal at the end of a shoot.
- 4.11 It is considered that the limits described above would mean that the filming and photographic activities would be distributed in a way that would minimise any disturbance.
- 4.12 It is proposed that the hours of operation for any filming and associated activities such as setting up and dismantling will be from 07.30 to 19.30 Mondays to Fridays (excluding Bank Holidays). There will be no overnight accommodation available on Site (other than for the occupiers of the house, for whom this is their permanent residence).
- 4.13 In addition, the Applicant will maintain a log of all activities, which will be available for the Council to view at any time.

Transport and Highways

- 4.14 Access to the Site will be as existing from Kentish Lane. No permanent physical alterations are proposed to the site accesses or existing driveway. The driveway will continue to operate in a one-way direction, and will be used to accommodate parking for up to 20 vehicles. This represents a worst case scenario, and realistically there will always be fewer vehicles on Site and an off-site parking area will also be utilised.
- 4.15 The proposed parking arrangement is shown on drawing 21092-004 in the accompanying Events Management Plan. This includes parking on the grass area within the front garden. A mesh matting will be used to improve safety when traversing on the grass and to protect the lawn, and this will ensure that no mud is transferred to the local highway on wet weather days.
- 4.16 A parking marshal will be responsible for the appropriate parking of vehicles and to move them accordingly, where necessary. Drawings 21092-001 and 21092-004 in the Events Management Plan also demonstrate that a minibus and 4.6t panel van are able to access, turn and exit the site in forward gear whilst 20 cars are parked on the Site.
- 4.17 The Accompanying Events Management Plan seeks to mitigate any potential impact to the local highway network and neighbouring properties arising from

the proposed use. It sets out a variety of measures which will be in place to ensure that there will not be any adverse impacts on highways safety.

- 4.18 The Events Management Plan has been agreed with the Highways Authority and overall, it is not considered that the proposal will have any adverse impact on the safe operation of the highway or any adverse transport impacts.

Noise

- 4.19 Any noise associated with the temporary filming is likely to be associated with 'setting-up' and 'striking-off' (clearing away) at the beginning and end of each day of activity and normal levels of conversation during breaks. The film crew and actors are typically brought to the property by minibus from a satellite base and return to the base as soon as filming for a particular scene has been completed. This ensures that any normal conversations are minimal. During filming, silence is required and voiceovers are typically added back in the studio, after the filming has taken place.
- 4.20 The power supply to the property has been upgraded to a 3Phase power supply which means that generators will not be required.
- 4.21 It is noted that the Officer's Report for the Prior Approval application makes reference to the 2005 appeal hearing, whereby an occupant of No.47 Kentish Lane gave evidence that the filming caused disruption. It is considered that this evidence was based on a one-off filming event that took place at the property in 2003, whereby there were over 50 persons associated with the filming on Site.
- 4.22 The Applicant accepts that there should be adequate constraints in place to protect neighbours and the proposed conditions are considered sufficient in this regard. It is also noted that at the time of the previous Prior Approval application, 10 letters of support were received from neighbours, highlighting that any filming work is undertaken to a high level of professionalism, and the highest possible standards are adopted in terms of conduct and concern for surrounding residents with minimal disruption.
- 4.23 Overall, it is considered that the proposed restrictions on the frequency and hours of filming and the maximum number of people on the Site (20 people) associated with filming activities, provide sufficient information to demonstrate that the proposal will not have an unacceptable noise impact on neighbours.
- 4.24 The proposal is considered to accord with Local Plan Policy R19 (Noise and Vibration Pollution) as well as paragraphs 127(e) and 180 of the NPPF, which seek to ensure that all developments have a high standard of amenity for existing and future users and that development is appropriate for its location without giving rise to significant adverse impacts on health and quality of life.

Lighting

- 4.25 The Applicant confirms that artificial lighting may be used on occasions to create optimum conditions for filming and photography, such as on dull weather days or in the early evenings during the winter. However, any artificial lighting used externally will be fitted with spillage protectors and will not be used within 2 metres of the boundary of the property. In addition, any artificial external lighting will not exceed 2.5 metres in height.
- 4.26 It is also noted that the boundary of the Site benefits from mature conifer trees and substantial mature trees and hedges along the boundary with the neighbouring property which exceed 10 metres in height. It is therefore concluded that there will be no lighting impacts which will adversely affect the occupiers of neighbouring land and properties in accordance with Local Plan Policy R20 (Light Pollution).

Proposed Conditions

- 4.27 Following on from the assessment above, the Applicant would like to put forward the following conditions in order to ensure that the use of the property for temporary commercial filming and photography does not result in any adverse impacts. The Applicant proposes that the conditions would form a clear set of 'House Rules' which would be included within the contract for any filming activities.
- 4.28 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification) the part E use hereby permitted shall only be as a commercial photographic and film shoot location and for no other use within the E Use Class.
1. The use of generators associated with the commercial photographic/ filming activity is not permitted at any time.
 2. The use of the premises as a part E commercial photographic/ filming location shall not occur at weekends, or on public holidays or outside the following times: 07:30 hours to 19:30 hours Monday to Friday.
 3. No more than a total of 20 people are to be on or around the premises at any one time in association with the commercial photographic/ filming use hereby permitted.
 4. The part E photographic/ filming use shall occur for no more than 2-3 activities per month if the activities include external shooting and no more than 4-6 activities per month if the activities are solely internal. 'Activities' includes on-site preparation, actual filming and dismantling/returning everything to normal.

5. The owners of the property or a named representative shall be present at the property at all times whilst the part E commercial photographic/ film shoot location use is ongoing to assist in ensuring compliance with the terms of the planning permission and attached conditions.
6. No equipment or machinery of any kind associated with the part E commercial photographic/ film shoot location use shall be stored on the site other than within the building.
7. All artificial lighting equipment used externally is to be fitted with spillage protectors at all times.
8. No artificial lighting or other equipment used externally will exceed 2.5 metres in height.
9. No lighting or other equipment is to be used externally within a 2 metre exclusion zone around the boundary of the property as marked on the 'Lighting Exclusion Zone Plan Ref – TDC058/PL2/001'.
10. The commercial filming and photography use shall be operated fully in accordance with the Events Management Plan prepared by Pulsar dated November 2021.
11. The front garden shall not be used for commercial filming and photography, other than as car parking and vehicular movements.

5. Conclusion

- 5.1 Planning permission is sought for the use of 51 Kentish Lane (house and garden) for commercial film-making and photographic activities (Use Class E(g)) ancillary to the main use of the Site as a dwelling house (Use Class C3).
- 5.2 The proposal will enable the Site to provide a temporary location for commercial filming and photographic activities, contributing to Hertfordshire's role as a major employer for the film industry.
- 5.3 The information set out within this Planning Statement demonstrates that 51 Kentish Lane can be used as a location for commercial filming and photography without any adverse impact and disruption.
- 5.4 The proposed conditions will strictly control the operation of any commercial filming activities and will protect residential amenity and quality of life for neighbours. The proposals will not have any impact on the living conditions of neighbouring residents, nor will there be any impacts on highways safety.
- 5.5 The proposal represents sustainable development and is fully compliant with the NPPF and the Council's Development Plan policies.