

Welwyn and Hatfield Borough Council
Council Offices
The Campus
Welwyn Garden City
AL8 6AE

Langdale Planning Limited
Email - catherine.stephens@langdaleplanning.co.uk
Tel - 07779 003614

17th September 2020

Dear Sir,

Notification for Prior Approval for the Temporary Use of Buildings or Land for the Purpose of Commercial Film-Making and the Associated Temporary Structures, Works, Plant or Machinery required in Connection with that use.

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

Planning Portal Reference. PP - 09030513

On behalf of Mrs T Flammia, please find enclosed notification for prior approval for the temporary use of buildings or land for the purpose of commercial film-making and associated works as permitted through 'Class E' of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) Order ('The GPDO') 2015 (as amended).

This application is submitted along with the following information which is enclosed with this letter:

- Application Forms;
- Flood Risk Note;
- Photographs; and
- Site Location Plan

The statutory application fee (£96) has been paid online via the Planning Portal.

This application and the associated documents have been submitted electronically via the Planning Portal.

The Site

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 boundaries of the property benefit from mature conifer trees which exceed 10 metres in height. 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. To the east of Kentish Lane is predominantly open countryside. The site lies within the Green Belt.

Proposal

The proposal is 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. Access will be provided via the existing entrance into the property off Kentish Lane.

The film industry is an important employer in Hertfordshire with several major studios located within the county including Leavesden, Elstree and Park Lane and it provides a large number of jobs in the creative industry. The use of the property for temporary filming fulfils a gap in the existing provision and provides a unique location.

Relevant Legislation and Conditions

The legislation which permits the temporary use of buildings or land for the purpose of commercial film-making and associated works is set out within Class E of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) Order ('the GDPO') 2015 (as amended).

This permitted development right permits:

'Development consisting of:

- a) *the temporary use of any land or buildings for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making;*
and
- b) *the provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use'*

The site will be used for a maximum period of 9 months within a 27 month period in accordance with the permitted development rights and will solely be used for commercial film-making.

The table below sets out how the proposed temporary use accords with the relevant restrictions/criteria set out within Class E.

Criteria/Condition	Assessment	Compliance
E1 (a) the land in question, or the land on which the building in question is situated, is no more than 1.5 hectares.	The site extends to 0.5 hectares.	Yes
E1 (b) the land will not be used for overnight accommodation.	There will be no overnight accommodation available on site.	Yes
E1 (c) the height of any temporary structure, works, plant or machinery provided under Class E(b) shall not exceed 15 metres, or 5 metres where any part of the structure, works, plant or machinery is within 10 metres of the curtilage of the land.	Filming at the site may involve the erection of temporary small aluminium towers, however these will not exceed 15 metres in height or 5 metres in height within 10 metres of the boundary of the site.	Yes
E1 (d) not permitted if the land or building is on article 2(3) land.	The site is not within a National Park, AONB, Conservation Area, Broads or World Heritage site.	Yes

E1 (e) the land or the site on which the building is located is or forms part of a site of special scientific interest; a safety hazard area; or a military explosives storage area.	The land is not a Site of Special Scientific Interest, Safety Hazard Area or Military Explosives Storage Area.	Yes
E1 (f) the land or building is, or contains, a scheduled monument.	There is no Schedule Monument on the land.	Yes
E1 (g) the land or building is a listed building or is within the curtilage of a listed building.	The land is not a listed building, nor is it within the curtilage of a listed building.	Yes

Part E2 (1) of the GPDO sets out various requirements to be fulfilled prior to the use of the land for filming purposes. E2 (2) states that it is necessary to apply to the local planning authority for a determination as to whether the prior approval of the authority is required in relation to the scheduled dates which make up the filming period, hours of operation, transport and highways impacts, noise impacts, light impacts and flood risk.

The following information is provided in respect of these matters:

- Schedule of dates/hours of operation** – At the current time, there are no future bookings for filming at the property. The exact dates and hours of any future filming will depend on the specific requirements of the production company undertaking the filming. However, the dates of filming would not exceed 9 months in any 27 month period and it is proposed that the filming and all associated operations such as setting up and dismantling, would take place between the hours of 07:30 and 21:00 on Mondays to Fridays.
- Transport and Highways Impact** – Access to the site will be as existing from Kentish Lane. Sufficient parking provision will be made on site to ensure all vehicles, including production vehicles, can be safely accommodated within the site and that there are no impacts on viability or safety for highway users. The enclosed photographs demonstrate that there is sufficient space at the front of the property (on the property's private driveway) to accommodate up to 14 vehicles. The filming companies will use a remote base from where they transport people in and out of the filming location. From time to time and as required, they have permission from the neighbouring property at No.53 to park any additional vehicles. As such, this ensures that there are no vehicles parked on highways land and there will be no material change in the character of traffic in the vicinity of the site and no impact on highways safety.
- Noise Impacts** – 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 filming and normal levels of conversation during breaks in the filming. 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. The power supply to the property is in the process of being upgraded to a 3Phase power supply which will mean that the majority of filming will not require the use of a generator. On very rare occasions, a generator may be brought to the site, however noise levels from any generator will be limited to no more than 60d(B), which is typically the same level of sound generated by a normal conversation. In any case, there are very few properties in proximity of the site.

- **Light Impacts** – Artificial lighting may be used on occasions to create optimum conditions for filming, 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. Any artificial external lighting will not exceed 15 metres in height or 5 metres in height within 10 metres of the curtilage of the site in accordance with Part E1 (c) of the regulations. 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 as shown on the enclosed photographs. It is therefore concluded that there will be no lighting impacts which will adversely affect the occupiers of neighbouring land and properties.
- **Flooding Risk** – the site is in Flood Zone 1 and is at very low risk of flooding from both rivers, seas and surface water as set out in the accompanying Site Specific Flood Risk Note.

It is considered that the above information provides the Local Planning Authority with sufficient information regarding any temporary filming and it is our view that prior approval for the proposed temporary filming is not be required.

Summary

The proposal will enable the site to provide temporary filming, contributing to Hertfordshire's role as a major employer for the film industry.

As set out above, the proposal benefits from the permitted development rights set out with Class E of the GPDO and accords with all necessary criteria and conditions associated with this. As such there is no requirement for prior approval.

I trust that the above is in order and look forward to receiving confirmation that the application has been validated. Should you require any further information then please do not hesitate to contact Catherine Stephens on 07779 003614.

Yours Sincerely,

Catherine Stephens MRTPI
Director, Langdale Planning Limited
Enc.