

DELEGATED REPORT

APPLICATION NO.

16/03324/PRIOR

LOCATION

Hartland Park Bramshot Lane Fleet Hampshire

PROPOSAL

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

APPLICANT

Mr N Oliver

CONSULTATIONS EXPIRY

5 January 2017

APPLICATION EXPIRY

6 February 2017

RECOMMENDATION

Prior Approval Given

CONSULTEES RESPONSES

Highways

No highway objection.

Drainage (Internal)

No Objection

This application is for the temporary use of an existing brownfield site for filming. The existing site already contains a high amount of hard standing and impermeable area so the proposal is not anticipated to noticeably increase the hard standing area. The site is in Flood Zone 1 with parts of the site flooding from surface water. The level of flood risk is deemed acceptable for the proposed use.

Condition

Any structure, works, hard standing, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period be removed from the land.

Reason

To ensure that any impermeable areas created during the filming process does not have a permanent impact on the site runoff.

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

As submitted the application would:

- . have an adverse effect on the integrity of Thames Basin Heaths Special Protection Area.
- . damage or destroy the interest features for which Fleet Pond, Bourley and Long Valley, Eelmoor Marsh and Basingstoke Canal Sites of Special Scientific Interest have been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- . Measures should be in place to prevent crew members and staff from entering the Thames Basin Heath Special Protection Area.
- . Any accidental spills and contaminants should be contained and appropriately managed. Fuel spill kits should be available on site during works.

We advise that an appropriate supporting document or obligation is attached to the proposed development to secure these measures.

Farnborough Airport Manager

No Objections.

Fleet Town Council

We see no problems with using the site for filming however we are concerned about the use of a helicopter at night and whether it will disturb the Pondtail residents living close by.

We would also question that as it will take place in April when the wildlife at the Pond and surrounding area will be breeding - will the noise & associated lighting disturb them?

Environmental Health (Internal)

This Department has considered the application and would raise NO objections.

NEIGHBOUR COMMENTS

No comments received.

CONSIDERATIONS

Hart District Council Local Plan (Replacement) 1996 – 2006

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THE SITE:

The application site lies within Hartland Park, located to the north east of Fleet, and south of the M3. The site is located within a semi-rural location and is not covered by any landscape or ecological designations and also is not designated as Article 2(3) land, therefore full Permitted Development rights apply. The site does lie with the 400 m-5km zone of the SPA.

The site is currently in a state of flux, with the majority of buildings having been demolished with only large areas of hardstanding remaining. The proposed site for filming activity lies in the southern / central quarter of the site.

The location is situated approximately half a kilometre from the residential areas of both Fleet and Farnborough and the site is isolated by surrounding woodland. South east of the site lies a sports facility and technology park.

THE PROPOSAL:

Prior Notification under Class E, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) of the temporary use of land for film-making purposes at Hartland Park, Farnborough

PLANNING HISTORY

(Most recent relevant history)

12/01726/MAJOR Application to extent the life of planning permission 07/00764/MAJOR - Outline Application - Part demolition of existing buildings, erection of new buildings to use within class B8 (warehousing and distribution) and ancillary offices, with associated access, parking, groundworks, infrastructure and landscaping - PERMISSION 05.12.2012

16/02636/EIA Request for a Environmental Impact Assessment Scoping Opinion under the 2011 EIA Regulations in connection with the proposed redevelopment of the former Defence Evaluation and Research Agency (DERA) site, Pyestock - OPINION ISSUED 18.11.2016

CONSIDERATIONS:

Class E of Part 4, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows 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.

Development is not permitted by Class E if:

- (a) the land in question, or the land on which the building in question is situated, is more than 1.5 hectares;
- (b) the use of the land is for overnight accommodation;
- (c) the height of any temporary structure, works, plant or machinery provided under Class E(b) exceeds 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;
- (d) the land or building is on article 2(3) land;
- (e) the land or the site on which the building is located is or forms part of—

- (i) a site of special scientific interest;
- (ii) a safety hazard area; or
- (iii) a military explosives storage area;
- (f) the land or building is, or contains, a scheduled monument; or
- (g) the land or building is a listed building or is within the curtilage of a listed building.

This is the first PRIOR application for filming on the site and the period of filming will not exceed 9 months. The annotated mapping extract submitted with the application confirms that the area for filming (set location) is approximately 1.46 hectares. Land proposed for ancillary use (i.e. parking, support vehicles and landing the helicopter) is located to the north and is outside of the area considered under this prior application. The land is not used for overnight accommodation. The applicant has confirmed that the height of the proposed set, works, plant or machinery does 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. The site is not on article 2(5) land, nor in SSSI, a safety hazard area, nor a military explosives storage area. The land is not listed nor within the curtilage of a listed building nor is it a scheduled monument.

The proposal is considered to meet the above requirements and therefore the proposal would constitute permitted development.

Conditions:

Class E development is permitted subject to the condition that before the start of each new filming period the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- (a) the schedule of dates which make up the filming period in question and the hours of operation,
- (b) transport and highways impacts of the development,
- (c) noise impacts of the development,
- (d) light impacts of the development, in particular the effect on any occupier of neighbouring land of any artificial lighting to be used, and
- (e) flooding risks on the site,

- (a) The schedule of dates which make up the filming period in question and the hours of operation

The applicant has confirmed that the filming schedule (including the preparation, filming/shoot period and strike period) will be 14 weeks from Monday 6th February 2017 to Saturday 20th May 2017. There is a requirement for filming activity to take place during hours of darkness and filming which include helicopter sequences will occur entirely at night.

- (b) Transport and highways impacts of the development

Suitability and sustainability:

The site is considered to be located in a relatively sustainable location, with adequate pedestrian accessibility and alternative transport modes apart from private vehicles.

Traffic generation:

The applicant has provided expected vehicle movements during the different phases of filming. The type of vehicles and the level of traffic to and from site will fluctuate with the filming phases, with peak traffic movements to and from site occurring during the shoot period in April/May 2017. Peak levels include 150-200 cars, shuttle busses and 20-25 lorries. This is a substantial increase in vehicle movements, however this increase will only be temporary, lasting for 5 days.

In terms of the route into the site from the adjoining highway, the applicant's have confirmed that vehicles will be instructed to follow a specific route to the site, selected to minimise impact on the surrounding area. All traffic will approach from the M3, and then join the A327 to the site.

Whilst the proposal would result in a spike in traffic generation, the temporary nature of the proposed use would in part mitigate concerns with regards to the impact on the local road network.

Parking Provision:

The proposed use could generate the need for over 200 car parking spaces. The wider site consists a significant area of hardstanding and therefore it is considered that there would sufficient space to provide parking to meet the temporary demand.

The Council's Highways Officer has reviewed the application and has no objections in principle subject to appropriate conditions.

Given the potential parking capacity of the site, it is considered that the proposal is therefore acceptable in terms of access, trip generation, vehicle parking provision and on highways safety grounds.

(c) Noise impacts of the development

The filming taking place does not propose the use of special effects (explosions, gunfire etc) however there will be noise generated from set vehicles and in particular the helicopter, which will be filmed at night. A noise report, which details noise levels resulting from helicopter activity and an associated wind machine, confirmed that given the distance of the site from neighbouring residential areas, there would be no impact upon any neighbouring amenity.

The noise report does state that "it should be noted that only the wind machines and helicopters were modelled. In reality there will be a large amount of other noise generating plant on site such as generators, compressors, vehicle movements and cranes. The location of this equipment should be taken into account when setting up the location as to minimise the impact on the residence and reduce the likely hood of complaints."

The applicant has stated that "in terms of the general filming activity taking place on site, it is reasonable to anticipate the general noise levels that may be generated, but this will not be in excess of the noise levels that would usually occur in association with the lawful activity at the site." In terms of noise management, the applicant has

also confirmed that the production company will maintain an effective response mechanism to deal with any issues or complaints that may occur.

The Council's Environmental Health Officer has reviewed the application and has no objections to the proposal.

Given the distance to neighbouring residential development and the temporary nature of the proposal, it is unlikely the noise impact will cause a significant loss of amenity.

(d) Light impacts of the development, in particular the effect on any occupier of neighbouring land of any artificial lighting to be used

The majority of the period of use will occur between 0700 and 1800 hrs. This activity can largely take place without the requirement for additional lighting outside of daylight hours. During the filming activity (limited 5 day period in April/May 2017), there may be the requirement for artificial lighting on site to assist with any night filming which may occur. Given the scale of the site and relative distance to residential properties, there will be no significant loss of amenity by way of light pollution. Although there may be light spill/glare resulting from the use of artificial lighting, this will be temporary in nature and therefore not considered to be materially harmful to the area.

The Council's Environmental Health Officer has reviewed the application and has no objections in principle.

(e) Flooding risks on the site

The application is accompanied by a Flood Risk Assessment, which confirms that the site lies within Flood Zone 1 and is unlikely to experience flooding. Given the temporary use of the site and no development or construction is proposed, it is considered that any impact on flooding or flood risk is low.

Article 3

Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) grants planning permission for the Classes of development described as permitted development in Schedule 2 - 'Subject to the provisions of this Order and regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2010 (general development orders)'

Regulation 73(1) states

'It is a condition of any planning permission granted by a general development order, whether made before or after 1st April 2010, that development which—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 75 (approval of local planning authority)."

The application site is within 5 kilometres of the Thames Basin Heath Special Protection Area (TBHSPA), a European designated site under the Habitats and Species Regulations 2010. The proposal may have an effect on this European designated site. Natural England have confirmed in order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- Measures should be in place to prevent crew members and staff from entering the Thames Basin Heath Special Protection Area.
- Any accidental spills and contaminants should be contained and appropriately managed. Fuel spill kits should be available on site during works.

In a recent appeal decision (reference APP/N1730/W/16/3141706) the inspectorate states 'the Regulations require a separate application to be submitted to enable the Council to consider the impact on the SPA and that this must be made prior to works commencing rather than prior to the determination of an application for prior approval'. In essence, the prior notification and consideration of the impact the development would have on the SPA are two separate processes, both of which require approval in order for the proposed development to be implemented. The two processes are mutually exclusive and should not be used to determine the outcome of each other's decision. The prior notification therefore could be approved prior to the submission and determination of an application under Regulations 73-76. In this case it would be inappropriate to include Nature England's conditions to any grant of consent.

It is however also necessary to consider some of the other relevant criteria in Article 3. These state that development is not permitted development under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) if:

- 3(4) It is contrary to any condition imposed by any planning permission granted or deemed to be granted under Part III of the Town and Country Planning Act - NO
- 3(5) In the case of permission granted in connection with an existing building or use, the building operations involved in the construction of that building or its use are unlawful - NO
- 3(10) It is EIA development - NO

There are no relevant Article 4 Directions on the land restricting Permitted Development rights for this type of development.

Conclusion:

It is recommended that prior approval should be granted.

INFORMATIVES

- 1 The applicant is reminded that development permitted under Class E, Part 4

of the GDPO is subject to the following conditions:

(a) any structure, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period, be removed from the land; and

(b) the land on which any development permitted by Class E has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before that development was carried out.