

PLANNING COMMITTEE – 25 FEBRUARY 2021

PART I – DELEGATED

- 13. 20/2667/FUL - Temporary change of use of land for the purposes of external film production, construction of internal access track and associated works for a period of 2 years at WARNER BROS. STUDIOS LEAVESDEN, WARNER DRIVE, WATFORD, HERTFORDSHIRE, WD25 7LP (DCES)**

Parish: Abbots Langley
Expiry of Statutory Period: 11.03.2021

Ward: Leavesden
Case Officer: Claire Westwood

Recommendation: That temporary planning permission be granted.

Reason for consideration by the Committee: Called-in by 3 Members of the Planning Committee due to the considerable amount of local concern.

1 Planning History

1.1 Background

1.1.1 The Leavesden Aerodrome site has a complex planning history. The site, which originally included land now developed to the east, has previously been owned by the Ministry of Defence where it was an important centre for the production of Mosquito and Halifax aircraft during World War II; and by Rolls Royce where it was used for manufacture of helicopter engines until 1993. At its peak, the site employed over 3,000 people, but this had been reduced to approximately 1,800 by 1991. The airfield remained open for flying until March 1994, being used by a private flying club; the Leavesden Flight Centre. At its peak in 1990, there were some 60,000 aircraft movements at the site.

1.1.2 In 1995 the site was purchased by Third Millennium Group and part of the site was used as a film production studios. In 1999, the site was purchased by MEPC who leased the studios to Warner Bros. until they acquired it.

1.2 Planning Brief

1.2.1 A Planning Brief was prepared by Three Rivers District Council and Watford Borough Council and approved for the site in 1993. This set out principles to guide future development of the overall Leavesden Aerodrome site (totalling 119 hectares). The basic concept was to constrain development to the eastern part of the site and release the remainder of the site to form an attractive and accessible Green Belt wedge between Abbots Langley and Watford.

1.3 Relevant Planning History for Studios Site

1.3.1 10/0080/FUL - Continued use of land and buildings for film production and associated activities including retention and refurbishment of existing studios to accommodate stages, backlot, workshops, offices, production facilities, canteen /commissary and ancillary studio facilities and services, replacement and extended workshops, stage and offices. Two new stages (approx. 13,000 sqm floorspace) for the storage and public exhibition of film sets and artefacts (including cafe and gift shop), new accesses from Aerodrome Way, revised internal road layout and parking, extended backlot, landscaping and associated works. Approved with a S106 Agreement.

1.3.2 10/2425/FUL - Erection of an electricity sub-station (in connection with redevelopment of the Studios under reference 10/0080/FUL). Approved 26 January 2011.

- 1.3.3 11/0376/RSP - Part retrospective: Amendments to planning permission 10/0080/FUL to include: Reduction and modifications to K Stage, modifications to J Stage and revised layout of external display areas; revised layout of security gatehouses, internal road layout (temporary consent sought for internal road link) and cycle storage; minor realignment of spur access from northern roundabout; revised landscaping including re-profiling and realignment of bunds; new paved area for picnic use and security hut; revised materials for car park; and associated works. (No alteration to operation of visitor centre, visitor numbers, no. of parking spaces or traffic generation as per the section 106 agreement dated 15 June 2010). Approved 19 May 2011 with a deed of variation to the Section 106 Agreement.
- 1.3.4 11/0590/RSP – Part retrospective: Revised layout for the northern part of Leavesden Studios (previously approved under application 10/0080/FUL), including demolition and replacement of the Mill building to be built in two phases, the relocation and construction of the approved multi-purpose workshop building, revised parking layout, hard and soft landscaping including omission of bunding and associated ancillary works. Approved 20 June 2011.
- 1.3.5 11/1607/ADV - A total of 9 individual advertisement signs, including directional signage, at Warner Bros. Studios Leavesden and the associated Studio Tour (including externally illuminated entrance signs, fascia signs and poster advertisements). Approved 21 September 2011.
- 1.3.6 12/0344/FUL - Variation of Condition 2 of planning permission 10/0080/FUL to allow substitution of plans to reflect minor amendments to design. Approved 22 May 2012 with a deed of variation to the Section 106 Agreement.
- 1.3.7 12/0345/FUL - Variation of Condition 2 of planning permission 11/0376/RSP to allow substitution of plans to reflect minor amendments to design. Approved 22 May 2012 with a deed of variation to the Section 106 Agreement.
- 1.3.8 12/0346/FUL - Variation of Condition 2 of planning permission 11/0590/RSP to allow substitution of plans to reflect minor amendments to design. Approved 22 May 2012.
- 1.3.9 12/1150/FUL - Amendments to flight shed at Warner Bros. Studios comprising minor modifications to the existing fabric of the building, replacement cladding to the west elevation and removal of the 'beehive' ventilation units (cross boundary application). Approved 31 July 2012.
- 1.3.10 12/2169/FUL - Construction of a new permanent workshop building with associated parking, demolition of existing workshop/store, relocation of an existing refuse and recycling facility and associated ancillary works. Approved 15 January 2013.
- 1.3.11 12/2324/FUL - Variation of the existing S106 Agreement and Traffic and Visitor Management Plan (relating to planning permission 10/0080/FUL) at Warner Bros. Studios Leavesden to allow earlier openings (from 0900 hours) on Saturdays, school holidays and on 15 'floating days' and up to 5,540 visitors on these days. Approved 1 March 2013 for a temporary period of 2 years.
- 1.3.12 13/0110/RSP - Part retrospective: Temporary consent (6 months) for construction/retention of exterior filming tank and associated storage of spoil. Approved 28 March 2013.
- 1.3.13 13/1173/FUL - Variation of Conditions 2 and 3 of planning permission 12/2169/FUL for a new permanent workshop building to allow: Substitution of plans to reflect minor amendments to building design and improvements to internal Studio roundabout and retention of existing store building for a minimum of two years from first occupation of the workshop due to significant existing production commitments. Approved 23 September 2013.

- 1.3.14 13/1352/RSP - Part Retrospective: Exterior filming tank with associated hard-standing, drainage works and access road and spoil storage. Approved 12 September 2013.
- 1.3.15 13/1924/FUL - Extension of 'J' stage of the Warner Bros. Studio Tour including accommodation for a new feature set, educational support facilities, revised parking layout including the provision of an additional 226 car parking spaces, extension of the internal link road, an external picnic area, a toilet block, revised landscape proposals and re-siting of the cycle storage and refuse area. Approved 13 January 2014.
- 1.3.16 13/2066/FUL - Full planning permission for the construction of a new permanent sound stage with associated parking and hard landscape work and temporary (18 months) construction access on to South Way. Approved December 2013.
- 1.3.17 13/2239/FUL - Full planning permission for the construction of a new permanent sound stage (Stage N), studio support space, associated parking and hard landscape works, external lighting, use of temporary construction access on to South Way for a period of 18 months and associated ancillary works. Approved 24 February 2014.
- 1.3.18 14/1232/FUL - Deed of Variation: Variation of the existing S106 Agreement and Traffic and Visitor Management Plan (relating to planning permission 10/0080/FUL) at Warner Bros. Studios Leavesden to enable hospitality events to take place and studio tours to commence up to 21:00 hours on such days. Approved 25 September 2014 (for 8 events within limited period of 1 year).
- 1.3.19 14/1752/FUL - Deed of Variation: Variation of the existing S106 Agreement (relating to planning permission 10/0080/FUL) at Warner Bros. Studios Leavesden to insert additional clauses relating to visitor numbers; to vary clauses to increase daily visitor numbers from 5,000 to 5,728 and from 5,540 to 6,383 on Saturdays, school holidays and floating days; to vary clauses to increase number of floating days from 15 to 20; to vary clauses to permit floating days within 10 days of any school holiday; and updates to definitions. Approved 5 December 2014.
- 1.3.20 14/1831/FUL - Variation of Condition 2 (Plans) of planning permission 12/0344/FUL to amend the existing parking layout to increase staff parking provision by 71 spaces and provide additional landscape planting. Approved 5 December 2014.
- 1.3.21 15/0744/FUL - Application for the operation of Hospitality Events at the Warner Bros. Studio Tour London until 23.00 hours on any given day and until 00.00 hours (midnight) on 24 occasions during a calendar year ('special' Hospitality Events). Approved 16 July 2015.
- 1.3.22 15/1852/FUL - Hybrid Application to include detailed approval of new sound stages, workshops, post production facility and extension to the Studio Tour car park together with outline approval (matters reserved: appearance and landscaping) of extension to the Studio Tour, workshops, production support building, Studio parking deck, Studio cafe extension, Studio support facilities and associated works as well as continued use of land and buildings for film production and associated activities (including use of Stages J & K for the storage and public exhibition of film sets and artefacts (Studio Tour) and hospitality events). Approved 25 January 2016.
- 1.3.23 16/2430/FUL - Deed of Variation: Variation of the existing S106 Agreement (relating to planning permission 15/1852/FUL) at Warner Bros. Studios Leavesden to vary the studio tour hours of opening to allow the first tour to start at 09:00 on Sundays for a temporary period of one year. Approved 7 February 2017.
- 1.3.24 16/2554/FUL - Studio parking deck to provide 2,150 additional parking spaces, bicycle store, security office, post room facilities and rearrangement of internal vehicular circulation. Approved 27 February 2017.

- 1.3.25 16/2611/AOD - Approval of Details: Details pursuant to hybrid planning permission 15/1852/FUL comprising construction of a new permanent workshop building with associated hardstanding, drainage and landscape (Development Area 7). Approved 2 March 2017.
- 1.3.26 17/0286/NMA - Non material amendment to planning permission 15/1852/FUL: Alteration to external finish of the rear elevation of P-Stage. Approved 22 February 2017.
- 1.3.27 17/0591/ADV - Advertisement Consent: Three internally illuminated fascia signs and six internally illuminated signs to Studio parking deck. Approved 28 April 2017.
- 1.3.28 17/0683/NMA - Non Material Amendment to planning permission 15/1852/FUL - Alterations to hardstanding (Development Area 1 - L Stage Workshop). Approved 19 April 2017.
- 1.3.29 17/1790/NMA - Non Material Amendment to planning permission 16/2554/FUL: Additional ramp to southern elevation; Electrical room provision; and amendments to Warner Drive. Approved 4 September 2017.
- 1.3.30 17/2240/FUL - Extensions and additions to the Studio Tour with associated parking, drainage, landscaping and enabling works (including the provision of temporary reception facilities) and a variation to the S106 to allow the Studio Tour to open at 9am on Sundays, on a permanent basis. Approved 10 January 2018.
- 1.3.31 17/2570/NMA - Non material amendment to planning permission 16/2554/FUL: Alterations to external materials and alterations to post room. Approved 3 January 2018.
- 1.3.32 18/0019/ADV - Advertisement Consent: Erection of internally illuminated signage. Approved 2 February 2018.
- 1.3.33 18/2343/NMA - Non Material Amendment to planning permission 17/2240/FUL: Replacement of hedgerow species and removal of six trees. Approved 10 December 2018.
- 1.3.34 18/2545/ADV - Advertisement Consent: 7 x externally illuminated advertising posters, 1 x externally illuminated Warner Bros shield and fibre glass lettering. Approved 6 February 2019.
- 1.3.35 19/1445/FUL - Extension to the Studio café and landscape improvements. Approved 20 August 2019.
- 1.3.36 19/1944/FUL - Development of T, U and V stages along with new office building and landscape improvements. Approved 3 April 2020.
- 1.3.37 19/2369/FUL - Extension to the backlot café. Approved 21 January 2020.
- 1.3.38 20/2645/FUL - Erection of a 2.4m high fence, to the south (A41) and west (Gypsy Lane) boundaries including gates to the west (Gypsy Lane) and east (Backlot) boundaries and the erection of 3 no. 6m high CCTV poles adjacent to the northern and eastern boundaries. Approved 20 January 2021.
- 1.3.39 There have been numerous applications to discharge conditions.

2 Site Description

Wider Studio Site

- 2.1 The site lies to the north of Watford just within the M25 and north of Hunton Bridge M25 spur roundabout. The residential area of Leavesden is to the east, with Abbots Langley to the north and Watford to the south. To the west of the site are open fields with some residential roads and individual properties.

- 2.2 Leavesden Studios has been used for film making since the mid-1990s and from 2000 by Warner Bros. for the Harry Potter series of films, amongst others. The Studios comprise the main part of the original Leavesden Aerodrome dating back to the 1930s and operated from 1967 to 1994 when the site was occupied by Rolls Royce for aero engine manufacture.
- 2.3 The site is now owned by Warner Bros. and has been redeveloped through the implementation of various planning consents outlined in section 1 of this report. These consents have essentially allowed:
- 1) The continued use of the land and buildings for film production and associated activities including the retention and refurbishment of existing studio buildings.
 - 2) Erection of a replacement 'Mill' building and new workshop building to the northern part of the site.
 - 3) Erection of two new stages (J and K) for the storage and public exhibition of film sets and artefacts, including cafe and gift shop, located between the main studio complex and Aerodrome Way. These new stages house the 'Warner Bros. Studio Tour London: The Making of Harry Potter', and have since been extended.
 - 4) Revised internal road layout and parking, new gatehouses, extended backlot, landscaping including new bunding and associated works.
 - 5) Consent for an external water tank used to film water based scenes.
 - 6) Construction of additional workshops, two new sound stages and production offices (M, N and O).
 - 7) Studio Tour and Studio parking.
 - 8) Studio Tour hospitality events.
- 2.4 Permission was granted under application 15/1852/FUL for further development at the wider Leavesden Studios site for the following elements:
- Detailed elements:*
- 1) L Stage Workshop located adjacent to existing L Stage to the south of the site to replace existing temporary workshop structures at the backlot.
 - 2) P Stage located on the northern part of the site, opposite N & O and M Stages to be a new permanent sound stage.
 - 3) Q and R Stages and ancillary production offices within a new permanent sound stage with three storey offices attached to the northern elevation to the west of C Stage.
 - 4) Post production facility to the south of the main Studio buildings to include re-recording stages, cutting rooms and a preview theatre.
- Outline elements:*
- 5) Studio Tour Extension - new stage to extend from the southern elevations of J & K Stages onto part of the existing visitor car park including additional single storey staff accommodation located around K Stage, with a maximum height of 10m.
 - 6) Workshop on an existing hardstanding area to the north of the site, known as Car Park 5 (CP5).
 - 7) Studio Café Extension to meet enhanced catering needs.
 - 8) Production Support Building adjacent to the backlot and proposed Q & R Stages, to be used for a range of support activities including workshop, wardrobe, make-up and special effects.
 - 9) Island Site development - accommodation for a range of Studio support facilities such as workshops and production services together with supporting office accommodation with access via a new arm on the existing Aerodrome Way/High Road/Ashfields Way signalised junction.
- 2.5 Some Reserved Matters applications pursuant to the outline elements have been approved as detailed in the full planning history above.
- 2.6 Permission has been given under application 17/2240/FUL for 'Extensions and additions to the Studio Tour with associated parking, drainage, landscaping and enabling works

(including the provision of temporary reception facilities) and a variation to the S106 to allow the Studio Tour to open at 9am on Sundays, on a permanent basis’.

- 2.7 Planning permission 19/1944/FUL granted consent for ‘Development of T, U and V stages along with new office building and landscape improvements’, with some slight variations to that approved pursuant to the Hybrid Planning Permission.
- 2.8 Leavesden Studios was identified in the Local Plan 1996-2011 as a Major Developed Site in the Green Belt. However, the Site Allocations document adopted in November 2014 removed the Green Belt designation from the built areas of the Leavesden Studios site. This area of the site is allocated specifically for Leavesden Studios Operations and associated uses (Site GB(2)). The backlot remains designated Green Belt.
- 2.9 Tree Preservation Order (TPO) 305 protects trees around the existing Studio buildings. TPOs 310 and 107 protect trees in the vicinity of L Stage in the south west corner of the site. A Local Wildlife Site lies within the southern part of the site, with another sited adjacent to the western boundary. The nearest Listed Building is at Hunton Park to the north west. Hunton Bridge Conservation Area is sited beyond, approximately 750m to the north west of the site.

Application Site (ref. red line area on site location plan ref. 1366/PL/030)

- 2.10 The application site comprises of 6.71 hectares of land, located on the southern part of the vacant field adjacent to the existing Studios backlot.
- 2.11 The field is bordered by mature hedgerows to all boundaries with the London Euston to Birmingham mainline railway line forming the northern boundary; the existing studio complex of L Stage and workshop located on the eastern boundary; and the A41 and Gypsy Lane forming the southern and western boundaries. Two existing gated field entrances exist from the A41 (roundabout) and Gypsy Lane, however, as part of the works associated with application 20/2645/FUL, the A41 access would be closed with a new access created from existing Studios backlot.
- 2.12 A small section of the field (south-east corner) falls within Watford Borough Council’s (WBC) area. The red line of this current application excludes that area, the area of land subject to this change of use application falls wholly within TRDC area. WBC have been consulted as a neighbouring authority.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the temporary change of use of land for the purposes of external film production, construction of internal access track and associated works for a period of 2 years.

Background

- 3.2 The Planning, Design and Access Statement sets out that the Covid-19 global pandemic has had a significant impact on operations at the Studios (WBSL). The first national lockdown halted all production activity on site for almost 4 months and while the Studios reopened in June 2020, WBSL has been working hard to accommodate the requirements of those productions that were delayed together with those scheduled to start. This is whilst also ensuring that there are robust safety measures in place for all staff and crew.
- 3.3 The impact of these measures continues to present WBSL with challenges in terms of its space planning and consequently additional backlot space is required to ensure that WBSL can continue to accommodate film productions programmed during the 2021/22 period whilst still operating stringent Covid-19 measures.

3.4 The land subject of this application has recently reverted to the full control of WBSL. The temporary use of the southern part of the site would enable WBSL to accommodate film production whilst avoiding costly delays and the need to locate production elsewhere with the economic impact that this would have.

Proposal

3.5 The proposed temporary development would comprise the use of the land adjacent to the existing WBSL backlot for set building and support facilities (approximately 5.2 hectares); an access track of approximately 100 linear metres; and filming activities to be carried out in accordance with the Operational Management Plan (summarised below). The temporary development would act as an extension to the existing backlot.

3.6 Summary of Operational Management Plan:

- Access and egress would only be via the existing WBSL backlot.
- General parking would be within the main studio site unless required for construction of sets/support during filming.
- Dates and timings of night shoots will be provided to TRDC at least 5 days in advance and advance neighbour notification would be undertaken by WBSL in accordance with WBSL standard procedures.
- Lighting where required will be directed into the site. Lighting columns would not exceed 20 metres and all operational lighting will be switched off when not required unless otherwise agreed.
- Dates and timings of any noisy 'one off' activities will be provided to TRDC at least 5 days in advance and advance neighbour notification would be undertaken by WBSL in accordance with WBSL standard procedures.
- Any levelling or provision of permeable surfacing shall only take place within the central area of the field as indicated by blue hatching on drawing No. 1336-PL-032. Any changes that exceed +/- 3 metres would be subject to a minimum 5 days advance notice and prior approval by TRDC.
- Any temporary structures would not exceed 15 metres in height other than with the notification of TRDC at least 5 days in advance. Structures will be removed once they are no longer required.
- No temporary structures or storage would be located within 20 metres of any highway or public right of way.
- The site will be subject to regular security patrols and 24 hour CCTV.
- Generators if required, will be used during set construction and filming but will be switched off when not in use.

3.7 The land would be reinstated to its original condition including any changes in levels, once it is no longer required for film production or upon expiry of the temporary planning permission.

3.8 In addition to the site location plan, proposed block plan and new access track detail, the application is accompanied by the following technical reports:

- Planning, Design and Access Statement (and Economic Statement)
- Operational Management Plan
- Landscape and Visual Appraisal
- Tree Survey and Tree Protection Report
- Ecology Surveys
- Biodiversity Checklist
- Transport Statement
- Desk Based Heritage Assessment
- Flood Risk Assessment and Drainage Strategy

3.9 During the application amended details have been provided, amending the proposed access track to a permeable material.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Concerns]

We appreciate the concerns of local residents, however our understanding is that we need to take into account the landowners rights to undertake development in the greenbelt under general planning law. It would appear that the enclosing fence is lawful up to a height of 1.8m, and this could be imposed on the site up to the boundary of the public footpath, Gypsy Lane. The materials and pattern of that enclosure would appear to be 'open', to the landowner's discretion.

Therefore, the question before us, is do we object to the extra 600mm taking the fence to 2.4m. Ordinarily, yes, however, we further note that the proposals are to take the fence back, from the Gypsy Lane boundary some 3m which will alleviate, the overburdening of the fence on the footpath.

We would obviously request a deeper strip between Gypsy Lane and the enclosure, however given the potential enclosure, and the one presented we would offer no objection, bar the issues listed below.

Should the fence be approved, we would like conditions set for enhancement of bio diversity to the outer strip between Gypsy Lane and the enclosure, and we would also request that 'passage routes', are placed at low level through the fence, to allow the movement of wild animals whilst maintaining the required security. We would appreciate the ability to discuss this further should the application be approved.

With regard to the 'temporary use' of the land for outdoor filming, we are concerned that this is not an appropriate use for greenbelt land, however, through consultation, we further understand that given the current economic situation this country is in, that the temporary use could be seen as a 'very special circumstance', to that point, we feel that in this case, we will reside on the response from the Planning Officer.

We would like to point out that this has angered a lot of local residents not only of those living on Gypsy Lane, but also of the wider Parish, and whilst we appreciate the ability of landowners to work and construct within greenbelt, and we fully appreciate the works that Warner Bros have done both in our community and the wider district, we feel that any further incursions to greenbelt, by any party, should be opened up for a public consultation, as this is not just another planning application, but one that affects the entire character of a much loved village.

Officer comment: It should be noted that the current application relates only to the temporary change of use of the land. Planning application 20/645/FUL for the installation of a fence has been permitted. During the consideration of that application, amendments were sought, with the alignment of the fence revised, increasing the depth it is to be located from the site boundary to between 3 and 5 metres at all points (originally proposed 2 – 3 metres). An Environmental Management Plan and Landscape Plan were also submitted. These provide further detail with regards to the protection of existing trees / hedge along the boundary and the proposed ecological and landscape enhancements for the site. These include mitigation measures relating to the protection of the existing boundary habitat, additional planting to enhance the existing hedgerows and badger gates and hedgehog access points are also shown at intervals.

4.1.2 Hertfordshire County Council – Highway Authority: [No objection, advisory informatives]

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.

Highway Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) 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.

AN) 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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Comments / Analysis

The proposals do not include any new or altered access from the surrounding highway. Whilst there is proposed to be new temporary access within the site, this would be accessed from the existing site and therefore no highway impact.

Following consideration of the submitted plans and Transport Statement, which anticipate no additional vehicle movements to the overall use of the studio site, HCC as Highway Authority would not have an objection to the proposals from a highway perspective, subject to the inclusion of the above highway informatives.

4.1.3 Herts Ecology: [No objection, condition requested]

Thank you for consulting Hertfordshire Ecology on the above application, for which I have the following comments:

1. The proposal is for a Change of Use of land for filming for a period of two years. This is linked to Covid 19 issues which has placed pressure on the existing facilities. Additional backlot land for set building and support facilities is required to ensure that WBSL can continue to complete film productions programmed during the period 2021-2022. It is proposed that the land would be reinstated to its original condition including any changes in levels, once it is no longer required for film production or upon expiry of the temporary planning permission (DAS 3.3).
2. Currently the field has a limited ecological interest. What it supports is typical of an arable field bordered by hedgerows in the local area and the recent ecological update surveys – although limited - have not highlighted any biodiversity of particular significance. Consequently, I do not consider that biodiversity represents a constraint on the proposals.
3. Whilst no permanent lighting is proposed, whatever is needed to support the change of use will be permitted by an approval, and so if external lighting is required, it will be

provided as and when necessary. This will have an ecological impact and well as local amenity considerations, although as yet no details can be provided given the very variable nature of the activity. However, given the superficial nature of the recent ecological update surveys, the impact on bats etc. cannot be properly assessed although it can be assumed that bats use the adjacent hedgerows for foraging. However, it is not likely that bats would represent a fundamental constraint on the proposals.

4. Nevertheless, the proposals will represent a material change in character of the site and will not enhance the local biodiversity, introducing regular disturbance and possible earthworks, lighting etc. into the field, which can only degrade any existing wildlife use that is present or sensitive to this change of use.
5. The application site covers just over a half of the field nearest the existing studios. There are no proposals for the remainder, although the application site for fencing (20/2645/FUL) covered the whole of this field. What is proposed, therefore for the land not covered by this proposal?
6. Nor are there any proposals for the field to the west, which presumably will remain in agricultural use. This is a large and visually prominent field, providing a significant rural landscape contribution locally although limited ecologically. However, its future agricultural use is important in retaining the nature of the landscape character and any ecology or potential it supports. Some reassurance regarding future use of this would be welcome.
7. Whilst I note this is a temporary permission, with restoration back to its present state (and management?), the previous security fencing was not temporary and justified on the basis of adding increased security for the main Studio complex. Whilst this could have been provided closer to the existing boundary, this was not questioned; however, given its nature, this is most unlikely to be of a temporary nature – indeed, the application was not for a temporary fence. Consequently, if the fence is permanent, I would not be surprised if the current Change of use is also proposed to become permanent in due course.
8. In any event, this application represents a much more significant proposal for the land affected; it does represent a development and will degrade the ecology directly affected, albeit of a limited nature, whilst leaving a section of field apparently unused. Whilst not yet a legal requirement, development is now expected to deliver Biodiversity Net Gain to compensate for and enhance the local ecology affected. No such BNG proposals have been made. There is a local opportunity to achieve this in the remainder of the field adjacent to the application site, or even on the other larger remaining field.
9. No environmental management plan has been submitted with this application and the plan provided with the fencing application just dealt with species mitigation measures associated with the fence construction. It also advised *'a more ecologically sensitive management regime in the future should be followed'*.
10. A simple approach to the remainder of the eastern field – if it is to remain vacant – would be to sow a basic neutral grassland mix and take a hay crop, leaving a buffer strip to overwinter. This should be achievable if the field remains accessible – which it would be through the proposed gates.
11. In addition, the western field could incorporate some skylark plots and some headlands, if this is to remain in arable. Again, this is a straightforward and limited modification of existing management.
12. Consequently, I advise that if this application is approved, a **Landscape and ecology Management Plan should be submitted as a Condition of Approval**. This should enhance the local ecological environment in the manner I have suggested above, assuming this is consistent with the applicant's aims for the site use. If the fenced field cannot be managed in this manner if it is being retained for other purposes, then greater emphasis should be placed on securing ecological or landscape benefits in the field to the west. This is not unreasonable given the impact the studios have had on local grasslands formerly associated with the Leavesden site. It will represent an enhanced ecological buffer to the studio complex, at least for the duration of the temporary use or beyond. In this instance, I do not consider it is necessary to submit a Biodiversity Metric

to demonstrate the impacts and net gain benefits of this, dependant of course on the contents of the LEMP.

4.1.4 Development Plans: [Advisory comments regarding policy framework]

The application seeks a temporary change of use of land for the purposes of external film production, construction of internal access track and associated works for a period of 2 years. The application site is located directly adjacent to the site allocation SA8 'Leavesden Studios Operations'. The Core Strategy (adopted 2011) recognises the Studios as being nationally important (Place Shaping Policy PSP2) and that the sustainable growth of the District's economy will be supported by continuing to focus employment use within the key employment areas of the District such as Leavesden Aerodrome.

In order to not compromise the ability of the Leavesden Studios to contribute to the national and regional economy, both as a local employer and as a centre to contribute to the growth of the District, the Leavesden Studios Site was allocated specifically for Leavesden Studios (adopted 2014). Despite this, the application site falls within the Metropolitan Green Belt. The National Planning Policy Framework (NPPF) states that the construction of new buildings in the Green Belt is inappropriate. The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 143). Policy CP11 of the Core Strategy states that 'there will be general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it'. The application is for a temporary change of use for 2 years, meaning the impact to the Green Belt is only temporary.

Policy DM12 of the Development Management Policies (adopted July 2013) is met by the proposal by not only protecting the filming operations at the Studios, but also by enhancing them.

4.1.5 National Grid: No comments received.

4.1.6 Landscape Officer: No comments received.

Officer comment: It is noted that the trees are located to the perimeter of the field and outside of the red line area. The Landscape Officer raised no objection to application 20/2645/FUL for the fence to the perimeter of the field, following the submission of amended details during that application to increase the separating between the fence and tree boundary.

4.1.7 Environmental Health: [No objection]

Having reviewed the submitted documents and based on the operation plan I have no comments or objections to make regarding this application.

4.1.8 HCC Lead Local Flood Authority: [Objection]

Thank you for consulting us on the above application for the Temporary change of use of land for the purposes of external film production, construction of internal access track and associated works for a period of 2 years at Warner Bros. Studios Leavesden Warner Drive Watford.

We have reviewed the information submitted by the applicant in support of the planning application and note that no information was provided regarding flood risk to the site or information on how the applicant intends to manage the surface water runoff from the site.

We understand from the Flood Risk Assessment (carried out by Quattro Consult, ref: 4494, dated: 02.12.2020) submitted that the proposed method of surface water discharge from the road is via infiltration trenches with an overflow into adjoining low-lying land, however no further details including a drainage plan to show the location of the proposed infiltration features have been provided. In addition, no infiltration tests have been completed at the specific locations and depths of the proposed infiltration features and therefore, we are unable to assess the feasibility of the proposed drainage mechanism.

Following a review of the national Risk of Flooding from Surface Water map, a number of small areas of the site are predicted to be at risk of surface water flooding in the 1 in 30 and 1 in 100 year event (that is an event with a 1% chance of occurring in any given year).

Therefore, in the absence of a surface water drainage assessment, we object to this application and recommend refusal of planning permission until a satisfactory surface water drainage assessment has been submitted. This should as a minimum include the following:

- Statement of compliance with the NPPF and NPPG policies, LPA local plan policies and HCC SuDS Guidance and Policies.
- Anecdotal information on existing flood risk with reference to most up to date data and information.
- The location/extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (river) and surface water flood maps.
- A drainage strategy which includes a commitment to providing appropriate SuDS in line with the non-statutory national standards, industry best practice and HCC Guidance for SuDS.
- Detailed calculations of existing/proposed surface water storage volumes and flows with initial post development calculations/ modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including an allowance for climate change.
- Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant water company that they have the capacity to take the proposed volumes and run-off rates.

Overcoming our objection

As this is a full planning application, we expect the applicant to provide the aforementioned information including clarification of how the surface water runoff from this site is currently managed. We also expect that the proposed surface water drainage introduces betterment to the current situation, especially considering current downstream surface water flood risk in addition to surface water flood risk to the site.

For further advice on what we expect to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#>

Informative to the LPA

The applicant can overcome our objection by undertaking a surface water drainage assessment which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. It should give priority to the use of sustainable drainage methods, the SuDS hierarchy and management train. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the surface water drainage assessment. We will provide you with bespoke comments within 21 days of receiving a formal re-

Contrary to Climate Emergency; Will bring no benefit to the community or local economy; Impact on Wildlife Site; Area supports abundance of wildlife which would be adversely affected; Important space for breeding birds; Impact on free movement of animals; Impact on wildlife corridor; Loss of ancient hedge; Local Flood Authority have objected; Land was promised for recreational space with public access; Development would be contrary to original planning commitments.

Application purports to be temporary, however, if it goes ahead a further application to make it permanent would be likely; Would become permanent; Temporary consent would set precedent; Even if temporary, irrevocable damage would have been done; Remaining farmers field would be too small to be viable; Object to fence; Disappointed application for fence was permitted and was not called to Committee.

Officer comments: The current application relates solely to the temporary change of use of the land, planning application 20/2645/FUL considered a proposal for a fence to the field boundary. References to use for recreation/public are noted, however, the field has always been privately owned and there is no breach of any earlier planning permission/conditions/obligations. Material planning considerations are addressed in the analysis below.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2019 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP6, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM4, DM6, DM9, DM10, DM12, DM13 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA8 is relevant.

6.3 Other

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

National Planning Practice Guidance (2019).

7 Planning Analysis

7.1 Green Belt

7.1.1 The application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use.

7.1.2 The NPPF states that the Government attaches great importance to Green Belts. Paragraph 143 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF also states that LPAs should ensure that substantial weight is given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.1.3 The five purposes of the Green Belt are set out at paragraph 134 of the NPPF as follows:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns;
- To assist in urban regeneration by encouraging the recycling of derelict land and other urban land.

7.1.4 Policy CP11 of the Core Strategy (adopted October 2011) advises that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with purposes of including land within it.

7.1.5 Paragraph 146 of the NPPF advises that certain forms of development are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of the including land within it. Two such exceptions listed at paragraph 146 and considered relevant to this application are;

b) engineering operations

e) material changes in use of land

7.1.6 Criterion (b) is relevant in so far as it relates to the temporary access track and earthworks necessary to create level platforms for external filming. Criterion (e) is relevant in relation to the temporary change of use of the land for filming. As such, the proposed development would not be inappropriate provided that it preserves openness and does not conflict with one of the five purposes of including land within the Green Belt.

7.1.7 Turning initially to openness, the National Planning Practice Guidance (NPPG) advises that assessing the impact of a proposal on the openness of the Green Belt, requires a judgement based on the circumstances of the case. The NPPG notes that by way of example, the

courts have identified a number of matters which may need to be taken into account in making this assessment. These included, but are not limited to:

- *Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *The duration of the development, and its remediability – taking into account any provisions to return the land to its original state or to an equivalent (or improved) state of openness; and*
- *The degree of activity likely to be generated, such as traffic generation.*

Engineering Operations

- 7.1.8 The proposed temporary access would be located in the north-east corner of the site, providing access from the existing Studio backlot into the application site. It would have a total length of approximately 100 metres and would be of permeable construction. No significant earthworks / level changes are proposed in this part of the site to facilitate the construction of the temporary access track.
- 7.1.9 The access track would have some spatial impact on openness due to its length, however, the visual impact of the track itself (the change of use is considered separately below) would not be significant, given that there would be only minimal alterations to the ground level at this point and as it would be sited immediately adjacent to the existing Studio backlot against which it would be read. It is also noted that the existing boundaries are generally well screened with vegetation and that additional vegetation is proposed to be planted following the grant of planning permission 20/2645/FUL (boundary fence). In terms of duration, the access track is proposed for a temporary period of 2 years, after which time the track would be removed and the land restored to its former state. Any impact on openness would therefore be for a limited period. In terms of the degree of activity, such as traffic generation, this is discussed below in more detail, however, the track in terms of its use would be solely accessed from within the existing Studios backlot. It is also relevant to note that general parking would be retained within the main Studio site with the temporary access used generally for the construction of sets and access for support during filming.
- 7.1.10 With regards to the purposes of including land within the Green Belt as listed above at 7.1.3, it is not considered that there would be conflict with criterion 1, 2, 4 and 5 (as listed above), however, there would be some conflict with criterion 3 'safeguarding the countryside from encroachment' as the site is lawfully in agricultural use and is an open field and the engineering operations as proposed would encroach into the open field.. There would also be some limited impact on openness.
- 7.1.11 With regards to the proposed earthworks / level changes, these would be contained within the central area of the field (as indicated on drawing No. 1336-PL-032 within the Operational Management Plan). Any changes would not exceed +/- 3 metres, with any greater changes subject to advance notice and approval by TRDC.
- 7.1.12 The existing field is undulating, although it is lower to the south and west and increases to the north and east. Alterations to levels would have some spatial and visual impact on openness, however, given that they would be contained within the central part of the site and that there are level changes within the wider site, it is not considered that the levels changes themselves would have any significant impact. In terms of duration, any changes are proposed for a temporary period of 2 years, after which time the land would be restored to its former state. Any impact on openness would therefore be for a limited period. Activity associated with the proposed earth works / level changes would also be for a limited period during construction / site set up.
- 7.1.13 With regards to the five purposes of including land within the Green Belt as listed at 7.1.3, it is not considered that there would be conflict with criterion 1, 2, 4 and 5 (as listed above), however, there would be some conflict with criterion 3 'safeguarding the countryside from

encroachment' as the site is lawfully in agricultural use and is an open field and the engineering operations as proposed would encroach into the open field.

- 7.1.14 In summary in relation to engineering operations proposed, the temporary access track and earth works would conflict with one of the five purposes of including land within the Green Belt and there would be some limited impact on openness.

Material Change of Use

- 7.1.15 The application proposes the temporary change of use of the land for filming for a period of 2 years. The submitted Operational Management Plan (summarised at paragraph 3.6 above) sets out parameters in accordance with which the use would operate.

- 7.1.16 No permanent buildings are proposed to be constructed. Temporary structures where required would not exceed 15 metres in height, except with express notification to TRDC and will be removed when no longer required, or at the end of the temporary 2 year period, whichever is sooner. Temporary structures and storage would be kept away from site boundaries with a minimum separation of 20 metres. No permanent lighting is proposed, however, lighting columns where required would have a maximum height of 20 metres and would be directed into the site. Whilst there is vegetation to the site boundaries which is proposed to be enhanced following the grant of planning permission 20/2645/FUL (boundary fence), due to changes in land levels the site would be visible as would the presence of structures. The extent of the impact would in some part vary depending on the number, height and nature of any temporary structures in place at any one time. Temporary structures would be restricted to the area indicated on drawing No. 1336-PL-032 within the Operational Management Plan. Whilst the absence of temporary structures would reduce the impact on openness, the use of the field for filming by virtue of the activity taking place, would still have some impact on openness. Having regard to the proposed use alongside the engineering operations there would be a clear spatial impact from the presence of temporary structures across a large parcel of land and a noticeable change in the amount of on-site activity given the site's current use and the fact it is free of built form development. In addition to the spatial impact, the site is evidently visible from nearby public vantage points and the proposal will alter its character from an open field to something which would appear more commercial in character. Whilst there is a degree of landscaping to the south, this would not mitigate the unacceptable visual intrusion that the proposal would have on what is a rural setting within the Green Belt.

- 7.1.17 With regards to duration, the change of use is proposed for a temporary period of 2 years after which point the land would be restored to its former state. Any impact on openness would therefore be for a period of 2 years only. As noted above, within this 2 year period the impact on openness may also vary depending on the number, nature and height of any temporary structures in situ. In terms of the degree of activity, filming would generally be limited to day time activity with night filming subject to advance notification. Access and egress would be via the existing Studio backlot. Parking would be within the existing Studio complex with vehicles accessing the application site limited to those for construction or filming support. Filming activity would be limited to the red lined area as shown on the submitted location plan. It is noted that this red lined area excludes the very western boundary and also a large area to the north of the field where no activity would take place.

- 7.1.18 With regards to the five purposes of including land within the Green Belt:

1. *To check the unrestricted sprawl of large built up areas;*
2. *To prevent neighbouring towns from merging into one another;*
3. *To assist in safeguarding the countryside from encroachment;*
4. *To preserve the setting and special character of historic towns;*
5. *To assist in urban regeneration by encouraging the recycling of derelict land and other urban land.*

- 7.1.19 The site is not within or adjacent to a 'large built up area' and as such there is not considered to be conflict with criterion (1). The site does currently provide open space and a green buffer between built development. Whilst the north-western part of the field would be unchanged, falling outside of the application site boundary, the development would result in the use of land up to the A41 boundary and would diminish the existing green buffer. There would therefore be some conflict with criteria (2) and (3), albeit for a temporary period. There would be no impact on the setting or special character of any historic town (criterion 4) and the proposal does not relate to urban regeneration (criterion 5).
- 7.1.20 In summary in relation to the material change of use of land, this aspect of the development would have an impact on the openness of the Green Belt and would conflict with some of the purposes of including land within the Green Belt, albeit for a temporary period.

Green Belt Summary

- 7.1.21 Whilst acknowledging the temporary nature of the development, it would fail to preserve the openness of the Green Belt and aspects of the development would conflict with some of the purposes of including land within the Green Belt. The development would therefore constitute inappropriate development within the Green Belt and would also have a harmful impact on the openness of the Green Belt. The NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.2 Any Other Harm

- 7.2.1 The following sections will now assess whether there would be any other harm associated with the development along with its inappropriateness and impact on openness of the Green Belt.

7.3 Character and Visual Impact

- 7.3.1 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.3.2 The site lies on a gently sloping plateau between the Rivers Gade and Colne. There are areas of woodland in the immediate vicinity, in addition to areas of urban development. This urban development is generally residential in character, with the exception of the existing Warner Bros. Studios site to the immediate north-east of the application site. The field itself slopes down to the south and west and is bordered by mature vegetation. A separate planning permission (20/2645/FUL) has been granted for a weld mesh fence which would be set between 3 – 5 metres from the natural field boundary, with that application proposing additional planting between the fence and boundary. It should be noted that whilst the fence would surround the perimeter of the field (set in 3 – 5 metres), the current application for the temporary change of use relates to a smaller area of the field set off the western boundary and away from the north-western boundary. The application site is viewed against the backdrop of the existing Studios, however, it also serves as green buffer between the more built up areas and contributes positively to the character of the area.
- 7.3.3 The proposed development, as discussed in the Green Belt section above, would have some impact on openness, albeit temporarily, and in the same regard it is acknowledged that the development would have a detrimental impact on the character and appearance of the area.

- 7.3.4 The application is accompanied by a Landscape and Visual Appraisal which reviews eight representative view points from varying orientations and distances to the site. The Appraisal suggests that whilst temporary structures required for filming will be visible from some residential properties and from public right of way no. 40 (Gypsy Lane) to the west, the number of affected residential properties is very small and public right of way no. 40 will be retained within a landscape setting. The public right of way is in a cutting, with the proposed change of use at a higher level but also some distance from the right of way that from this location, it is not considered that the development would be prominent or overbearing. Pedestrians, cyclists and motorists using the local roads will have some visual effects, but the extent of visibility of the site is limited in these locations. Due to the nature of the valley and land levels, the site is visible in some longer distance views, including from the west of the Gade valley on the higher land.
- 7.3.5 In summary, the development would have a detrimental impact on the character and appearance of the area for a temporary period of 2 years and would fail to accord with Policy CP12 of the Core Strategy (adopted October 2011) in this regard.

7.4 Heritage & Archaeology

- 7.4.1 Policy DM3 of the Development Management Policies LDD (adopted July 2013) advises that where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, development proposals must be accompanied by an appropriate desk-based assessment and potentially a field evaluation. The application site is not within a Site of Archaeological Interest, however, as part of application 15/1852/FUL, it was noted that the archaeological record for the surrounding area is extensive, with prehistoric occupation recorded along the edge of the river floodplain from the Mesolithic period near The Grove, and a sequence of occupation that continues into the Neolithic and Bronze Age. The area is recorded as being relatively densely occupied in the Iron Age and Romano-British periods with the major Roman town of Verulamium (St Albans) only 10km to the north east.
- 7.4.2 A condition on the hybrid planning permission required the submission of a Written Scheme of Investigation (WSI) prior to the commencement of works within each development area. The scope of the WSI was agreed with the County Archaeologist. The current application is accompanied by a WSI which sets out in the event of archaeological deposits being uncovered, additional consultation with TRDC will be undertaken to determine an appropriate and proportionate archaeological response. A condition on any grant of planning permission would require compliance with the WSI.
- 7.4.3 Hunton Park to the north-west is a Listed Building. However given the location of the development, separation distance (580 metres at the closest point) and existing backlot which extends between Hunton Park and the application site, it would not result in harm to the setting of this heritage asset in accordance with the requirements of Policy DM3 of the Development Management Policies LDD (adopted July 2013).
- 7.4.4 Subject to conditions the development would not result in any harm to heritage assets and would comply with Policy DM3 of the Development Management Policies LDD (adopted July 2013).

7.5 Impact on Neighbours

- 7.5.1 Policy CP12 of the Core Strategy (adopted October 2011) seeks all development to have a high standard of design. Development proposals should have regard to the local context and conserve or enhance the character, amenities and quality of an area, and development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.

- 7.5.2 The development would be separated from properties to the east by the existing Studio backlot and from properties to the south by the A41 and roundabout. Properties to the north on Gypsy Lane are located to the opposite side of the railway, with the area of land subject of this application sited to the south-east of the field, furthest away from the north-west corner closest to Gypsy Lane properties. As set out in the character section above, it is acknowledged that there would be some views of the development site, however, given the separation distance (the northern tip of the application site would be approximately 380 metres from the closest property on Gypsy Lane) it is not considered that the development or temporary structures would result in demonstrable harm to neighbouring amenity through overshadowing or loss of light.
- 7.5.3 Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment. Similarly, development proposals which include external lighting should ensure that there is no unacceptable adverse impact on neighbouring or nearby properties.
- 7.5.4 In relation to noise, any noise generated by filming activities will be mitigated by the implementation of the Operational Management Plan which would be secured via condition on any grant of planning permission. There will be no material change in traffic noise. There may be some noise disturbance during construction, however, National Guidance (BS 5228) will be followed to reduce any impacts. It is noted that the Environmental Health Manager has raised no objection to the development, subject to compliance with the Operational Management Plan.
- 7.5.5 No permanent external lighting is proposed within the application site. Lighting will only be installed in connection with external filming as required in accordance with the Operational Management Plan. As above, the Environmental Health Manager has reviewed the Operational Management Plan and has raised no objection to the development subject to compliance with the measures specified within the Management Plan.
- 7.5.6 In summary, the development would not result in any adverse impact to neighbouring amenity and is acceptable in this regard in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).
- 7.6 Highways & Access
- 7.6.1 Policy CP10 of the Core Strategy (adopted October 2011) relates to transport and travel and states that major development should be located in highly accessible areas, have a safe and adequate means of access and make provision for all users including people with mobility difficulties. It states that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District.
- 7.6.2 The proposals do not include any new or altered access from the surrounding highway and are not proposed to facilitate any additional staff on site and therefore no additional external vehicle or pedestrian movements are anticipated. Whilst there is proposed to be a new temporary access within the site, as this would be from the existing WBSL backlot there would be no impact on the highway network.
- 7.6.3 HCC as Highway Authority have advised that following consideration of the submitted plans and Transport Statement, which anticipate no additional vehicle movements to the overall use of the studio site, they raise no objection to the proposals from a highway perspective, subject to the inclusion of advisory informatives.
- 7.6.4 The development is therefore considered acceptable in this regard in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

7.7 Parking

- 7.7.1 As noted above, the proposals are not intended to facilitate any additional staff on site and therefore no additional external vehicle movements are anticipated.
- 7.7.2 It is proposed that all parking will be provided within the existing Studios site. This is largely accommodated within the existing Studio parking deck which was permitted in 2017.
- 7.7.3 The development would not generate a requirement for additional parking and the existing provisions are acceptable in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

7.8 Wildlife and Biodiversity

- 7.8.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy (adopted October 2011), and Policy DM6 of the Development Management Policies LDD (adopted July 2013). National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 7.8.3 A narrow strip of the site to the southern boundary with the A41 is within a Local Wildlife Site. The application is therefore accompanied by an Ecology Report. Hertfordshire Ecology have reviewed the application details and note that the field currently has limited ecological interest. Recent ecological survey updates have not highlighted any biodiversity of particular significant and consequently Hertfordshire Ecology do not consider that biodiversity represents a constraint on the proposals.
- 7.8.4 Whilst Hertfordshire Ecology do not consider that biodiversity represents a constraint on the proposal, they do note that the proposal will materially change the character of the site and will not enhance local biodiversity. Whilst not yet a legal requirement, development is now expected to deliver Biodiversity Net Gain to compensate for and enhance the local ecology affected. Hertfordshire Ecology consider that there is local opportunity to achieve this in the remainder of the field adjacent to the application site (the change of use relating to just over half of this field), or on the other larger remaining field to the west of Gypsy Lane. They note that this is a large and visually prominent field, providing a significant rural landscape contribution locally although limited ecologically. However, its future agricultural use is important in retaining the nature of the landscape character and any ecology or potential it supports.
- 7.8.5 Hertfordshire Ecology have suggested that a simple approach to the remainder of the eastern field, would be to sow a basic neutral grassland mix and take a hay crop, leaving a buffer strip to overwinter. In addition, the western field could incorporate some skylark plots and some headlands. As such, they suggest that a Landscape and Ecology Management Plan is required by condition, which would enhance the local ecological environment.
- 7.8.6 Subject to condition, the development is considered acceptable in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.9 Trees and Landscape

- 7.9.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value and that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.9.2 The proposed temporary change of use and access track will not affect the established vegetation that forms the boundary of the field. No removal of trees or sections of hedgerow is proposed. The access track from the existing backlot crosses into the site at a point where there is no existing vegetation as it makes use of an existing track and surfaced area within the Studio backlot.
- 7.9.3 The development is therefore acceptable in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).
- 7.10 Flood Risk & Drainage
- 7.10.1 Policy CP1 of the Core Strategy (adopted October 2011) states that there is a need to avoid development in areas at risk from flooding and to minimise flood risk through the use of Sustainable Drainage Systems (SuDS). This policy also states that there is a need to manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination. Policy DM8 of the Development Management Policies LDD (adopted July 2013) states that development will only be permitted where it would not be subject to unacceptable risk of flooding, and would not unacceptably exacerbate risk of flooding elsewhere, and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution and that there must be sufficient surface water drainage. Policy DM9 sets out that permission will not be granted for development which would or could give rise to polluting emissions to land, air and/or water.
- 7.10.2 Whilst the site is outside of any flood plain and within an area classified by the Environment Agency as Flood Zone 1 (less than 1 in 1000 annual probability of river or sea flooding), a Flood Risk Assessment (FRA) is required due to the site area exceeding 1 hectare.
- 7.10.3 HCC as Lead Local Flood Authority (LLFA) raised an initial objection to the application due to the proposed surface water drainage from the road. In response, amended plans/documents have been submitted which propose that the temporary access track would be of permeable construction such that there will be no change to surface water discharge within the site.
- 7.10.4 As such, the development is acceptable in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).
- 7.11 Summary of Any Other Harm
- 7.11.1 Notwithstanding the inappropriateness of the development and the impact on openness in respect of Green Belt policy, harm has been identified to the character and appearance and visual amenity of the area.
- 7.11.2 However, it is necessary to now consider whether any material planning considerations exist, either individually or collectively, which could be classed as 'very special circumstances' which clearly outweigh the inappropriateness and harm to openness of the Green Belt.
- 7.12 Very Special Circumstances
- 7.12.1 The NPPF at paragraph 144 makes it clear that 'substantial weight is given to any harm to the Green Belt' and 'very special circumstances' will not exist unless the potential harm to

the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.12.2 The NPPF supports building a strong, competitive economy and states in paragraph 80 that 'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'

7.12.3 Policy PSP2 of the Core Strategy (adopted October 2011) recognises the Studios as being nationally important. Policy CP1 of the Core Strategy (adopted October 2011) states that development must contribute to the sustainability of the District and recognises the need to maintain high levels of employment by attracting jobs and training opportunities for local people and Policy CP6 of the Core Strategy (adopted October 2011) supports development that provides jobs, promotes skills and learning of the local workforce, and re-enforces the south-west Hertfordshire area's existing economic clusters including film, printing and publishing, telecommunications and construction industries. The Site Allocations LDD (adopted November 2014) recognises the ability of Leavesden Studios to contribute to the national and regional economy.

7.12.4 With regards to a case for very special circumstances, the Planning Statement notes;

"WBSL is already considered to be of national significance. Equally, the economic and social benefits of the approved development at the Studios are of national significance and are highly significant. The multi-million pound investment and the resulting substantial positive direct and indirect contribution to the economy each year, together with the specific operational need for the proposed development to be located at WBSL, the lack of alternative sites and the significant risk to the UK film industry if investment is not encouraged, all provide the very special circumstances that significantly outweigh any impact upon the green belt by virtue of the development.

Furthermore, the Covid-19 global pandemic has had a significant impact on operations at the Studios. Whilst filming resumed in June 2020 through the introduction of a Covid-19 safety plan, there remains a significant challenge to accommodate delayed and scheduled productions. Combined with social distancing requirements that are set to continue into 2021 until a national vaccine programme has been widely implemented, the capacity of the existing backlot has been much reduced.

As outlined within the hybrid planning application, there are no viable alternative sites that could meet the requirements of the Studios. Key to the success of the Studios is the comprehensive range of film making activities that can be undertaken on a single site. The reactive nature of film production requires all facilities, services, skills and associated infrastructure to be located on a single site. Locating facilities and services off site would prove unsustainable, requiring significant numbers of staff to spend time travelling distances, increasing pressure and traffic congestion on the local road network and requiring many additional services, duplicating those at WBSL (e.g. security, catering, IT/data etc.). Film and TV productions run to tight time and financial budgets. Spreading studio facilities over multiple sites would prove uneconomic and unattractive to productions. These principles are prerequisites for all successful major film studios.

The risk to WBSL's business and the UK film industry as a whole should the proposed development not go ahead would be significant, detrimentally impacting the local, regional and national economy. Moreover, not allowing the development would result in a loss of talent and job opportunities, and the potential for affected productions to go elsewhere in the future".

7.12.5 The proposal would help to maintain the success of the Studios and would enhance the positive benefits that the Studios has for the economy and local community during the economic recovery following the global Covid-19 pandemic. This would align with direction

from Central Government. Culture Secretary, Oliver Dowden referred to ""Our screen industries are high growth, jobs creating and showcase the best of British creativity and innovation..." Chancellor Rishi Sunak has also indicated that it is "vital" that productions get back underway. The economic benefits are given significant weight in favour of the development.

7.12.6 It is also noted that the development would be for a temporary period of 2 years, following which all temporary structures would be removed and the land would be restored to its former condition. This is given some weight.

7.13 Planning Balance / Conclusion

7.13.1 To conclude, whilst the development constitutes inappropriate development and results in harm to openness and conflicts with some of the purposes of including land within the Green Belt and has some impact on the character, appearance and visual amenity of the area, it is considered that the economic benefits combined with the temporary nature of the development, collectively combine to constitute material considerations of sufficient weight to provide 'very special circumstances' that clearly outweigh the identified harm to enable planning permission to be granted subject to conditions.

7.13.2 It is acknowledged that subject to conditions there would be no demonstrable harm in terms of considerations in relation to heritage assets, residential amenity, trees, ecology, drainage, highways and parking.

7.13.3 It is considered that on balance temporary planning permission for two years should be granted.

8 Recommendation

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 Temporary Permission

The limited period for the change of use for the purposes of external film production hereby permitted shall be for 24 MONTHS from the date of this permission; on or before the expiration of this period the use shall cease and all temporary structures, vehicles and associated ancillary equipment used for the purposes of filming shall be permanently removed from the application site. The land as enclosed in red on drawing number 1366/PL/031 shall be restored to its former condition within 26 MONTHS from the date of this permission; in accordance with a scheme of work, to be submitted to and approved in writing by the Local Planning Authority, within one month of the use ceasing.

Reason: Very special circumstances have been demonstrated which would allow for the grant of a temporary planning permission. The permanent grant of planning permission for the development is considered to harm the Green Belt and the character and appearance of the area. It is therefore important to ensure that appropriate measures are taken to restore the land back to its former condition prior to works commencing. This would be in the interests of the visual amenity of the site, area and the openness of the Green Belt in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

C2 Plans

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

1366/PL/030; 1366/PL/031 A; 1366/PL/032 (as contained within Operational Management Plan 224406 V1); DR-C-4009; Operational Management Plan (224406 V1).

Reason: For the avoidance of doubt, to protect the openness of the Green Belt and in the proper interests of planning and in accordance with Policies PSP2, CP1, CP6, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM4, DM6, DM9, DM10, DM12, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 Landscape & Ecological Management Plan – to be submitted

Within 4 months of the date of this decision, a Landscape and Ecological Management Plan for the remainder of the field subject of this application and adjacent field to the west of Gypsy Lane, shall be submitted to the Local Planning Authority for approval. This approved Landscape and Environmental Management Plan shall thereafter be carried out as approved.

Reason: To ensure that the land is appropriately managed in the interests of landscape and ecology in accordance with Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C4 Operational Management Plan – In accordance with

The development shall be carried out in accordance with the approved Operational Management Plan (224406 V1).

Reason: In the interests of the visual amenity of the Green Belt and area and residential amenity of neighbouring occupiers and ecology and to meet the requirements of Policies CP1, CP9, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C5 Archaeological Written Scheme of Investigation (WSI) – In accordance with

The development hereby permitted shall be carried out in accordance with the Archaeological Written Scheme of Investigation (Cotswold Archaeology Rev B, 22/12/20).

Reason: To ensure that heritage assets with archaeological interest are not harmed/destroyed by development in accordance with NPPF guidance, Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project

by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 Positive and Proactive: The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 13 Construction Hours: The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 14 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.
- 15 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.