

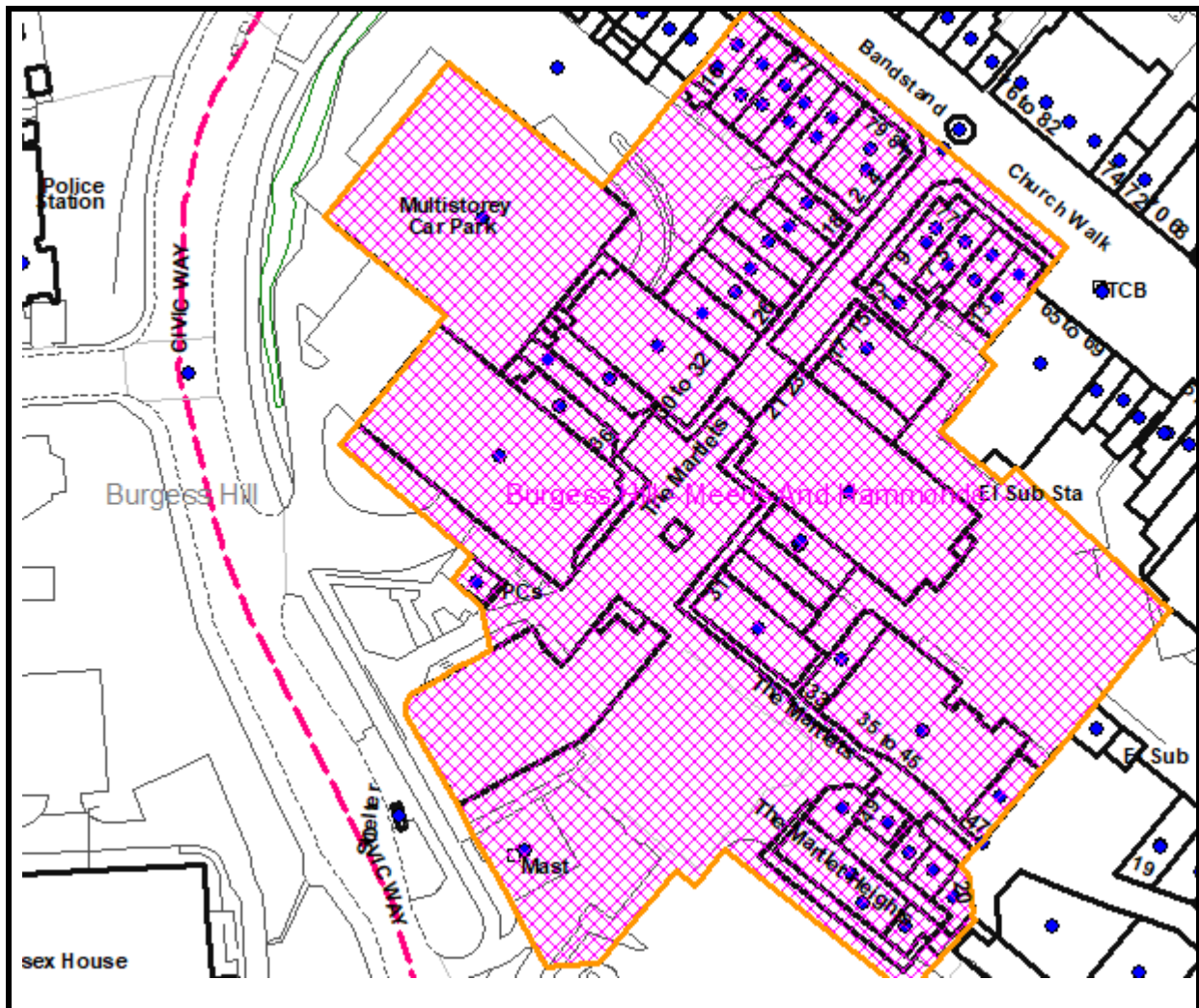
Planning Committee



Recommended for Permission

31st May 2023

DM/23/1081



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Site:	38 The Martlets Burgess Hill West Sussex RH15 9NN
Proposal:	To carry out temporary filming within the Lidl unit 38 and Heights unit 49 located at the Martlets Shopping Centre. Total 25 days filming.
Applicant:	Mr Andy Fry
Category:	Mod/Discharge of Planning Obligation
Target Date:	19th June 2023
Parish:	Burgess Hill

Ward Members:	Cllr Robert Eggleston / Cllr Tofojjul Hussain /
Case Officer:	Stephen Ashdown

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RTF6J5KT04L00>

1.0 Purpose of Report

1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for Prior Approval as detailed above.

2.0 Executive Summary

2.1 This application seeks a determination under the prior notification procedure as laid out under Schedule 2, Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the use of the former Lidl building (unit 38) and Martlets Heights - (unit 49) in Burgess Hill town centre for commercial filming purposes for a total of 25 days.

2.2 Under the provisions of Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, Prior Notification of the temporary use of buildings or land for film making purposes must be submitted to the Local Planning Authority for consideration as to dates and timings of the filming, any transport/highway implications, any noise impacts, any light impacts and any flood risks on site to be used. The LPA must thereafter issue a decision as to the requirement for prior approval of the temporary use within 56 days of the receipt of the application.

2.3 Having regard to the relevant matters, officers are content that further information is not required and the impact of the proposal in relation to these issues is acceptable.

2.4 It is therefore considered that the proposal is permitted development under Schedule 2, Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior approval is not required, and the proposal can therefore proceed in accordance with the submitted details.

3.0 Recommendation

3.1 It is recommended that members agree that Prior Approval is not required, and the proposal can therefore proceed in accordance with the submitted details.

4.0 Summary of Representations

4.1 To be reported.

5.0 Summary of Consultees

5.1 MSDC Drainage

To be reported.

5.2 MSDC Environmental Protection

To be reported.

5.3 WSCC Highways

To be reported.

6.0 Town/Parish Council Observations

6.1 Burgess Hill Town Council

To be reported.

7.0 Introduction

7.1 This application seeks a determination under the prior notification procedure as laid out under Schedule 2, Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the use of the former Lidl building (unit 38) and Martlets Heights - (unit 49) in Burgess Hill town centre for commercial filming purposes, for a total of 25 days.

7.2 This application is before members as the Council (MSDC) is the freeholder of the town centre, but the Martlets Shopping Centre is subject to a lease to New River Retail. While the Council has no direct interest in the outcome of the application it was considered appropriate that the decision should be made by the committee.

7.3 It is important to note that the Council are required to determine applications of this nature within 56 days of receipt. If the Council do not issue a decision within this time period, the proposal can proceed. Given this context, this report has had to be prepared in advance of the expiry date given for comments to be received in respect of the proposal. Officers will provide and update to committee on any comments received in order to ensure that they are taken into account in the final determination of the application.

8.0 Relevant Planning History

8.1 A similar prior approval procedure for filming was considered last year.

8.2 DM/22/2828 - The proposed use of 2 former shop units to be used for filming and sets to form part of an ITV drama series. the use of former Lidl and Heights building for internal filming. Prior to demolition temp use to film within these units. Total of 25 days use. Use of a demolition site of former

Martlets Hall site to allow for vehicle parking. Prior Approval not Required
15th October 2022.

- 8.3 The site forms part of the wider redevelopment scheme for the town centre, for which there are two planning permission. While the 2016 permission has been implemented, and is extant, it is anticipated that the latter 2021 approved scheme is what will be delivered.
- 8.4 DM/19/3331 - Demolition of multi-storey car park, public library and offices. The conversion of existing buildings and erection of new buildings to provide, additional retail floor space (Classes A1 and A3), residential units (Class C3) with undercroft car parking, a multi-screen cinema (Class D2), bowling alley (Class D2), gymnasium (Class D2), a hotel (Class C1), the reconfiguration and expansion of existing public car park, amendments to the site access, public realm improvements including landscaping, and other associated works. Approved 2nd July 2021 (to be implemented)
- 8.5 DM/15/3858 - Demolition of multi-storey car park, public library, community building and offices. Provision of additional retail floor space (Class A1-A5), residential units (Class C3), a multi-screen cinema (Class D2), public library (Class D1), a hotel (Class C1), the reconfiguration and expansion of existing car park, amendments to the site access, public realm improvements including landscaping and other associated works. Approved 14th March 2016 (extant)

9.0 Site and Surroundings

- 9.1 The site consists of the former Lidl's building (unit 38), which is located at the western end of the Martlets Shopping Centre, and Martlets Heights (unit 49), which is located at the eastern end of the Martlets Shopping Centre.
- 9.2 The sites are located in Burgess Hill town centre, as defined with the Mid Sussex District Plan.

10.0 Application Details

- 10.1 This application involves the use of the locations identified for commercial filming purposes between the dates of the 8th June to 16th June 2023, 4th August to the 11th August 2023 and 8th September to the 15th September 2023. Filming will take place between 09:00 and 18:00 on each of the days requested.
- 10.2 Parking of the vehicles associated with the filming production will be within authorised parking areas. The submitted details show that this will be located on the former Martlets site, which is currently vacant. The use of this land is subject to a separate consent from the Council as landowners.
- 10.3 It is indicated that no external noise would be generated by the filming and that lighting would be positioned on vacant roof tops (where necessary) and

only used during filming. Filming would take place within the existing buildings.

- 10.4 It should be noted that while a similar prior approval application was considered by the Council last year (DM/22/2828 refers), and under the Regulations an application needs to be made to the Council in respect of each filming occurrence.

11.0 **Legalisation**

- 11.1 Under the provisions of Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, Prior Notification of the temporary use of buildings or land for film making purposes must be submitted to the Local Planning Authority for consideration as to dates and timings of the filming, any transport/highway implications, any noise impacts, any light impacts and any flood risks on site to be used. The LPA must thereafter issue a decision as to the requirement for prior approval of the temporary use within 56 days of the receipt of the application.

Part 4, Class E of the GDPO states;

Permitted development

E. 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 not permitted

E.1 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.*

Conditions

E.2—(1) Class E development is permitted subject to the condition that—

- 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.*

(2) 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,*

and the provisions of paragraph E.3 apply in relation to that application.

12.0 Assessment

13.1 The application has been submitted by the management company responsible for the running of the Martlets Shopping Centre. The proposed temporary use of the buildings does not exceed 9 months, in accordance with Class E(a). The temporary use is considered to benefit from deemed consent under Class E of Part 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, but a condition of this deemed consent is the requirement to apply to the Local Planning Authority for a determination over whether prior approval will be required as to the details set out in E.2(2) a - e set out above.

13.2 The proposed dates for filming cover a period totalling 25 days over June, August and September 2023, with working hours between 09:00 to 18:00 on each day. The work hours are similar to the general opening hours of businesses within the town centre. It is accepted that the filming will not generate any external noise, as this

would have a detrimental impact on the ability to film. While some external lighting may be required, it is indicated that this is likely to be positioned on vacant roof tops and given any lighting will only be used when filming (i.e. within the stated working hours) it is not considered that it will interfere with neighbouring occupiers.

- 13.3 It is set out that parking for the filming periods will be restricted to authorised areas, which is in this instance is the former Martlets Hall site. The applicant has determined that this area will provide sufficient space to accommodate the various support vehicles, and officers are content that this is the case. It is not considered that the filming will result in any detrimental transport and highway impacts. Furthermore, as filming will take place within, and around, existing buildings, the proposal will not have any flood risk implications.
- 13.4 In light of the above officers are content that further information on these matters is not required and the impact of the proposal on these issues is acceptable.
- 13.5 As such it is considered that prior approval is not required for this application and the proposal can proceed in accordance with the submitted details.

14.0 Conclusion

- 14.1 It is therefore considered that the proposal is permitted development under Schedule 2, Part 4, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior approval is not required, and the proposal can therefore proceed in accordance with the submitted details.