

Dear Sir,

Application 6/2021/3172/FULL

I have received notification from you of a further application by the occupants of 51 Kentish Lane for a change of use of the property from a dwellinghouse to a mixed use as a dwellinghouse and a commercial film set.

As the council will be well aware, and as the Applicant's Planning Statement acknowledges, the same unauthorised mixed use was the subject of a planning enforcement notice 2002/0173, upheld on appeal in November 2005. That refusal referred to noise impact from filming, set-up, dismantling, vehicle movement and ancillary equipment, to the numbers of vehicles and people on site and to light spillage. A more recent application 6/2020/2399 for prior approval of temporary use for filming cited the same mixed use and was also refused. The reason for refusal at that time was insufficient information regarding noise impact on adjoining properties. This is still entirely undefined since the Applicant is unable to say what sort of filming or individual duration of proposed filming will be carried out.

Section 3.3 of the present Planning Statement states that since the 2005 dismissal of the appeal by 51 Kentish Lane against the enforcement notice, the site has been used for small scale commercial photographic and filming events only. The statement is untrue. Filming has included for example, the Elton John biopic "Rocket Man" in 2018 which caused major traffic disruption, the taking over of the field opposite for temporary parking, interference with road traffic and disruption to adjoining properties.

All of the filming events will have been in contravention of the enforcement notice. If the Council were to now grant permission for the proposed change of use, it is anticipated that the Applicant will attempt to maximise the commercial value of film use and revert to the situation which occurred prior to the enforcement notice. This was not a "one off filming event in 2003" as referred to in paragraph 4.21 of the planning statement but included filming tv series such as Footballers Wives and Spooks and individual films such as Shakespeare in Love as well as videos and commercials, causing the massive disruption which resulted in the original enforcement action.

As part of the present application, pre-application advice is referred to as indicating "2-3 activities a month if the activities include external shooting and no more than 4-6 activities a month if solely internal". An "activity" is defined as including on-site preparation, actual filming and dismantling. An activity period is not defined. If an activity is referring to a day on which potential activity occurs, that could amount to permitting up to 9 weekdays a month. If however an "activity" is a booking for an indeterminate number of days, it could effectively be agreeing to almost permanent use and disruption in a continuing cycle of set-up, filming and dismantling. In either case, it will be entirely contrary to the residential nature of Kentish Lane.

Noise impact is referred to in paragraph 4.19 of the Planning Statement. The statement refers to noise being mostly during set up and dismantling and that silence is required during filming. In addition to the impact of noise from the site affecting neighbours, from past experience the silence required during filming also impacts on neighbours and in the past has resulted in requests to stop gardening activities or dogs barking. In other words neighbours are expected to tolerate the intrusion of the film activities but any intrusion from the neighbours will be unacceptable to the Applicant. It is noted that generators are no longer proposed on the assumption that a 3-phase supply will be sufficient.

The proposed hours of operation are said to be 07:30 -19:30 Monday to Friday. The proposed morning start time will coincide with school traffic in Kentish Lane which regularly backs up to the corner of the road to the East of the property. The Highway Authority appears not to have considered this.

Paragraph 4.22 of the Planning Statement refers to 10 letters of support from “neighbours” in relation to the previous planning application refused by the Council in November 2020. However only one of those appears to live in the immediate vicinity of the site and therefore to be directly impacted by filming activity and, according to that application, they had agreed to provide additional parking on the their own property and are inferred therefore to have had an interest in the application.

Paragraph 4.26 of the Planning Statement refers to limitation of lighting and measures taken to prevent light-spill and refers to the presence of dense conifer planting exceeding 10m in height on the boundary. While it is correct that the owners of No 51 have allowed dense conifers to grow on their boundary to a height of about 6 -10m and that this may mitigate visual intrusion, it is at the expense of permanent shading and effect on vegetation in the adjoining properties.

The Events Management Plan is stated to have been submitted to the Highway Authority, showing the intended parking provision in the front garden and limiting filming to the rear garden. The submitted parking plan is said to demonstrate how 20 cars can be parked with room left for a minibus or a van to enter and leave the site. This is an increase in the number of cars which the site was claimed to be able to accommodate in the previous application. I suggest that the applicant be required to physically demonstrate the viability of the parking arrangement and how it would be managed since on the face of the submitted drawing, no provision has been made e.g. for opening car doors. It is assumed that the gates to the property will be open during filming since there is no provision indicated for the inward opening gate swing.

The Event Management Plan confirms that [REDACTED] is the appointed Event Co-ordinator responsible to recording all activity, undertaking reviews, managing complaints and acting as a point of contact and controlling traffic. [REDACTED] is understood to be the same person as the applicant [REDACTED]. I would have no confidence therefore that these functions can be independently undertaken or that any criteria imposed by the Council will be adhered to in view of the previous disregard of planning enforcement and planning refusal of permission.

With regard to the plan itself:

- 2.3 Event recording: this should include the set-up and dismantling times in a similar manner to the actual filming times.
- 2.5 See previous comment regarding conflict with school traffic at 07:30 am
- 2.7 See previous comment, definition of an “activity period” is required
- 2.8-2.22 Viability of on-site parking to be demonstrated. The indication by the Highway Authority in the Pre Application letter that the parking appears viable refers to a different drawing and different number of parked vehicles.
- 2.24 To clarify if the 45m limit for fire brigade access referred to in the context of a house is also intended to apply to a film set in the rear garden in which case is there a limit on the extent of rear garden deemed safe for filming.

I therefore object to the Applicant's proposals and consider that the Council should reject them in order to protect the character of the local environment and the entitlement of neighbours to the quiet enjoyment of their properties.

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03 Jan 2022