

## Unrestricted Report

### ITEM NO: 10

Application No.  
**13/00428/T**

Site Address:

Ward:  
Ascot

Date Registered:  
4 June 2013

Target Decision Date:  
3 September 2013

### **Land At Whitmoor Bog Swinley Road Ascot Berkshire**

Proposal:

**Three-year temporary permission for the holding of a children's Christmas theatrical experience to be open to members of the public between 30th November and 24th December, 2013 and 21st November and 24th December 2014 and 2015, with set up and dismantling periods between 1st October and the opening of the event and 27th December and 31st January each year respectively, together with ancillary works to reposition the access arrangement onto Swinley Road (B3017) and in the formative year to strengthen existing forest access routes and pathways, with the removal of all structures from the site and the reinstatement of the land in the intervening periods.**

Applicant:

Mr Mike Battle

Agent:

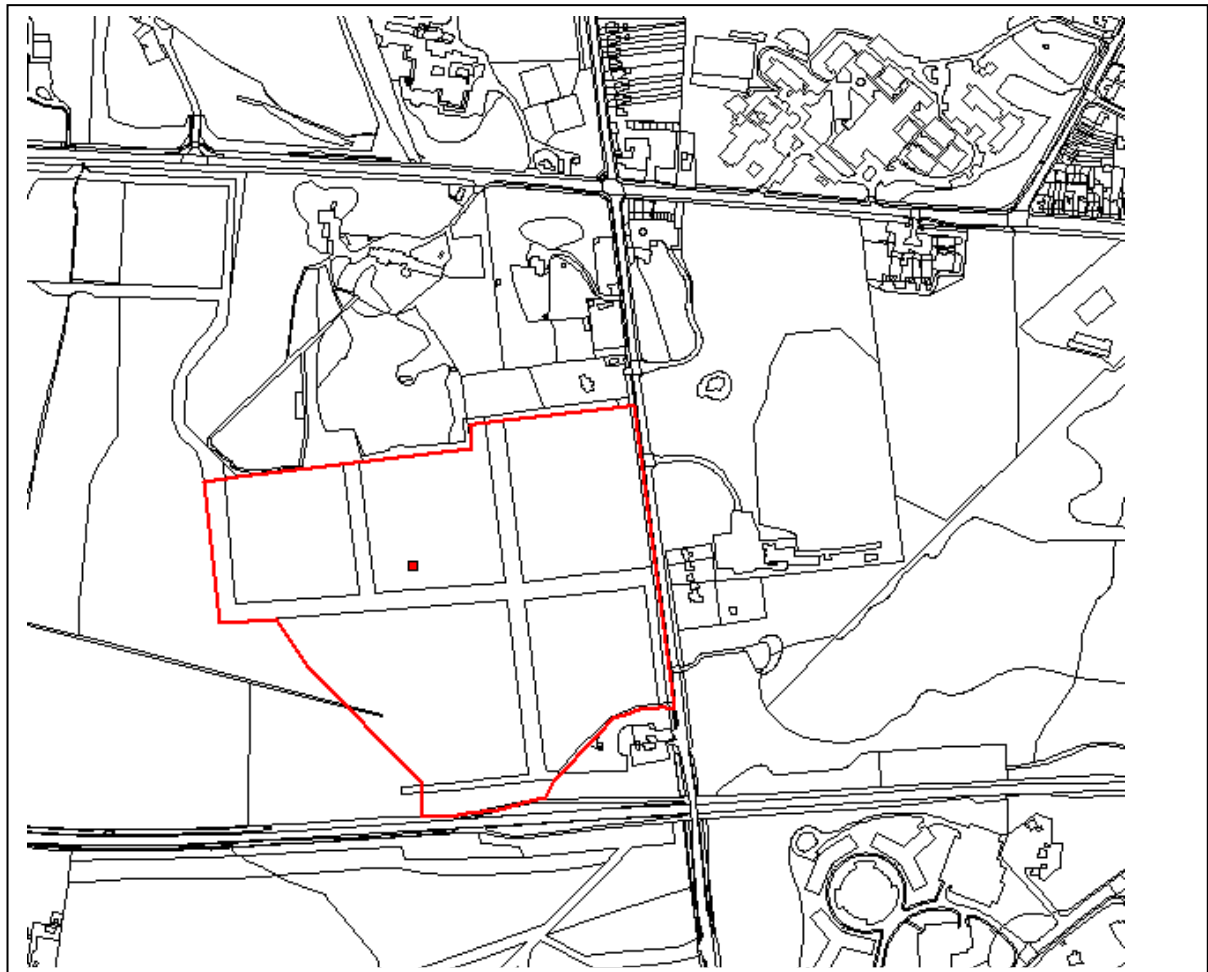
Mr Julian Black

Case Officer:

Paul Corbett, 01344 352000

[environment@bracknell-forest.gov.uk](mailto:environment@bracknell-forest.gov.uk)

### **Site Location Plan** (for identification purposes only, not to scale)



## 1 **RELEVANT PLANNING HISTORY** (If Any)

12/00642/T

Validation Date: 15.08.2012

Two year temporary permission for the holding of a family based Christmas Event to be open to members of the public between 1st December and 24th December 2012, and 22nd November and 24th December 2013, with set up and dismantling between 10th October and the opening of the event and 27th December and 31st January each year respectively, together with ancillary works to improve the existing access arrangements onto Swinley Road (A332) and in the formative year to strengthen existing forest access routes and pathways with the removal of all structures from site and the reinstatement of the land in the intervening periods.

**WITHDRAWN**

## 2 **RELEVANT PLANNING POLICIES**

### Key to abbreviations

<i>BFBCS</i>	<i>Core Strategy Development Plan Document</i>
<i>BFBLP</i>	<i>Bracknell Forest Borough Local Plan</i>
<i>RMLP</i>	<i>Replacement Minerals Local Plan</i>
<i>WLP</i>	<i>Waste Local Plan for Berkshire</i>
<i>SPG</i>	<i>Supplementary Planning Guidance</i>
<i>SPD</i>	<i>Supplementary Planning Document</i>
<i>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>
<i>NPPF</i>	<i>National Planning Policy Framework</i>
<i>SALP</i>	<i>Site Allocations Local Plan</i>

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN8L	Dev On Land Outside Settlements
BFBLP	EN15	Floodlighting
BFBLP	EN1L	Protecting Tree And Hedgerow Cover
BFBLP	M7	Access For People With Disabilities
BFBLP	EN20	Design Considerations In New Development
BFBLP	M4L	Highway Measures New Development
BFBLP	M9	Vehicle And Cycle Parking
BFBLP	EN25	Noise And Other Pollution
BFBCS	CS1	Sustainable Development Principles
BFBCS	CS2	Locational Principles
BFBCS	CS7	Design
BFBCS	CS8	Recreation and Culture
BFBCS	CS9	Development on Land Outside Settlements
BFBCS	CS14	ThamesBasinHeaths SpecialProtectionArea
BFBCS	CS23	Transport
SALP	CP1	Presumption in Favour of Sustainable Development

### 3 **CONSULTATIONS**

(Comments may be abbreviated)

#### Winkfield Parish Council

Observations:

Winkfield Parish Council has no objection providing the following reservations and observations are considered and would ask the Bracknell Forest Planning Officers to take the following into account:

1. Possible lighting and noise pollution.
2. Traffic management of all vehicles visiting the site with a condition ensuring all vehicles exiting the site are only able to turn left (northbound towards London Road) and consideration should be given to temporary traffic lights on the narrow bridge.
3. All ecology recommendations are strictly adhered to.
4. We note there is a break clause within the 3 year contract in the first year and would urge Bracknell Forest Council to rigorously monitor that ALL conditions are continually met.

#### Royal Borough Of Windsor And Maidenhead

1. While measures are proposed to encourage staff to use public transport and to provide shuttle buses from Ascot Railway Station to the site, the application also states that not well served by public transport. More robust information is required on how staff public transport use will be achieved, and on the proposed stopping areas for buses at Ascot Railway Station. Private vehicular access to the site will include the highway network within the Royal Borough of Windsor and Maidenhead and in particular via the Heatherwood Roundabout in Ascot, where there are known accident issues. Opening hours while intended to avoid the morning peak traffic period will coincide with other busy periods including evening peak traffic and the Ascot Christmas Race event, (which is generally held on the last Friday and last Saturday before Christmas). The Royal Borough therefore strongly objects to the proposal on grounds of its adverse impacts on traffic safety within the Borough, and the insufficient details given of sustainable means of transport to the site to ameliorate these impacts. In the absence of sufficient information on these points, the proposal would be contrary to national planning advice as contained within National Planning Policy Framework.
2. While acknowledging the difficulty of providing a woodland experience within a town centre location, the proposal's reliance on private vehicles for most people who will access the site either as employees or as visitors is such that the location cannot be considered to be sustainable. An equivalent attraction could be located closer to a Town Centre in a location where more sustainable transport options are closer at hand, and are therefore more likely to be used by a larger proportion of those accessing the site. The proposal would also draw customers away from existing and planned seasonal attractions that are more sustainably located. As such, the proposal is therefore contrary to national planning advice as contained within National Planning Policy Framework.

The following two informatives are also recommended as additional advice:

1. While access to the site within Bracknell Forest is not this Council's remit, the following advice may also be of assistance:

To avoid potential points of conflict and crossing movements at junctions. The one way operation should extend from the new access to the southern most point enabling the majority of the parking access road to be a one-way operation. Exiting vehicles should

then leave by the central road allowing a left turn only to the access, thus avoiding conflicting turning movements.

2. It is noted that Bracknell Forest Council has extended the consultation period at the Royal Borough's request, in accordance with section 20 clause 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2010. This extension is one week beyond the expiry of the statutory time frame given by the above Development Management Procedure.

Transportation Officer

Recommends approval subject to conditions. Comments contained within the main report.

Biodiversity Officer

No objection to the proposal subject to conditions.

Licensing Officer

It is recommended that an event plan be submitted to the Bracknell Forest Safety Advisory Group at least two months prior to the experience opening to the public (details at <http://www.bracknell-forest.gov.uk/planninganeventinbracknellforest>). The applicant should also ensure that the appropriate premises licence under the Licensing Act 2003 is obtained for any sale of alcohol, late night refreshment and regulated entertainment.

Environmental Health and Safety

No objection.

Waste & Recycling Manager

No objection.

Crime Prevention Design Advisor

No objection to the proposal.

Royal Berkshire Fire and Rescue Service

Request that part of any planning consent terms include the requirement for the applicant to provide suitable private fire hydrants(s), or other suitable emergency water supplies to meet Royal Berkshire Fire & Rescue Service requirements as there are no such facilities near the site.

Officers response to this request is contained within the main report.

Tree Officer

No objection.

Landscape Officer

No objection.

### Natural England

No objection. Comments contained within the main report.

### English Heritage

No comment.

### Crown Estate Office Windsor Great Park

(No comments received at time of producing this report).

## **4 REPRESENTATIONS**

This proposal at time of writing this report had attracted a significant number of representations which are summarised as follows:

289 Objectors have raised concerns with this proposal which fall to the following key areas:

- The environmental Impacts such as noise and lighting
- The significant increase in vehicular traffic and highway safety at the various junctions north and south of the site as well as the narrow hump-back bridge just south of the site.
- The ecological impact on the wildlife, flora and fauna
- Impact on the forest and the character of the area
- Impact upon the Thames Basin Heaths SPA
- Impact upon nearby SSSI Site Englemere Pond
- the proposed development will remain a permanent feature
- Loss of trees
- Health and Safety
- On site parking provision is inadequate

A further petition with 47 signatories object to the proposal on the grounds of:

- Traffic congestion
- Impact on the natural environment
- Health & Safety

The issues raised are dealt with in this report.

404 Supporters have expressed their support for the proposal however the majority of the comments are not local to the area. The comments only described individual experiences of the event itself however it is from the supporting comments that many of those supporting the proposal state they have previously visited the event at its current location in Kent and found it provided a quality experience.

11 Other representation offer only general comments.

## **5 OFFICER REPORT**

This application is reported to the Planning Committee as it is a departure from the development plan and has been accordingly advertised as such. In addition this proposal has received a significant number of representations.

## **i) PROPOSAL**

Temporary planning permission is sought for a period of three years for the holding of a children's Christmas theatrical experience to be open to members of the public within a small area of Whitmoor Forest, off the B3017 Swinley Road to the south west of Ascot between 30 November - 24 December 2013, and 21 November- 24 December 2014 and 2015, with set up and dismantling periods between 1 October and the opening event and 27 December and 31 January each year respectively.

The hours of opening to the public are proposed as follows:

Monday - Friday 10.00-22.00 hrs (09.00-22.00 week before 24 Dec)

Saturday 09.00 - 22.00 hrs

Sunday 09.00 - 9.00 hrs

All buildings and facilities will be removed from the site in the intervening periods.

The applicant clearly sets out their case for the need to secure a three year temporary planning permission to cover the 2013, 2014 and 2015 Christmas seasons for the following two reasons:

(i) A three year permission provides a level of future proofing to the event that will support investment in the site and facilities. Whilst a shorter period of time would allow the organisers to demonstrate to the Council that the children's events can be run responsibly and safely, and without harm to interests of acknowledged importance, this would not provide sufficient comfort to the applicants to invest heavily in additional landscaping, the creation of the new dedicated access route and sensitive stabilisation works within the rides in the forest. All are central to the successful integration of the event into the forest.

(ii) A three-year permission aligns with the contractual obligations between the applicants and The Crown Estate as landowners. It is acknowledged that this is not, strictly speaking a material planning consideration, but it is worthy of note that a break clause is included within the contract between the two parties. Under this clause, if The Crown Estate is not satisfied with the manner in which the event has been managed or it falls short in any way, the contract may be terminated after the first year of operation - Christmas 2013.

The application site extends to 14 hectares and forms part of the Whitmoor area of the Swinley Forest. This includes the wider area of forest that creates the setting for the children's experience. The actual focus of the event and the area with temporary structures (LaplandUK village) is much less at approximately 0.4 of a hectare. The heart or focus of the site lies approximately 300 metres to the west of the B3017 Swinley Road between Bracknell and Ascot. This is a different location to that subject of a withdrawn planning application (12/0624/T) for the an identical facility in Swinley Forest some 2.2km to the south east of the current site.

The applicant confirms that the 'village' centre and focus of activity will comprise amongst other things, a central ice rink, Mother Christmas Kitchen, Post Office, Shop and catering facilities. Access will be provided via the existing forest rides that permeate through the forest- the main routes will be improved through sensitive resurfacing and the use of Trackway, which will be temporarily rolled across the forest floor to protect it. The Father Christmas Lobby lies to the east of the village clearing and is the precursor to visiting the Father Christmas Houses. Fourteen will be provided. Each will be unique and will be carefully enclosed within an area of young trees, with

access to each provided on foot only. The toy factory, arrivals point (The Glade) and reindeer enclosure lie to the south and north east respectively.

The planning statement submitted with the application (Chapter 5) also sets out the following elements:

- Christmas events focused around a village area containing a cluster of temporary buildings (3 key buildings mother Christmas shop, elf kitchen and shop and post office) around an ice rink.
- Other buildings to include public welfare buildings and café, together with reindeer pens and husky enclosure.
- Access off Swinley Road with parking.
- Main events area to be located on a 0.4ha area of existing young trees.
- The village will consist of temporary wooden buildings, on a temporary elevated deck.

No use class appears to have been identified on the planning application form, or in the planning statement. However, given the nature of the proposals, it combines elements of leisure, retail and amusement uses, forming a visitor attraction it would be considered to be classified as 'Sui Generis' i.e. not falling into any specific use class

## **ii) BACKGROUND**

The applicants state have experience of creating and operating the Christmas events since the launch of LaplandUK back in 2007. The first event was held that year at Bedgebury Pinetum to the south of Tunbridge Wells in Kent. Due to its success the event was relocated to Bewl Water in East Sussex where it operated successfully within the wooded landscapes of the High Weald Area of Outstanding Natural Beauty.

The applicant states that the opportunity arose last year, following discussions with the Crown Estate, to stage Lapland UK within the Windsor Estate at Swinley Forest over the 2012 Christmas Season. This is a prestigious location and whilst there are a number of planning and environmental sensitivities, there are a number of notable benefits: (i) the site is more centrally located within the UK, with over twenty million people, (nine million of which are suitable family audience) living within two hours of the site; (ii) with the site has superior public transport connections and direct links to London by train, (ii) the local road infrastructure represents a considerable improvement on the present location, and (iv) the site is located within attractive rural surroundings providing a natural forested backdrop for the event.

The applicant states that whilst the event is being proposed is in a different geographical location compared with that of 2012, the underlying approach to quality and the philosophy and principles behind the scheme remains the same as those previously considered and approved by Tunbridge Wells Borough Council and Wealden District Council. Beyond the principles this submission has been carefully tailored to embrace the environmental and physical opportunities presented by Whitmoor Forest and its location whilst making provision for, and where required, mitigating identified constraints. The underlying aim has been to strike a balance between identified environmental constraints and the acknowledged community, social and economic benefits offered by bringing this award winning temporary event to the Borough of Bracknell Forest.

The applicant states that lessons have being learned from their previous proposal last year and that the concerns expressed at that time by the community have been acknowledged fully and the current site has been purposefully selected to avoid environmentally sensitive areas and to minimise the impact of the event on the local community.

Before this planning application was formally submitted the applicant held a public exhibition at Lavender Park Golf Centre on the 18 May 2013 to seek the views of the local community and as a result the applicant states they made the following revisions to their proposal:

(i) The parking area along the central spine, opposite the properties on Swinley Road has been removed from the scheme with the residual being sited alongside the railway embankment to the south;

(ii) The weekday start time has been moved back from 9.00 am to 10.00 am to - reduce the perceived impact on the highway and junctions in the morning. During the holidays in the last week before Christmas the start time will revert to 9.00 am;

(iii) The temporary café sited to the west of the central ride has been repositioned further into the forest, and

(iv) The small shuttle bus will link only with Ascot Train Station, which is better served than Martin's Heron Station and has better access and turning facilities.

The applicant has continued to fine tune this proposal where possible addressing concerns as they have arisen during the consultation process.

The applicant sets out the key guiding principles of their proposal as follows:

(a) The focus of activity (Lapland UK Village) has been sited within an enclosed woodland area in response to the ecological and environmental assessments, thus minimising the impact on these interests of acknowledged importance.

(b) The sharing of facilities between the various activities and uses, such as the kitchens, restaurant, toilets etc, reduces the need for the duplication of built form and minimises the spread of the temporary buildings consolidated hub;

(c) The siting of the buildings within the dense woodland helps to assimilate the temporary structures into the site and provides a substantial natural screen/buffer ranging between 250 to 50 metres to negate the potential of the physical works on site to detract from the residential amenities of houses to the east on Swinley Road and west on New Forest Ride respectively,

(d) Maintaining a 20 metre exclusion zone for all development, parking and activity between the eastern edge of the Forest and Swinley Road to maintain the residential amenities of the residences to the east of Swinley Road;

(e) Relocating the existing access to the site 150 metres further to the north of 1 and 2 Whitmore Cottages and introducing supplementary planting to the north and west of the cottages to maintain the amenities of the two houses;

(f) All buildings are arranged and designed to be inward facing onto a central focus the ice skating rink - in order to contain light and any noise within the central area;

(g) Provision of parking within the existing rides (linear clearings) within the forest and

(h) Promoting far-reaching economic, community and tourism benefits

### iii) SITE



The site comprises a small area of Whitmoor Bog within the larger Swinley Forest owned and managed by the Crown Estate just off the B3017 Swinley Road to the south west of Ascot.

This part of the forest is separated from the larger Swinley Forest by the A329 to the north, the residential estate of Martins Heron to west, the railway line to the south and the B3017 Swinley Road to the east.

The site itself is dominated by blocks of variable aged pine plantation woodland managed as a commercial forestry by the Crown Estate. The site is not covered by any statutory or non-statutory nature conservation designations. However the site is on land outside settlement referred to as 'countryside'. The site is close to a Site of Special Scientific Interest (SSSI) namely Englemere Pond which is also designated as a Local Nature Reserve which is positioned to east on the opposite side of the road to this site.

The area of the woodland overall is approximately 45 ha and this site covers an area of approximately 12 ha.

## **6 PLANNING CONSIDERATIONS**

### **(1) Principle of the development**

#### (a) Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

#### Regional Policy

The South East Plan was partially revoked (with the exception of Policy NRM6 relating to the Thames Basin Heaths Special Protection Area) on 25 March 2013 by Order using powers taken in the Localism Act and no longer forms part of the Development Plan. That policy is relevant to the consideration of this application.

#### Local Plan Policies

The site is located on land outside settlement as defined on the adopted Policies Map 3 (2010), and therefore, it is considered that Development Plan Policies EN8, R7, M4, M7 and M9 of the Bracknell Forest Borough Local Plan and Policies CS1, CS2, CS8 and CS9 and CS23 of the Core Strategy Development Plan Document are of particular relevance to assessing the acceptability of this proposal.

#### Bracknell Forest Borough Local Plan (saved) Policies (January 2002)

##### EN8: Development on land outside settlements

Policy EN8 sets out that the countryside will be protected for its own sake. Outside development boundaries, development will only be permitted where it would not adversely affect the character, appearance or function of the land, and would not damage its landscape quality, nor where conspicuous from the Green Belt, would not harm the visual amenities of the Green Belt. The policy contains a list of possible developments in the countryside, which do not include new residential development

- Development required for agricultural and forestry
- Essential utilities and cemeteries which cannot sited within a settlement
- Minor extensions to or replacement or subdivision of existing buildings
- Reuse of permanent buildings which are in keeping with their surroundings

- Recreational development in the countryside
- Disposal, recycling or treatment of waste

#### R7: Countryside Recreation

Policy R7 sets out proposals to improve access to, or increase the recreational use of the countryside will be provided it would not adversely affect the residential amenity or the function of the character of the countryside.

#### M4: Highway measures expected in association with new development

Policy M4 seeks to ensure that development which would result in a material increase in the use of the existing highway will provide appropriate pedestrian, cycling and public transport routes

#### M7: Access for people with disabilities

Policy M7 seeks to ensure that new development will access for all, and the use of highway and footpath networks, parking and public transport.

#### M9: Vehicle and cycle parking

Policy M9 seeks satisfactory parking provision for vehicles and cycles

### Core Strategy Development Plan Policies (February 2008)

#### CS1: Sustainable Development Principles

Policy CS1 sets out development which will be permitted such as making effective use of land, buildings and infrastructure, reducing the need to travel etc and also protecting and enhancing character, quality of local landscapes, quality of natural resources (including biodiversity, water, land and air) etc.

#### CS2: Locational Principles

Policy CS2 sets out a sequence of allocation, directing development to the Town Centre first, followed by previously developed and other land within defined settlements, and lastly extensions to sustainable settlements.

#### CS8: Recreation and Culture

Policy CS8 encourages development which provides and maintains new recreational facilities. Recreational facilities include leisure facilities (see definition para 99)

#### CS9: Development on Land outside settlements

Policy CS9 seeks to protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land; and

- i) protect the defined gaps within or adjoining the Borough from development that would harm the physical and visual separation of settlements either within or adjoining the Borough; or
- ii) maintain the Green Belt boundary within Bracknell Forest and protect the Green Belt from inappropriate development.

#### CS23: Transport

Policy CS23 seeks to ensure the Council will use its powers to reduce the need to travel, and promote alternative modes, increase safety of travel and maintain and improve the local road network

### Sites Allocation Local Plan (July 2013)

CP1 This states the positive approach to be taken when considering development proposals, reflecting the presumption in favour of sustainable development contained

in the National Planning Policy Framework. It reaffirms that the development plan is the statutory starting point for decision making and that decisions will be made in accordance with that plan unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then permission will be granted unless material considerations indicate otherwise - taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or Specific policies in that Framework indicate that development should be restricted.

(b) Material Considerations - The National Planning Policy Framework (NPPF)

The National Planning Policy Statement (NPPF) was published on 27th March 2012 and replaces the Government's previous suite of Planning Policy Guidance Notes and Policy Statements, and is a material consideration in decision taking (para. 13). The NPPF does not change the statutory status of the development plan as the starting point for decision taking, unless material considerations indicate otherwise (para. 2 & 12).

The NPPF also sets out (para. 14) that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision taking this means:

- (i) Approving development proposals that accord with the development plan without delay; and
- (ii) Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless -
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be restricted.

The Government is clear (para. 6) that their view as to what sustainable development means relates to para. 18 to 219 of the NPPF taken as a whole. Para. 7 sets out that sustainable development includes three strands: social, environmental and economic.

Some of the Core Planning Principles (para. 17) that are relevant to this application are to proactively drive and support sustainable economic development to deliver the homes, business and infrastructure that the country needs (bullet 3), recognise the intrinsic character and beauty of the countryside and support thriving local communities within it (bullet 5), contribute to conserving and enhancing the natural environment and reducing pollution (bullet 7), manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable (bullet 11).

Chapter 3 (para. 28) of the NPPF relates to supporting a prosperous rural economy. The NPPF is supportive of promoting a strong rural economy, sustainable growth and expansion of all types of business and enterprise through conversion of existing buildings and well designed new buildings (1st bullet point). It also refers to supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities, visitors, and which respect the character of the countryside (3rd bullet point).

Chapter 4 relates to promoting sustainable transport. In particular para. 34 states that plans and decisions should ensure developments that generate significant movement

are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Chapter 11 relates to conserving and enhancing the natural environment. Para 118 refers to principles to be applied in terms of conserving and enhancing biodiversity and the determination of applications. Bullet point 1 may be of relevance depending on comments received from the Council's Ecologist.

Annex 1 relates to implementation. Para. 215 sets out that following a 12 month period of the publication of the NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight may be given). This applies to both the Core Strategy and BFBLP.

## **(2) Evaluation of the proposal against Planning Policies and Material Considerations**

As has been stated in the reasons for referring this application to the Planning Committee this proposal represents a departure from the countryside planning policies applying to the site (see EN8 above). The NPPF however does alter the position in relation the saved policy EN8 which refers to protecting the countryside for its own sake and refers policies needing to 'support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development' Having regard to the local policies and the NPPF the key determining factors with regards to this proposal are whether the proposal would have such a significant adverse impact upon the following such as to outweigh any benefits the proposal would bring to the local economy:

- (i) the landscape character of the area,
- (ii) the wildlife and general ecology of the site,
- (iii) highway and pedestrian safety,
- (iv) sustainability of the proposal
- (v) amenities of nearby residents.

(i) Landscape character - Of great importance is the location of the site which is outside a defined settlement in the countryside. Policy CS9 seeks to protect the countryside for its own sake. The NPPF (5th bullet point of para. 17) sets out that account should be taken of the different roles and character of different areas, protecting the Green Belt and recognising the intrinsic character and beauty of the countryside. It is also stated that the rural economy (tourism and leisure developments) should respect the character of the countryside (3rd bullet point of para. 28). One of the environmental roles of sustainability (para. 7) is stated as being contributing to protecting and enhancing the natural environment. Whilst there is a difference in emphasis between Policy CS9 which seeks to protect for its own sake, and the NPPF, which seeks to recognise the intrinsic character, in broad terms, it is considered that Policy CS9 is consistent with the NPPF and that significant weight can be afforded to this policy (in relation to para. 215 of the NPPF).

Policy EN8 of the BFBLP is a more detailed development management policy relating to development on land outside settlements. It includes a list of possible developments in the countryside and is therefore more restrictive than the NPPF. However, the list includes recreational development - point (v)(a). The need to ensure no adverse impact upon the function of the countryside or residential amenity is mentioned. It is considered that this stance is broadly consistent with the NPPF (in particular para. 28,

3rd bullet point) as there are references to the character of the countryside and appropriate locations.

It is also considered that the reference in Policy R7 to considering the function of the character of the countryside is consistent with the NPPF and that weight can be afforded to this policy.

The Crown Estate has a continuous felling program in place as much of the Swinley Forest is managed as commercial woodland whereby the trees are harvested for their wood. A large area of the current site was felled between 2000 and 2004 with an area just to the north due to be felled 2010 - 2014.

The site upon which this proposal relates within the part of the forest known as Whitmore Bog/Forest was felled in 2000 - 2004, the blue area is imminent for felling, the orange area is estimated at 2030 - 2034 and the purple area is 2020 - 2024.

By way of example, a hectare of land within the Crown Estate yields on average 287 trees giving a total number of trees to be felled in the orange area alone amounts to 2841 trees (9.9 hectares). It should also be noted as part of the management of the woodland a continuous cropping programme is in operation. Every six to seven years 400 - 500 hundred trees are removed from this area as part of the management regime. By comparison it is estimated that 30 - 40 mature trees will be removed to support the Lapland UK event.

It is not considered that this proposal will impact upon any trees of significant amenity value except for the potential loss of one or two trees adjacent to the road frontage where it is proposed to create a new vehicular access to serve not only this event but to also to facilitate vehicular access for the Crown Estate in managing the whole of the site in the future. It is acknowledged that these trees fronting the road do add amenity value to overall street scene character and the Council would be seeking to mitigate the loss of any trees along the road frontage to maintain this visual appearance by additional tree planting.

A landscaping/planting condition is considered appropriate to secure the implementation of any additional native tree planting/screening that would mitigate for the loss of any trees of amenity value felled to accommodate the new site access.

In assessing the impact of the development upon the character of the area, regard has to be had to its landscape character and given it is a commercially managed forest under the ownership of the Crown Estate it has to be acknowledged that significant areas can be felled under licence within their longterm felling program. However it is considered that the Crown Estate will continue to responsibly manage the woodland in such a way that the overall characteristics of a forest will remain for generations to come. It is also considered that as the responsible land owner any misuse of their land could result in the termination of any contract irrespective of any planning permission that might be in place.

The temporary site of the Lapland UK village will be provided within an area of young trees covering approximately 0.4 of a hectare. The site is proposed to be carefully assimilated into dense woodland that forms part of the commercial forest, with minimal intervention.

The Village itself is described as the main focus of the Christmas Event and will be sited within an area of young trees (between 6 and 12 feet in height) of approximately 0.4 of a hectare. The site is enclosed within the forest approximately 500 metres in

from the west of Swinley Road. It is positioned on lower ground to take advantage of the natural fall of the land from Swinley Road to the west towards Martin's Heron where the facility is below the sight line and obscured from view. Access to the village clearing is via 'The Glade', an arrivals marquee, which links via a made up forest path to the Toy Factory. A further forest path provides access to the LaplandUK Village Area. All these elements are contained within the forest to minimise visual intrusion.

The 'village' itself is formed from a collection of temporary wooden buildings that are sited on an elevated deck - also temporary. The deck provides the means to level the forest floor without the need for invasive and potentially damaging ground and earth works. A level platform is provided between 1.5 and 2.8 metres in height. The areas adjoining the deck, where it has been raised, are proposed to be screened with landscaping to assimilate the structure into its forest setting.

The temporary buildings are shown to be arranged in a loose 'U' shape configuration to enclose the ice rink, which forms the centrepiece of the village. The village is anchored on three key buildings that accommodate: (i) Mother Christmas's Kitchen, (ii) the Elf Kitchen and shop and (iii) the Post Office. A smaller 'skate change' building is provided to the west of the rink, otherwise the smaller structures, including the public welfare buildings, husky enclosure, and cafe are arranged around the perimeter of the core.

14 Father Christmas Houses are also shown to be temporarily sited within the forest immediately east of the village clearing. Access to the 'houses' (wooden log buildings) will be provided via footway link to a 'Father Christmas lobby'. This is formed from three tepees and leads to a series of interconnecting paths. The routes provide access to the Father Christmas houses and beyond to the reindeer enclosure, which is sited to the north east within the wooded area. Physical intervention will be minimal in this area. The aim is to assimilate the lodges into the forest and to retain the woodland setting.

The surface of the existing forest roads will be temporarily upgraded to accommodate car borne traffic. Car parking will be provided in chevrons along the central access spine on the grassed surface. The surface is to be carefully engineered with the introduction of temporary 'Trackway' to protect it and to prevent vehicles from becoming bogged 'down' should the weather turn. Details of the temporary protective coverings are contained with applicants Planning Statement Appendix 4.

Visitors will walk to Lapland UK's reception area on carefully prepared paths, which will be lit with low-level lighting at approximately five metre centres. A lighting strategy and report prepared by Capita Symonds is presented in Appendix 5. This has been developed with the underlying aim of minimising light spillage and negating sky glow so as far as possible.

The central paths will be accessible for wheel chair users and children's buggies.

Dedicated parking spaces are shown to be provided adjacent to the reception area for disabled users.

Parking area will be provided within the forest area on the existing rides, and on lower ground adjacent to the railway embankment, thus minimising the need to remove forest trees.

The Crown Estate has confirmed that the surface is sufficiently compacted and stable to support the parking of vehicles during the winter months - this minimises the need for invasive work in the forest. Occasional repair of potholes will be required, but this too will be kept to a minimum. On the busier routes and circulation areas metal

Trackway panels will be deployed to support and protect the forest floor. This approach will prevent the surface from rutting and smearing, both of which can cause vehicles to become "bogged down" rendering surfaces incapable of passage by vehicles and pedestrians.

The village clearing and event site will be accessed via a new and improved central access point off Swinley Road. Vehicles will be monitored and controlled by direction to central parking spaces that are secluded from general view as they will 'hidden' within the forest along existing Rides. The applicant states the flow of traffic will be strictly controlled via the pre-ticketing arrangements.

The applicant has submitted some evidence that suggests from their other sites this particular attraction has brought economic, social and environmental benefits which have included the creation of between 270 and 330 jobs throughout the attraction's operating period and approximately 50 jobs in relation to the construction and removal phases. It is considered that such an attraction may also generate similar benefits to local economy at a time when such stimulus is needed, even if it is short term.

BFBLP Policy EN20 and CSDPD Policy CS7 seek to ensure the design would be acceptable in terms of its impact upon the visual character of the area, and amenity of surrounding properties and adjoining area. It is considered that these policies accord with the NPPF (such as paras. 17 which seeks to secure high quality design and a good standard of amenity; para. 57 which seeks to plan positively for the achievement of high quality and inclusive design for all development and para 109 which seeks to protect and enhance valued landscapes, minimise impacts on biodiversity and provide net gains in biodiversity. Policies EN20 and CS7 are therefore considered to be consistent with the NPPF and significant weight can be afforded to them (in relation to para. 215 of the NPPF).

Given the overall scale and temporary nature of the structures and the fact that the applicant has sought to assimilate nearly all of the structures within the enclosure of the forest itself it is not considered that any material harm will arise such that this proposal could be viewed as significantly detracting from the woodland character of the site. This is more prevalent when compared with the fact that a vast area could be felled under the Crown Estates felling program which would have a greater visual impact than this proposal.

Therefore on balance the temporary erection of structures would not materially detract from the visual amenities and landscape character of Whitmoor Forest in the long-term

It is therefore considered that this proposal would not conflict with BFBLP Policy EN8 and EN20 and CSDPD Policy CS1, CS7 and CS9 in respect of design in the local context of the Countryside.

Given the this proposal is for a temporary period and the fact the event is reliant upon the forest setting and the applicants confirmation that the structures are to be sympathetically assimilated into the existing woodland with minimal tree loss it is considered that this event would not significantly adversely alter the character of the area so as to warrant a reason for refusal.

### **(3) Biodiversity**

Whilst contamination of the site is very unlikely the risk still does exist. Therefore the Council considers it reasonable to ensure the applicant assesses the risk accordingly from say something like a diesel spillage and therefore a scheme will be required that

clearly sets out that should such an incident occur the organisers will have preventive measures in place to contain any such spillage from contaminating the land or any water courses within the site.

A recondition is recommended to secure this information before any works commence onsite.

The Council's Biodiversity Officer has reviewed the applicant's supplementary ecology information recently submitted to support the proposal and confirms that it addresses all of the concerns raised with the original submission. Whilst it is considered that overall that this proposal will have a low impact upon the biodiversity of this site there are still considered to be a number of outstanding issues, which are set out as follows.

Natural England does not raise any objection in respect of this proposed scale and proximity to the Thames Basin Heaths Special Protection Area (SPA) and adjacent SSSI site Englemere Pond.

Reptile mitigation strategy and heathland creation:

The detailed reptile mitigation strategy is welcomed and addresses adequately the main points suggested in the Natural England TIN102. While this has currently been withdrawn it still provides useful guidelines for the development of a robust mitigation strategy. Natural England has also issued a Standing Advice Sheet: reptiles, which also provides useful guidance for best practice in translocating reptiles. Both of these documents are referred to in the preceding paragraphs.

The main outstanding issue relates to the provision and long term protection of the reptile receptor site. The Natural England Standing Advice Species Sheet: Reptiles, Section 5.9 states: 'Any receptor site should be subject to long-term security from future development. In addition, the site should be managed for the benefit of reptiles in the long-term with sufficient funding secured from the applicant to secure the implementation of the management in the long-term.'

Natural England TIN102 states that: 'The landowner must be content with plans to release reptiles, and for the needs of the reptiles to be accommodated in the future (notably site management and protection from threats to conservation status). A written agreement must be secured to demonstrate the landowner is content.'

In the Applied Ecology Ltd Supplementary Ecology Information, Paragraph 2.19 states: 'The habitat creation area will be monitored annually by the Crown Estate and any undesirable plant species that may colonise the site will be controlled by means considered necessary and appropriate. The heath will be maintained for the duration of the development period as open heather dominated heath.'

This suggests that at the newly created heathland that is acting as a reptile receptor site will not be maintained as such after the end of the temporary permission for the attraction. This risks harming the long term ecological status of the reptile population and heathland in this area. The long term viability of the heathland reptile receptor area should be secured through a management plan and written consent from the landowner. Additionally, designation as a Local Wildlife Site (LWS) would secure the long term future of this area and could be considered.

It should be noted that the adder, common lizard, grass snake and slow worm are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). They are not, as was stated in the original consultation and as pointed out in the Applied Ecology Ltd Supplementary Ecology



Information, European protected species. This was an error that has been corrected by this statement.

Assuming the long term protection of the heathland and reptile receptor area can be secured, the reptile mitigation strategy as submitted is acceptable.

The Ecology Officer recommends that should the application be considered for approval it will be necessary to impose a number of appropriately worded conditions to ensure (i) the Reptile Receptor Area is provided and (ii) that the Reptile Mitigation Measures are implemented and (iii) that an assessment is undertaken with regards to lighting impact upon the wildlife.

A number of concerns have arisen concerning the artificial snow that Lapland will use for the event and it has been confirmed that they will be using a company called 'Snowbusiness' to prepare/create the snow. The applicant assures us that this particular company has experience in creating 'winter scenes' in sensitive environments. So much so that the Company has been employed by English Heritage. Full details and specification for the 'snow' may be found at: [www.snowbusiness.com/about-us/environmental-policy.aspx](http://www.snowbusiness.com/about-us/environmental-policy.aspx). It is recommended that a condition be imposed that stipulates any artificial snow chosen for the event would require the applicant to seek the approval of both the Councils Ecologist and Environmental Heath Officers before its use at the site.

Nightjar:

Concern has also been raised in respect of the impact of the development on Nightjars. A Nightjar has been recorded in the forest close to or within the application site. Applied Ecology Ltd (AEL) addressed the impact of the development on Nightjars in their supplementary ecology information, submitted on 26th June 2013. The works to construct the facilities of the event and the event itself will occur outside of the nesting season for nightjars. The works described will result in the creation of new habitat that will be suitable for use by nesting nightjars, particularly in the reptile receptor area. This increase in habitat will compensate for the loss of habitat as a result of the development. There is the potential for some loss of moth food plants or overwintering area, but this is considered to be small in the context of the wider area especially the suitability of the additional foraging area to the west of the development area which constitutes a much better area for nightjar foraging.

The Ecology Officer is of the opinion that the potential for disturbance on nesting nightjars is likely to be very small given the timing of the event and associated works outside of the nightjar nesting season, the creation of suitable habitat for nesting nightjars and the generally low impact of the development on the site and surrounding habitat.

Natural England has also confirmed that they do not have any specific concerns with regard to the potential impact of this proposal upon nightjars.

Great Crested Newts (GCN):

Having considered the information submitted to date, and based on the lack of historic records for GCN on site, the acidity of the water, the small pond sizes and the type of surrounding habitat, the Ecology Officer is of the opinion that GCN are unlikely to be present on the site. However if it were found that they were present, the Ecology Officer suggests that harm would be very unlikely if planning permission were granted.

Despite the perceived low risk to GCN on site and in order to mitigate any potential harm to GCN, a mitigation and enhancement package will need to be secured by an appropriately worded condition. Natural England has agreed this approach.

#### **(4) Highway safety**

Visitor Numbers:

The applicant confirms that in terms of customer numbers visitors will purchase time specific tickets from the Lapland UK website and this is the only way that tickets may be acquired. There is no entry "at the door". To support this approach full days are divided up into 19 'performances' or tours which run concurrently, starting incrementally every half hour from 9am - 6pm with a maximum audience capacity of 42 families (170 people with no more than 80 children per tour). The full days of operation will be weekends only, with the exception of the week before Christmas, and on other weekdays the first tours will commence at 10am. Opening times and dates are subject to demand. Importantly, this approach of carefully 'managing the day' means that the numbers of visitors are controlled at any one time, with consistent and predictable numbers of visitors arriving throughout the day. This eliminates the potential for traffic surges, which can occur at more traditional "one-event" shows or activities.

Staff numbers:

LaplandUK will be a short term operation each year running from late November through December up to Christmas Eve. Around 200 staff will be employed throughout each day in various roles around the site but with shifts there will be a maximum of 140 on site at any one time. There will be no permanent buildings and all buildings and ancillary facilities will be removed from the site in the intervening periods. Arrangements have been made for staff to park at Ascot Racecourse from where they will commute to/from site by shuttle bus.

Site Access:

Vehicular access to the Whitmoor area of the Forest is currently provided by an existing gated access off Swinley Road immediately to the north of nos. 1 and 2 Whitmore Cottages. In the interests of highway safety and the amenities of the two cottages the applicant proposes to create a new access to the north to serve the proposal. The new access will form the focus of activity for visitors accessing the Christmas experience from the Swinley Road (B3017). The existing access would be kept shut but could be use in the case of emergency if required. This stretch of Swinley Road links the A329 London Road to the north with the A332 Swinley Road to the south.

The A329 provides access from the destinations to the north and west such as Bracknell town centre, Maidenhead and the M4. The A332 provides access to the site from the south from southern parts of borough including Crowthorne, Sandhurst and Ascot and further afield such as Bagshot, Lightwater, Camberley and, ultimately links with the M3. The latter provides direct access to the M25, London and the south coast.

Visitors to Lapland UK will use a combination of these local and regional routes to access the temporary car parks and the site of the 'village' area enclosed within the Forest.

Measures have been proposed to ensure that the impact of the temporary proposal

on both internal and external highway arrangements is not detrimental to highway safety. The proposed measures, include a relocation of the vehicular access approximately 65 m to the north of the existing site access. This revised location has been proposed following concerns raised with regards to traffic queuing northbound past the original position of the proposed site access. The revised access now proposed minimises so far as possible conflict with the northbound queuing traffic that has been observed on a number of occasions. The Highways Officer confirms that he is satisfied that the separation between the bridge and the revised site access point (approx. 170m) and with appropriate advance signage would provide drivers sufficient reaction time to locate the access to the site without impacting highway safety.

The Highways Officer is also satisfied that the access is of a sufficient distance from the Englemere Pond access to avoid any conflicts and the revised design is now acceptable in principle. He also recognises the concerns raised by the residential property opposite (Hereford House), that the revised positioning of the main access will bring this into close proximity of their driveway access. The new position of Lapland's access has to be balanced against the level movements generated by a single household against the movements of the Lapland event and the likelihood of conflict occurring. The potential for conflict is negligible given the residential property opposite does benefit from two access points that the owner could choose to utilise either of their existing access points.

#### Customer Parking/Staff Parking:

A parking scheme has been submitted which identifies visitor parking for 394 spaces, including 30 disabled spaces and 21 staff parking spaces specifically for the Father Christmases' working at the site. This level of parking is deemed to be sufficient for the expected demand. There will be no formal surfacing although there will be some temporary markings and the parking areas and roadways will return to the natural state during the intervening periods between each year. The applicant has confirmed that Marshalls will be employed on site to ensure that visitors are directed to appropriate parts of the site safely and quickly. Furthermore the details will be secured by an appropriately worded condition for a Car Park Management Plan.

There will be some low level lighting provided to help visitors which again will be temporary and removed each year. A lighting assessment prepared by Capita Symonds forms an appendix to the Planning Statement which in principle is acceptable and the details will be secured by condition.

The Highways Officer has acknowledged that parts of the site near to the pedestrian entrance (within the site) and on approach to red and green car parks have challenging gradients in terms of customer car parking. The Highway Officer has also suggested amendments to the vehicle flow within the site to improve access and internal circulation. The applicant has been asked to review the proposed parking and internal access arrangements in light of these comments.

Given the time of the year the event will take place where the weather conditions could affect vehicle manoeuvres on the site and therefore it is important that on site parking and internal circulation arrangements are adequate to serve the proposed development.

It is considered that in principle a revised parking plan is achievable and it would be reasonable to secure this information by condition before works commence on site. However a revised parking plan is expected before the Planning Committee Meeting following further discussions with the applicant.

## Sustainable Travel options:

The applicant recognises that sustainable transport options should be considered to reduce the reliance on private car travel and make good use of the public transport options that are available in the vicinity of the site. However given the short term nature of the event a full Green Travel Plan would be unsuitable as there would be insufficient time to monitor and implement changes within the short period that the event is open to the public. However sustainability and travel planning issues still need to be considered to see whether any options arise that would seek to encourage a modal shift away from private cars.

The applicant has confirmed they are committed to operating a shuttle bus that will not only transport staff from the staff parking (140 car parking spaces) at Ascot racecourse but it will also facilitate a pick up/ drop off service for any customers that choose to use the train at Ascot railway station. It is considered it would be reasonable to require the applicant to demonstrate that they have actively promoted this service in their marketing of the event to encourage customers to consider this as a viable alternative to the car. An appropriately worded condition is recommended to secure a plan be submitted that clearly demonstrates that their marketing material actively encourages customers to consider using the train to travel to the event given the permission sought is for a 3 year period.

It is considered that the applicants advanced booking system and strict adherence to timings will help evenly spread the trips throughout the day rather than having extreme peaks of movements in and then out which can occur with other events. A condition is recommended to prohibit the sale of any tickets on site.

Whilst the applicant's traffic assessment (revised 23 July) evidences that the trips generated by the Lapland event will have a limited impact on the operation of the local network, in particular, peak hour operation of the junctions at either end of Swinley Road. The Highways Officer still has concerns that the traffic from this event may still impact upon the peak flow traffic and without sufficient data for this time of the year he feels that he could only support a 1 year temporary permission given the proposed opening hours of the event.

In order for the Highways Officer to accept the applicants proposal for a 3 year permission an alternative solution of restricting the opening times to new customers for 2.5 hours a day Monday - Friday for the first 3 weeks of the event was proposed and accepted by the applicant. This would involve restricting new customers embarking on tours between the hours 1pm and 3.30pm removing the risk to the afternoon peak hour flows from customers exiting the site therefore avoiding adding to the peak hour flow. The standard condition controlling the opening times would therefore include a restriction to address this issue.

Should the applicant wish to seek to amend the restrictive opening hour's condition in the following years they could apply to relax the condition by the submission of supporting evidence for consideration by the Council.

This approach provides a degree of flexibility and certainty for the applicant that if the operation were well managed and the data collected was sufficient to evidence that his customers would not significantly impact upon the peak hour flows then the Council would more likely be minded to relax the time restriction accordingly for the remaining years of the operation.

The proposed development is considered on balance to comply with Policy M4, M7 and M9 of the Bracknell Forest Borough Local Plan, Policy CS23 of the Core Strategy Development Plan Document and Bracknell Forest Borough Parking Standards (Supplementary Planning Document approved July 2007) as well as meeting with the objectives of the NPPF. It should be noted that NPPF specifically states "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

#### **(5) Emergency Services Arrangements**

The applicant proposes to utilise the existing access point as an emergency vehicular access if required. This is considered acceptable.

Royal Berkshire Fire & Rescue Service has stated that no available public mains exist within this area to provide a suitable water supply in order to effectively fight a fire. Given the scale and temporary nature of this event it would be unreasonable to impose that such a facility is requirement of a temporary planning permission.

Thames Valley Police advise that matters relating to highway safety both for vehicles and pedestrians are matter for the Local Highway Authority to consider and matters to relating the prevention of crime such as theft are matters for the management of the event and landowners.

The applicant is advised to file emergency access arrangements with the relevant services before the event is open to the public.

#### **(6) Sustainability**

Another key consideration is the 'sustainability' of the proposal, given that the NPPF makes specific reference to sustainable rural tourism and development (para. 28, bullet 3), with core principles (bullet 11) referring to locating developments to make the fullest use of public transport, and para. 34 referring to locating development where the need to travel can be minimised.

Policy CS1 sets out sustainable development principles, which the application will need to be assessed against. It is considered that this Policy can be afforded full weight in relation to the NPPF (para. 215) as it is consistent with the aims of the NPPF in terms of promoting sustainable development. It is apparent from the information submitted with the application (Planning Statement Chapter 9), that the proposals will have more than a local draw and therefore the applicant should be seeking where possible to encourage alternative means of travel.

The applicant has recently confirmed that they are seeking to promote rail travel to their event by focusing on linking their event with a shuttle bus that will not only transfer customers but also staff to and from the railway station at Ascot. The applicant has also recently secured staff parking at Ascot Race Course which helps reduce trip rates to and from the site during its operational times.

The proposal also needs to be considered in respect of 'sustainable development' (in relation to the 3 aspects of the NPPF - social, economic and environmental), as this proposal is likely to create some local economic benefits by way of short term employment opportunities which is likely to appeal primarily to the younger employment demographic. The applicant's Planning Statement (Chapter 7) refers to benefits arising from a similar scheme operating at Bewl Water (on the Kent/Sussex border) where 200

staff were employed over the Christmas/new year period, the majority from the local area, which they believe would not be dissimilar in Bracknell Forest.

### **(7) Impact on nearby residents**

It is acknowledged that the residential properties nearest the site would be affected by this proposal however this needs to be balanced against the social and economic benefits of this temporary leisure facility and how the impacts upon the neighbour amenities can be mitigated so far as possible. The applicant has already made various changes to some of the structures and onsite parking arrangements to minimise noise and disturbance to the residential properties nearest the site.

It is acknowledged that this proposal will affect a number of neighbouring residential properties that are adjacent to the sites boundaries. These are defined as Pinewood Lodge to the north, Heather Cottage, Pine View and Hereford House directly to the east, on the opposite side of the road and 1 and 2 Whitmoor Cottages immediately to the south eastern corner of the site adjacent to the existing access to the woodland. The applicant has recognised this and has sort to design the layout of the site including the site access in way that the operation minimises so far as possible its impacts on the residential amenities of these properties.

Environmental Health has highlighted the need for the applicant to be made aware of the legislative controls such as the EC Regulations 852/2004 and the Food Hygiene (England) Regulations 2006, The Health and Safety at Work etc. Act 1974 and related Regulations in relation to services provided to the public.

Any external lighting should also be sited and used in such a way as to prevent potential light nuisance complaints as well as avoiding any PA systems that would generate noise nuisance to the neighbouring residents. The applicant has been informed accordingly of this advice. A condition is recommended to secure the details of the lighting scheme and any associated power generators to ensure that neighbours amenities are protected so far as possible.

Your officers are satisfied that in principle these properties amenities will not be so seriously affected as to warrant a refusal however Officers will be securing further details of the screening identified on the plans as well as the lighting and power scheme by condition to ensure the immediate neighbours are protected so far as possible.

Although the proposal will generate employment, it is not considered to be of the same nature as that falling within the definition of employment generating development specified in the Core Strategy under para 214 but nonetheless even short term employment and the spin off to the local economy need to be weighed in the balance.

As the proposal involves a recreational use, it is considered it should also be assessed in relation to recreational policies. Policy CS8 which encourages development which provides and maintains recreational facilities. Whilst its acknowledged that this facility will be temporary nonetheless it would provide a local recreational seasonal event for the next 3 years.

Concerns have also been raised in respect of health and safety of customers whilst on the site and more specifically relating to gradients of the existing rides where it is proposed customers will be parking. Suitability of event car parking on temporary sites (or any site) is assessed on a sensible risk based approach and ultimately is the responsibility of the event organiser who will need to secure an events license.

It is noted that the Event Safety Guide HSG 195 published by the Health and Safety Executive which can be found at [www.thepurpleguide.co.uk/](http://www.thepurpleguide.co.uk/). The guide makes no specification other than stating such area should be safe for use, well laid out and generally otherwise fit for purpose. Furthermore the event organisers will have marshalling staff on site to assist with the parking of the vehicles and customers generally.

It is therefore concluded that many of the aspects raised relate to health and safety matters in respect of outdoor events which is controlled by other legislation.

### **(8) Waste and Recycling Issues**

Whilst it is not considered that this proposal would present any issues it is noted that there is no supporting information setting out how waste or recycling will be stored or collected from the site so any permission will need to secure this information by condition.

### **(9) Conclusions**

On balance, given the scale and nature of this event, on land that is within a sustainable location without any specific protective designations and given its sympathetic approach to retaining as much as possible of the forest setting in stark contrast as to what could be undertaken by the Crown Estate it is considered acceptable in principle subject to also satisfactorily addressing all the other issues that are sought to be addressed by condition before any works can commence on the site.

The Council is also satisfied that the ecological surveys and transport assessment have sufficiently demonstrated to officers that this proposal would not adversely alter the character of the area or significantly increase the risk to or damage the habitat of any of the protected species that have been identified on the site or result in significant harm to the amenities of the residential properties within close proximity of the site so as to warrant a reason for refusal.

## **6 RECOMMENDATION**

That the application be **APPROVED** subject to the following conditions:-

01. The development hereby permitted is granted for a limited period and restricted as follows:

(a) Open to the public between

(i) 30th November and 24th December, 2013 and

(ii) 21st November and 24th December 2014 and

(iii) 21st November and 24th December 2015,

(b) Open for site setup/dismantling between

(i) 1st October and the opening of the event and 27th December and 31st January each year respectively

Outside of these dates, the development and all temporary structures/buildings brought onto the land in pursuance of this permission and use shall be removed from the site and land restored to its former condition in accordance with an scheme which shall have been previously submitted to and have been approved in writing by the Local Planning Authority

REASON: To account with the terms of the application and to enable the Local Planning Authority to regulate and control the development of the land.

02. The development hereby approved shall take place only between the dates approved in condition 01 above and the site shall operate within the following time frames.
- (a) The site shall be open to the public no earlier than 30 minutes prior to the following tour operating times
- (i) Tour Times: Monday - Friday 10:00 hrs - 13:00 hrs and 15:30 hrs - 18:00 hrs
- (ii) Tour Times: Monday - Friday 10:00 hrs -18:00 hrs the last week before Christmas Eve and are defined for each season as follows:  
Year 1: 16th -20th & 23rd -24th Dec 2013;  
Year 2: 17th -19th & 22nd -24th Dec 2014; and  
Year 3:17th -18th & 21st -24th Dec 2015 and,
- (iii) Tour Times: Saturday- Sunday 09:00 hrs - 18:00 hrs

(iv) No more tours will be permitted after 18:00 hrs and the site shall close at 22:00 hrs.

(b) Staff will permitted to enter/exit the site outside of the times defined in (a) above.

REASON: - To ensure the impact of this development does not adversely affect the local highway network.

[Relevant Plans and Policies: BFBLP M4, Core Strategy DPD CS23]

03. The development hereby permitted shall be carried out only in accordance with the following approved plans and information:

Dwg No. 1015/00- Existing site location plan: Scale 1:1250;

Dwg No. 1015/01- Existing site plan: Scale 1:500;

Dwg No. 1015/02- Proposed site plan: Scale 1:500;

Dwg No. 1015/03- Proposed site section AA- BB: Scale 1:500;

Dwg No. 1015/04- Proposed site section CC: Scale 1:500;

Dwg No. 1015/05- Proposed Elevations: Scale 1:500;

Dwg No. 1015/09- Proposed Forest Cafe: Scale 1:100;

Dwg No. 1015/10- Proposed Glade Marquee: Scale 1:100;

Dwg No. 1015/11- Proposed Toy Factory: Scale 1:100;

Dwg No. 1015/12-Proposed Elf Kitchen: Scale 1:100;

Dwg No. 1015/13 -Proposed Skate Hut: Scale 1:100;

Dwg No. 1015/14- Proposed Shop: Scale 1:100;

Dwg No. 1015/15 -Proposed M Christmas Hut: Scale 1:100;

Dwg No. 1015/16-Proposed Post Office: Scale 1:100;

Dwg No. 1015/17- Proposed Ice Rink: Scale 1:100;

Dwg No. 1015/18- Proposed Teepee: Scale 1:100;

Dwg No. 1015/19- Proposed Photo and Gift shop: Scale 1:100;

Dwg No. 1015/20- Proposed Father Christmas Huts: Scale 1:100;

Dwg No. 1015/21 -Proposed Elf Cafe Stand: Scale 1:100;

Dwg No. 1015/22- Proposed Elf Bank: Scale 1:100;

Dwg No. 1015/23 -Proposed Boundary Fencing: Scale 1:50;

Dwg No. 1015/24- Proposed Cellular Paving: Scale 1:50;

Dwg No. 1015/25- Proposed Village Decking: Scale 1:100;

Dwg No. 1015/26- Proposed Secure Stores: Scale 1:100; and

Dwg No. 1015/27- Proposed Typical Sanitation: Scale 1:100

REASON: To ensure that the development is carried out only as approved by the local Planning Authority

04. No sales of tickets shall take place on the site during the event.



REASON: - To ensure the impact of this development does not adversely affect the local highway network.

[Relevant Plans and Policies: BFBLP M4, Core Strategy DPD CS23]

05. The development and use of the land hereby permitted shall not be commence until details of a scheme of security fencing any other means of enclosure and screening has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as approved before the site is opened to the public.  
REASON: - In the interests of the visual amenities and character of the area and site security.  
[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]
06. No development shall take place until habitat management and creation in the reptile receptor area(s) has been completed and a report submitted to and approved by the Local Planning Authority.  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]
07. The scheme hereby permitted shall be carried out in accordance with the mitigation measures outlined in Applied Ecology Ltd's Reptile Mitigation Strategy. An ecological site inspection report shall be submitted for approval one month prior to the site opening to the public.  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]
08. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use and the details of the power generators required to power the lighting. No lighting shall be provided at the site other than in accordance with the approved scheme. The development shall be carried out in accordance with the approved scheme.  
REASON: In the interests of the amenity of neighbouring residential properties nature conservation.  
[Relevant Policies: BFBLP EN20 ,EN25 and CSDPD CS1, CS7]
09. No development shall begin until a Great Crested Newt mitigation plan has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented as approved.  
REASON: To in the interests of nature conservation.  
[Relevant Policies: BFBLP EN20 and CSDPD CS1, CS7]
10. The development hereby permitted shall not commence until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing what preventative and remedial measures that will be implemented to prevent any spillages contaminating the land or water courses of the site. The approved scheme shall be implemented prior to the site opening to the public  
REASON: To ensure that any potential for contamination can be contained without impacting the upon the natural habitat and species that it supports.  
Relevant Policies: BFBLP EN25]
11. The development hereby permitted shall not commence until details of plant and equipment noise insulation or equivalent including positioning within the site have been submitted to and approved in writing by the Local Planning Authority. The

noise generated from the plant and equipment whilst in operation shall not cause the existing background level to increase whilst in operation to any of the neighbouring residents. The plant and equipment shall be installed and operated in accordance with the approved scheme.

REASON: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

[Relevant Policies: BFBLP EN25]

12. The development hereby permitted shall not commence until details of on-site refuse storage (including any open air storage facilities) for waste material awaiting disposal (including details of any screening) have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the site opening to the public and thereafter shall be retained for the duration of the event.

REASON: To ensure the provision of satisfactory waste collection facilities in the interests of amenity.

[Relevant Policies: BWLP WLP6 and WLP9]

13. The development hereby permitted shall not be commenced until details of the junction between the proposed site access and Swinley Road has been submitted to and approved in writing by the Local Planning Authority. The site shall not be open to the public until the junction has been constructed in accordance with the approved details.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

14. The development hereby permitted shall not be commenced until details of the layout of the internal access road and parking surface treatment has been submitted to and approved in writing by the Local Planning Authority. The site shall not be open to the public until the approved details have been implemented.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. The site shall not open to the public until the associated vehicle parking and turning areas have been marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning for the duration of the event.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

16. The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority, with regards to the site setup and removal phases that accommodates the following:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in both the setup and removal phases of the development
- (d) Wheel cleaning facilities
- (e) Temporary portacabins and welfare for site operatives and each facility shall be retained throughout the course of construction of the development, free from

any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e).  
REASON: In the interests of visual amenity, road safety and nature conservation of the site.

[Relevant Policies: BFBLP M4, M9, Core Strategy DPD CS23]

17. The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the operation of the shuttle bus service between Ascot and the site for transferring staff and customers.  
The development shall be carried out in accordance with the approved scheme.  
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users and to encourage sustainable alternative transport options to reduce the reliance on private car travel and make good use of the public transport options.  
[Relevant Policies: BFBLP M4, M9, Core Strategy DPD CS23]
18. The development hereby permitted shall not be commenced until a scheme (Car Park Management Plan) has been submitted to and approved in writing by the Local Planning Authority detailing the operation and layout of the on site parking and access arrangements including the use of marshalling within the site to control traffic. The development shall be carried out in accordance with the approved scheme.  
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users and to encourage sustainable alternative transport options to reduce the reliance on private car travel and make good use of the public transport options.  
[Relevant Policies: BFBLP M4, M9, Core Strategy DPD CS23]
19. The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing advanced directional signage to the event on the Highway Network. Details shall include sign size (including size of any lettering), materials, fixings and location.  
The site shall not be open to the public until the approved scheme has been fully implemented. The signs shall be maintained for the duration of the event and removed once the event has closed.  
REASON: In the interests of highway safety.  
[Relevant Policies: Core Strategy DPD CS23]
20. The development hereby permitted shall not be commenced until a detailed scheme of proposed tree planting has been submitted to and approved in writing by the Local Planning Authority to mitigate for the loss of any mature trees fronting Swinley Road. The scheme shall include the following comprehensive details of all trees to be removed and the new trees to be planted: - Full planting specification.
  - a) Positions of all proposed species.
  - b) Comprehensive details of ground preparation.
  - c) Staking/tying method/s.All tree-planting shall be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 31st March inclusive) to the completion of the approved development,. The quality of all approved landscape works shall be in accordance with British Standard 4428:1989 'Code Of practice

For General Landscape Operations' or any subsequent revision. All trees included within the approved scheme shall be healthy, well formed specimens with single leading shoots and shall be of a minimum quality compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision.

REASON: - In the interests of good landscape design and the visual amenity of the area and to compensate for the loss of any trees fronting Swinley Road.

[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)