

Notice of Meeting

Planning Committee

Councillor Dudley (Chairman),
Councillor Brossard (Vice-Chairman),
Councillors Angell, Dr Barnard, Bhandari, D Birch, Brown, Gbadebo,
Green, Mrs Hayes MBE, Heydon, Mrs Mattick, Mrs McKenzie,
Mrs McKenzie-Boyle, Mossom, Parker, Skinner and Virgo



Thursday 1 July 2021, 6.30 pm

Council Chamber - Time Square, Market Street, Bracknell, RG12 1JD

Due to current COVID-restrictions, space in the Council Chamber is limited and therefore members of the press and public are invited to watch the meeting online, the link for the meeting can be found via the below link:

<https://www.bracknell-forest.gov.uk/council-and-democracy/attending-virtual-public-meetings>

Agenda

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence.	
2.	Minutes from the Planning Committee - Advisory Meeting	3 - 12
	To note the minutes of the Planning Committee Advisory Meeting held on the 17 June 2021	
3.	Declarations of Interest	
	<p>Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.</p> <p>Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.</p> <p>Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.</p>	
4.	Urgent Items of Business	

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	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	
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Planning Applications

(Head of Planning)

The conditions for public speaking have been met in the applications marked 'PS'. For further information or to register for public speaking, please contact Customer Services 01344 352000.

5.	PS20-01063-FUL Crown Land East of Swinley Road Ascot	23 - 48
	Application for temporary planning permission for use of land for filming purposes. Works to include construction of film set and use of associated land for parking and storage purposes for a period of 12 months.	
6.	PS 21-00262-FUL Kenrick Chavey Down Road Winkfield Row Bracknell Berkshire RG42 7PB	49 - 58
	Single storey front extension to provide additional accommodation ancillary to the main dwelling.	
7.	21-00224-FUL 7 Flint Grove Bracknell Berkshire RG12 2JN	59 - 66
	Installation of a detached pre-fabricated garden building within the rear garden to be used for ancillary use (C3) and pre-school classes (F1).	

Sound recording, photographing, filming and use of social media is permitted. Please contact Hannah Stevenson, 01344 352308, hannah.stevenson@bracknell-forest.gov.uk, so that any special arrangements can be made.

Published: 23 June 2021

EMERGENCY EVACUATION INSTRUCTIONS

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**PLANNING COMMITTEE – ADVISORY
MEETING
17 JUNE 2021
6.30 - 11.02 PM**



Present:

Councillors Dudley (Chairman), Brossard (Vice-Chairman), Angell, Dr Barnard, Bhandari, D Birch, Brown, Gbadebo, Mrs Hayes MBE, Heydon, Mrs Mattick, Mrs McKenzie, Mossom, Parker, Skinner and Virgo

Apologies for absence were received from:

Councillors Green and Mrs McKenzie-Boyle

Also Present:

Councillors Atkinson and Ms Gaw

10. Minutes

The minutes of the Advisory meeting of the Committee held on 20 May 2021 were approved as a correct record.

11. Declarations of Interest

There were no declarations of interest.

12. Urgent Items of Business

There were no urgent items of business.

13. PS: Application 20/01063/FUL - Crown Land East Of Swinley Road, Ascot

Application for temporary planning permission for use of land for filming purposes. Works to include construction of film set and use of associated land for parking and storage purposes for a period of 12 months.

The Committee noted:

- The supplementary report tabled at the meeting.
- The comments of Winkfield Parish Council as detailed in the agenda.
- The objections from CPRE Berkshire and the Society for the Protection of Ascot & Environs as summarised in the agenda.
- The comments from Creative England as summarised in the agenda.
- The 78 objections received as summarised in the agenda.
- The 45 letters of support received which were also summarised in agenda.
- The representations from the two public speakers who joined the meeting.

A motion to endorse the recommendation in the officer report was proposed but fell at the vote. Therefore the item would be taken to a formal meeting of the Planning Committee.

14. **PS: Application 20/00714/FUL - Land to Rear of Eggleton Cottage and Poplar Cottage, Chavey Down Road, Winkfield Row, Bracknell**
Erection of detached 3 bedroom dwelling with associated access and parking.

The Committee noted:

- The supplementary report tabled at the meeting.
- The comments of Winkfield Parish Council refusing the proposal as detailed in the agenda
- The 18 objections and 2 letters of support received as summarised in the agenda.
- The 2 further letters of objection received as detailed in the supplementary report.
- The representations from the two public speakers who joined the meeting.

Following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA);

RECOMMENDED That the Head of Planning be authorised to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in accordance with the following approved plans received by the Local Planning Authority:

Drawing no. 19.067.6 received 14 September 2020

Drawing no. 19.067.7A received 10 May 2021

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

3. The development hereby permitted shall not be begun until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area.

[Relevant Policies: BFBLP EN20, CSDPD CS7]

4. The development hereby permitted shall not be begun until details showing the finished floor levels of the dwelling hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the character of the area.

[Relevant Policies: BFBLP EN20, CSDPD CS7]

5. The first-floor window in the southern elevation of the dwellinghouse hereby permitted shall not be glazed at any time other than with a minimum of Pilkington

Level 3 obscure glass (or equivalent). It shall at all times be non-opening unless the parts of the windows that can be opened are more than 1.7m above the floor of the room in which it is installed.

REASON: To prevent the overlooking of neighbouring properties
[Relevant policies: BFBLP EN20]

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no additional windows, similar openings or enlargement thereof shall be constructed in the roofslope of the eastern elevation of the dwelling hereby approved or on the northern and southern elevations at first floor level and above, except for any which may be shown on the approved drawing(s).

REASON: To prevent the overlooking of neighbouring properties.
[Relevant Policies: BFBLP EN20]

7. The dwelling hereby permitted shall not be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such.

REASON: In the interests of good landscape design and the visual amenity of the area.

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

8. The dwelling hereby permitted shall not be occupied until details of a scheme of walls, fences, gates and any other means of enclosure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the occupation of the approved dwelling.

REASON: In the interests of the visual amenities of the area
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]

9. The development hereby permitted shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources.
[Relevant Policy: CSDPD CS10]

10. The development hereby permitted shall not be begun until an Energy Demand Assessment demonstrating how 10% of the development's energy requirements will be met from on-site renewable energy generation has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the Assessment, as approved, and retained as such thereafter.

REASON: In the interests of the sustainability and the efficient use of resources.

[Relevant Plans and Policies: CSDPD Policy CS12]

11. The dwelling hereby permitted shall not be occupied until the associated vehicle parking spaces have been surfaced in accordance with the approved plans. The spaces shall be retained and kept available for parking at all times.

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, CSDPD CS23]

12. The dwelling hereby permitted shall not be occupied until secure and covered cycle parking has been provided in accordance with the approved plans. The facilities shall thereafter be retained.

REASON: In the interest of accessibility of the development to cyclists.

[Relevant Policies: BFBLP M9, CSDPD CS23]

13. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.

[Relevant Policies: BFBLP EN25, CSDPD CS1]

14. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority to accommodate:

- (a) Parking of vehicles of site personnel, operatives and visitors;
- (b) Storage of plant and materials used in constructing the development;
- (c) Temporary portacabins and welfare for site operatives.

Loading and unloading of plant and vehicles and wheel cleaning facilities, including control of dust/dirt shall be undertaken in accordance with the details contained in the Framework Construction Traffic Management Plan reference SJ/ITB16028-001A TN dated 26 April 2021.

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 their approved purposes.

REASON: In the interests of amenity and highway safety.

[Relevant Policies: BFBLP M9, CSDPD CS23]

15. The dwelling hereby permitted shall not be occupied until a scheme for the provision of biodiversity enhancements including a plan or drawing showing the location of these enhancements has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be performed, observed and complied with prior to the occupation of the dwelling hereby approved and retained as such thereafter.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

16. The development shall be constructed in accordance with the Framework Construction Traffic Management Plan reference SJ/ITB16028-001A TN dated 26 April 2021.

REASON: In the interests of highway safety and amenity of neighbouring dwellings during the construction period.

[Relevant Policies: BFBLP EN20, CSDPD CS23]

17. The internal floor layout of the dwelling as shown on drawing no. 19.067.6 received 14 September 2020 by the Local Planning Authority shall be laid out as approved and thereafter retained as such so that the dwelling comprises a maximum of 3 bedrooms at any time.

REASON: To ensure adequate parking provision is provided and that no additional impact to the Thames Basin Health SPA occurs.

[Relevant Policies: BFBLP EN3, M9, CSDPD CS14, CS23, SEP NRM6]

In the event of the S106 agreement not being completed by 30 September 2021, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:

The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Regulation 63(5) of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2017 (as amended), Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document, the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).

15. **Application 21/00262/FUL - Kenrick, Chavey Down Road, Winkfield Row, Bracknell**

Single storey front extension to provide additional accommodation ancillary to the main dwelling.

The Committee noted:

- The supplementary report tabled at the meeting.
- The comments of Winkfield Parish Council objecting to the proposal as detailed in the agenda.
- The 12 objections received from 11 addresses as summarised in the agenda.
- The 3 comments of support as summarised in the agenda.

A motion to endorse the recommendation in the officer report was proposed but fell at the vote. Therefore, the item would be taken to a formal meeting of the Planning Committee.

16. **Application 21/00077/FUL - 1 To 8 Robins Gate, Bracknell**

Erection of new floor of accommodation and conversion of former management area to form 4 flats (2 one bedroom and 2 two bedroom).

The Committee noted:

- The supplementary report tabled at the meeting.
- That Bracknell Town Council raised no objection.
- The letters of objections received by 8 addresses as summarised in the agenda.

Following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to the following measures:

- Avoidance and mitigation of the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA);

RECOMMENDED that the Head of Planning be authorised to **APPROVE** application 21/00077/FUL subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details:

Location Plan (001/B) - Received 25.01.21
Proposed Block Plan (102/E) - Received 28.04.21
Proposed Lower Ground Floor (109/A) - Received 25.01.21
Proposed Ground Floor (110/C) - Received 28.04.21
Proposed First Floor (111/A) - Received 25.01.21
Proposed Second Floor (112/E) - Received 27.05.21
Proposed Roof (113/D) - Received 27.05.21
Proposed Section A-A (140/D) - Received 27.05.21
Proposed Section B-B (141/B) - Received 27.05.21
Proposed South-West Elevation (170/E) - Received 11.06.21
Proposed North-West Elevation (171/F) - Received 11.06.21
Proposed North-East Elevation (172/E) - Received 11.06.21
Proposed South-East Elevation (173/F) - Received 11.06.21

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

03. The development hereby permitted shall not commence until details of the all proposed external materials are submitted and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

04. The development hereby approved shall not be occupied until the associated vehicle parking and turning space has been provided in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

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]

05. The dwelling shall not be occupied until a plan showing the floor plan and elevation of the cycle store shown on the approved plans, showing 4 secure and covered cycle spaces, is submitted to an approved in writing by the Local Planning Authority. The cycle parking spaces and facilities shall thereafter be retained.

REASON: In the interests of accessibility of the development to cyclists.

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

06. No part of the dwelling shall be occupied until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources.

[Relevant Policy: Core Strategy DPD CS10]

07. No construction works shall take place until an Energy Demand Assessment demonstrating that at least 10% of the development's energy will be provided from on-site renewable energy production, has been submitted to and approved in writing by the Local Planning Authority. The dwelling as constructed shall be carried out in accordance with the approved assessment and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources.

[Relevant Policy: Core Strategy DPD CS12]

08. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.

[Relevant Policies: CSDPD CS1, BFBLP EN25]

09. The development hereby permitted shall not be begun until details of a scheme (Working Method Statement) to control the environmental effects of construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

(i) specifications of control of noise arrangements for construction.

(ii) methodology of controlling dust, smell and other effluvia

(iii) site security arrangements including hoardings

(iv) construction methodology

(v) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.

The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of the amenities of the area.

10. The development hereby permitted shall not be begun until a Waste Management Scheme demonstrating suitable bin and recycling provision, as well as access to the bin storage by residents and waste management vehicles, has been submitted to and approved in writing by the Local Planning Authority. The scheme

shall be implemented prior to the occupation of the new flats hereby approved, and shall be maintained as such thereafter.

REASON: In the interests of the amenities of the area.

17. **Application 21/00145/3 - Ullswater, Bracknell**

Conversion of grassed amenity areas to provide 10 additional parking spaces in 4 locations.

The Committee noted:

- The supplementary report tabled at the meeting.
- That Bracknell Town Council raised no objection.
- The 2 letters of representations received as summarised in the agenda.

RECOMMENDED that the application be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out only in accordance with the following approved plans and documents received by the Local Planning Authority on

Design and Access Statement – Received 29.01.2021

Layout – 4817 / 387 - Received 02.06.2021

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

3. The development shall not be begun until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the parking spaces being brought into use, whichever is sooner. All hard landscaping works shall be carried and completed prior to the parking spaces being brought into use. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved. REASON: In the interests of good landscape design and the visual amenity of the area. [Core Strategy DPD CS7, BFBLP 'Saved' Policies EN2 and EN20]

18. **Application 21/00224/FUL - 7 Flint Grove, Bracknell**

Installation of a detached pre-fabricated garden building within the rear garden to be used for ancillary use (C3) and pre-school classes (F1).

The Committee noted:

- The supplementary report tabled at the meeting.
- The comments of Bracknell Town Council objecting to the proposal as detailed in the agenda.
- The 2 objections received as summarised in the agenda.
- That 6 Letters of support from the occupants of 6 properties had been received.

A motion to endorse the recommendation in the officer report was proposed but fell at the vote. Therefore, the item would be taken to a formal meeting of the Planning Committee.

19. **Application 21/00276/OUT - Land to the Rear of Rendcombe, Terrace Road South, Binfield**

This item was deferred.

20. **Application 21/00485/RTD - Telecommunications Mast, Ringmead, Great Hollands, Bracknell**

This application was determined under delegated powers.

CHAIRMAN

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**PLEASE NOTE PLANS FOR ALL OF THE APPLICATIONS ON THIS
AGENDA CAN BE FOUND ON OUR WEBSITE
www.bracknell-forest.gov.uk**

**PLANNING COMMITTEE
30th June 2021**

**REPORTS ON PLANNING APPLICATIONS RECEIVED
(Head of Planning)**

		Case Officer	Reporting Officer
4	20/01063/FUL Crown Land East Of Swinley Road Ascot (Ascot Ward) Application for temporary planning permission for use of land for filming purposes. Works to include construction of film set and use of associated land for parking and storage purposes for a period of 12 months. Recommendation: Refuse.	Trevor Yerworth	Jo Male
5	21/00262/FUL Kenrick Chavey Down Road Winkfield Row (Winkfield And Cranbourne Ward) Single storey front extension. Recommendation: Approve.	Alexander Ralph	Basia Polnik
6	21/00224/FUL 7 Flint Grove Bracknell Berkshire (Bullbrook Ward) Installation of a detached pre-fabricated garden building within the rear garden to be used for ancillary use (C3) and pre-school classes (F1) Recommendation:	Olivia Jones	Basia Polnik

Background Papers

Background papers comprise the relevant planning application file and any document therein with the exception of any document which would lead to disclosure of confidential or exempt information as defined in section 100A of the Local Government Act 1972 as amended.

PLANNING COMMITTEE - POLICY REFERENCES

Key to abbreviations used in the following planning reports.

BFBLP Bracknell Forest Borough Local Plan
CSDPD Core Strategy Development Plan Document
SALP Site Allocations Local Plan
RMLP Replacement Minerals Local Plan
WLP Waste Local Plan for Berkshire

SPG Supplementary Planning Guidance
SPD Supplementary Planning Document

RSS Regional Spatial Strategy (also known as the SEP South East Plan)

NPPF National Planning Policy Framework (Published by DCLG)
NPPG National Planning Policy Guidance (Published by DCLG)
PPS (No.) Planning Policy Statement (Published by DCLG)
MPG Minerals Planning Guidance
DCLG Department for Communities and Local Government

SITE LOCATION PLAN

For information the plans are orientated so that north is always at the top of the page.

THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 (“the HRA”) makes it unlawful for a public authority to act in a way that is incompatible with the rights set out in the European Convention of Human Rights.

Those rights include:-

Article 8 – “Everyone has the right to respect for his private and family life, his home.....”

Article 1 - First Protocol “Every natural or legal person is entitled to the peaceful enjoyment of his possessions”.

In some circumstances a local authority may be under an obligation to take positive action to protect an individuals interests under Article 8.

The relevant Convention Rights are not absolute. A Council may take action even though it interferes with private and family life, home and enjoyment of possessions, if it is for a legitimate purpose, necessary and proportionate. In effect a balancing exercise has to be conducted between the interests of the individual and the wider public interest.

Such a test very largely replicates the balancing exercise which the Council conducts under domestic planning legislation.

The provisions of the Human Rights Act 1998 have been taken into account in the preparation of the reports contained in this agenda.

The Human Rights Act will not be specifically referred to elsewhere [in the Agenda] beyond this general statement, unless there are exceptional circumstances which require a more

detailed consideration of any Convention Rights affected.

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BRACKNELL FOREST BOROUGH COUNCIL
PLANNING COMMITTEE – ADVISORY MEETING
17th June 2021
SUPPLEMENTARY REPORT

Correspondence received and matters arising following preparation of the agenda.

Item No: 04
20/01063/FUL
Crown Land East Of Swinley Road Ascot Berkshire

AMENDMENT TO REPORT

Update to Planning Considerations section iii Transport Implications

Following the preparation of the report the applicant has undertaken some further design work and associated analysis to seek to address the proposed third reason for refusal relating to a safe access to the site from Swinley Road. This additional submission and the response from the Highway Officer are summarised below:

HGV Access and Passing Places

Further work has been carried out in respect to mitigating impacts associated with HGV access. It is now proposed to route all HGV movements to ensure HGVs arrive at Buttersteep Rise from the south and depart Buttersteep Rise to the north (previously the intention was that all movements to and from the site would be from the north). This would result in all HGV movements turning right into Buttersteep Rise (from the A332) and turning right out of Buttersteep Rise (to gain access to the A332 Swinley Road). This is considered to make best use of the available road space.

In addition, a scheme of passing places has been developed, with the westernmost passing place extended so that this incorporates some carriageway widening within Buttersteep Rise adjacent to the Swinley Road junction. These works would be contained within the private Buttersteep Rise and are outside of the public highway margins to avoid reliance on a Section 278 Agreement.

A swept path analysis has been carried out to demonstrate that the scheme of passing places can adequately accommodate HGVs passing within Buttersteep Rise. This demonstrates that a HGV (articulated vehicle) can turn right into the Buttersteep Rise access and right out of Buttersteep Rise within the available highway margins. It also demonstrates that an articulated vehicle can wait at the give way line (to depart Buttersteep Rise) whilst a 7.5T van turns into Buttersteep Rise.

The Highway Officer has commented that the information provided indicates that with some minor alterations to the road width at the entrance along with suitable passing places along Buttersteep Rise the impact from the HGV traffic passing through the junction could be suitably mitigated as there would be sufficient room for such vehicles to safely get off the highway when entering Buttersteep Rise whilst another vehicle is waiting or approaching the junction with Swinley Road. This assessment of the suitability of the access is subject to the specific HGV routing into and out of the site as set out above. Further information in respect of a 10m rigid HGV was requested. This has now been provided and indicates that the changes proposed cater for such vehicles.

The Highway Officer has also requested some further minor amendments to provide a better radius into the junction with Swinley Road. These changes have now been made in accordance with the suggestions of the Highway Officer and are considered to be acceptable.

In relation to the materials to be used, the Crown Estate has suggested some form of temporary material for the passing bays which may be suitable subject to the detail. However, at the junction where turning vehicles are expected, something more formal and in keeping with the current surface would be required. If required to be removed after the event and the road reinstated then this could be conditioned.

The Highway Officer has commented that the passing bays appear to operate satisfactorily, and full details of their construction could be covered by condition.

Traffic Management Plan

In addition to the physical works to Buttersteep Rise discussed above, the applicant has also proposed the submission of a Traffic Management Plan that could be conditioned for approval. This would include measures such as controlling access to the Buttersteep Forest Members Car Park during the course of filming activities (to minimise vehicular activity within Buttersteep Rise); prohibiting any large forestry vehicles to be permitted access via Buttersteep Rise during the course of filming activities (to minimise the net impact of HGV trips via Buttersteep Rise); temporary signage to be erected to warn of the presence of the site entrance and HGV's turning; movement of HGVs via Buttersteep Rise to be under the guidance of a qualified banksman; restricting the hours that HGVs could use Buttersteep Rise; a vehicle routing plan; and provision of signing and safe pedestrian routes, within the site.

The agreement of a Traffic Management Plan incorporating measures on these lines would be essential if this development were to go ahead, and the details could be secured by condition.

Access to Crown Estate Land, Members Car Park and Pedestrian Access

The delivery of the physical works as well as a number of items suggested in the Traffic Management Plan are not within the control of the applicant and would require the agreement of the landowner, the Crown Estate. To this end the applicant has also submitted a letter from the Crown Estate indicating its agreement that suitable controls be put in place to ensure members access to the car park will not be affected and that any forestry operations will not occur during the time the proposal would be in operation. It also proposes pedestrian routing in the site and contact through the membership base to inform users which is also a positive step to take. All such matters could be addressed by suitable conditions if permission were to be granted.

Matters not covered

It would appear that whilst the information submitted has sought to deal with the safety of the access arrangements issue raised as a reason for refusal, there does not appear to be any further information relation to securing the parking that will be required for the operation of the site especially during the filming.

In summary it is now considered that, subject to conditions in respect of the above matters, reason for refusal number 3 could be addressed. However, reason for refusal 4 still needs to be resolved.

Update to Planning Considerations section v Biodiversity

Further clarification has been provided by the Biodiversity Officer with respect to the additional information required to address her concerns. This includes:

- Updated habitat map of the site, parking areas and access route.
- Detailed parking plan to avoid all rides containing heather margins
- Agreement to the following conditions:
 - Lighting scheme - to avoid impacts on SPA birds and bats during operation

Construction environmental management plan - to fence all rides with heather, potential hibernacula, ditches and ponds, and to limit the use of lighting and noise.
Restoration plan - to restore access routes, parking areas and the main site to heathland (including new pine plantation).

The agent has responded by confirming that the applicant is happy to accept conditions relating to lighting, a Construction Environmental Management Plan (CEMP) and a restoration plan. They have requested that a condition also be used to secure further details by way of a construction management plan/parking layout as they are having difficulty getting actual parking layouts from the production company.

It is not considered acceptable to leave the submission of a parking layout to condition as there is no guarantee that adequate parking (in terms of highways requirements) could be provided on the site without avoiding rides containing heather margins. However, it is considered that it may be more logical to deal with this matter through the parking reason for refusal (4) as it relates to both highway and biodiversity issues which require addressing together. It is therefore recommended that reason for refusal 5 is omitted and reason for refusal 4 is amended to refer to both on site and off site parking.

AMENDMENT TO RECOMMENDATION

(1) Reasons for refusal numbers 3 and 5 are omitted.

(2) Reason for refusal number 4 be amended as follows:

The applicant has not demonstrated that adequate on-site or off-site parking can be provided. The absence of adequate parking is likely to lead to overspill parking, parking obstructing the highway or parking on rides containing heather margins to the detriment of road safety and/or biodiversity. The proposed development is therefore contrary to Saved Policies EN20 and M9 of the Bracknell Forest Borough Local Plan and Core Strategy Policies CS1, CS7 and CS23 and paragraphs 170 and 175 of the NPPF.

(3) Informative 02 be amended to refer to plans showing highway amendments:

21006-06A

21006-07A

21006-08A

21006-09

Item No: 5

21/00262/FUL

Kenrick Chavey Down Road Winkfield Row Bracknell Berkshire RG42 7PB

AMENDMENT TO REPORT

Paragraph 6.2:

There have been 13 objections received from 9 addresses.

This includes a further letter of objection received from the occupier of "Papillons", the adjacent dwelling to the north. The contents are listed below:

"The two main reasons for buying our bungalow, back in 1992, were because of the greenspace, oak trees and wildlife view at the bottom of the garden (now gone, thanks to the Connaught Gardens development), and the fact that all the rooms are light and airy, including the light/view from the south facing kitchen/breakfast room window/door, bathroom and WC windows.

Consequently, we write to reiterate our comments in our letters of objection, with regard to the proposed extension at Kenrick, as follows:

The plans do not adhere to Bracknell Forest Council's own "Design for Planning" guideline document, ref: Front Porches and Extensions:

"Being small in footprint relative to the original building"

"Being subordinate in scale so that they do not dominate the original building"

The proposed extension will measure approx. 30ft x 20ft, at least half the size of the original building, not counting the existing extension to the rear, which is approx. a third the size of the original building. The scale of the proposed extension would NOT be small in footprint and WOULD dominate the original building.

"They should maintain the quality of the environment for neighbours, by ensuring reasonable levels of daylight and sunlight to the habitable rooms in adjoining properties"

Right to Light

"To have a Right to Light, you have to have enjoyed it in a continuous way for a set period of time. The Prescription Act states that there is a Right to Light after 20 years, but if this period is interrupted, this right is not given."

We have lived at Papillons, uninterrupted, for 29 years in July.

The diagrams/computer generated images (28) uploaded onto the BFC website are inaccurate. Nobody visited our property to actually take them from our kitchen window, or take into account and measure the difference in height between our two properties, as per Right to Light guidelines.

Any occupant of the proposed extension would have uninterrupted light and views from all habitable room windows. We, on the other hand, WOULD lose our uninterrupted light and views as a result, (please see the photos in our objection letters).

We would have no objection to an extension in the right location. The logical place would be from either the existing rear extension, joining across to and converting the double length garage at its side, or knocking the garage down and designing/building something new in its footprint to join onto the existing rear extension. This would be totally in keeping with those other properties in our road which have been extended - either to the side and/or the rear only.

As it stands, the design of the proposed extension would not satisfactorily harmonise and be totally out of keeping with the existing bungalow itself and the other properties in our road. Also, it would unbalance those bungalows either side - ours, Papillons, and Fiddlers Green and Neuchatel, to the other side. The proposed extension, by reason of its size, would, therefore, have an overbearing impact on our 'street' and, for us, cause a significant loss of natural light and sunlight to the south facing side of our bungalow.

We strongly recommend refusal of this application for all the above reasons".

Paragraph 7.1:

A discussion with the Highway Authority has shown that a formal consultation would not be required, as a site visit evidenced that spaces for three vehicles can be achieved on the site at present, in line with the requirement for a dwelling of four bedrooms and above.

AMENDMENT TO RECOMMENDATION

Condition 02 amended to refer to Drawings 2021-1399-PL SHEET 1 REV A, and 2021-1399-PL SHEET 3 REV A being stamped 03.06.2021, albeit they were received 02.06.2021.

Item No: 6
21/00224/FUL
7 Flint Grove Bracknell Berkshire RG12 2JN

AMENDMENT TO RECOMMENDATION

Condition 04 amended to read:

The building hereby permitted shall not be brought into Class F1 use until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. The building shall not be occupied for Class F1 use until the approved scheme has been implemented. The facilities, save as otherwise agreed in writing by the Local Planning Authority, shall be retained.

REASON: In the interests of accessibility of the development to cyclists.

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

Condition 06 amended to read:

The Class F1 use hereby permitted shall be operated in sessions as follows:

- (a) A maximum of 2 sessions per day
- (b) A maximum of 6 children per session
- (c) The start time of each session must be at least 45 minutes apart
- (d) Each session must last no longer than 45 minutes
- (e) The site must be clear of people from the previous session before people may begin classes for the following session with the exception of occupants of 7 Flint Grove.

REASON: To reduce the likelihood of parking demand exceeding capacity resulting in on-street car parking which would be a danger to other road users.

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

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Unrestricted Report

ITEM NO: 05

Application No.
20/01063/FUL
Site Address:

Ward:
Ascot

Date Registered:
21 December 2020

Target Decision Date:
15 February 2021

Crown Land East Of Swinley Road Ascot Berkshire

Proposal:

Application for temporary planning permission for use of land for filming purposes. Works to include construction of film set and use of associated land for parking and storage purposes for a period of 12 months.

Applicant:

Ms E PILL

Agent:

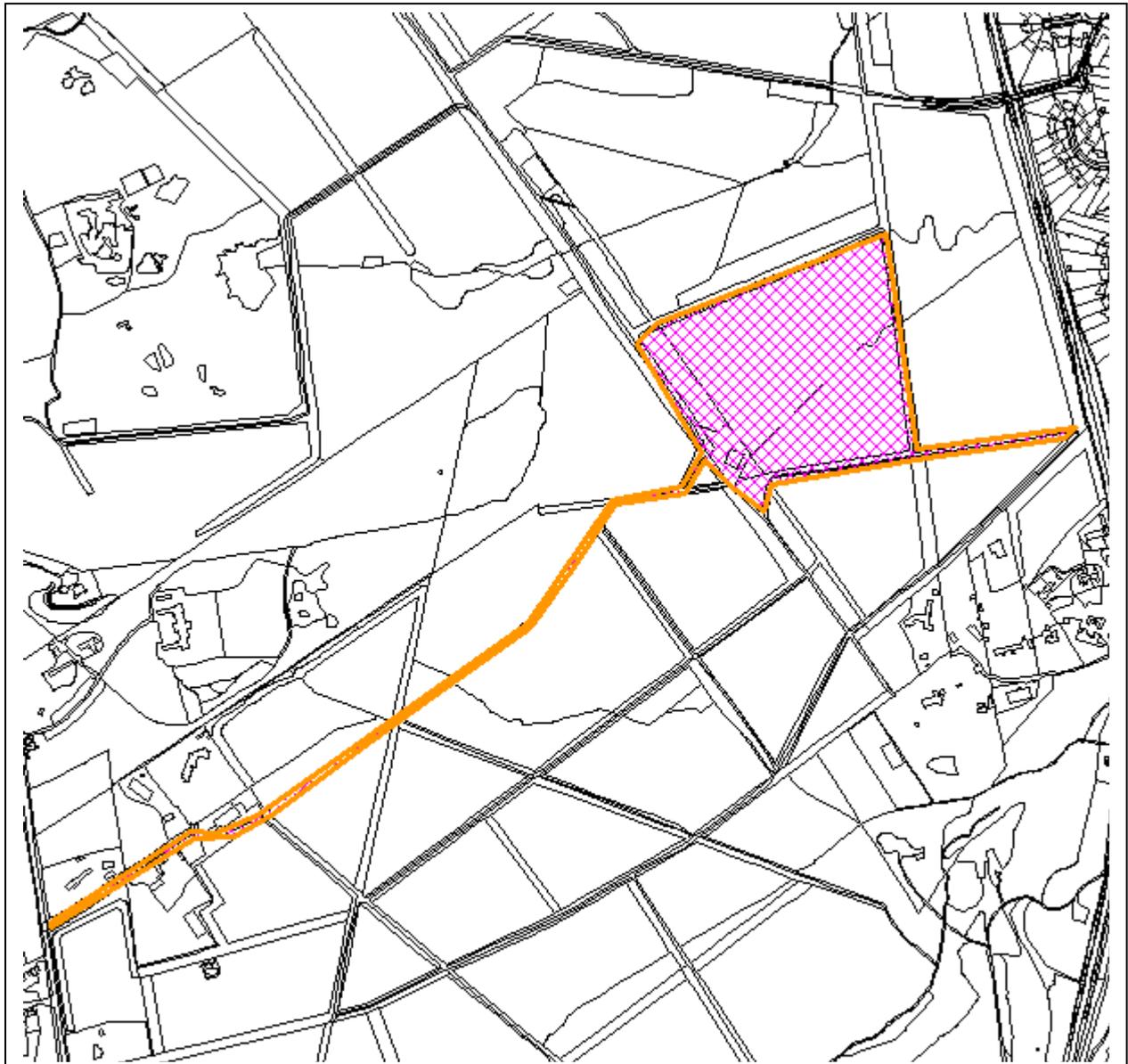
Ms J Long

Case Officer:

Trevor Yerworth, 01344 352000

Development.control@bracknell-forest.gov.uk

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



1. SUMMARY

1.1 The proposed development relates to a site within the Green Belt. It proposes an inappropriate form of development which is 'by definition' harmful to the Green Belt. Furthermore, it would result in harm to the openness of the Green Belt and to the character and appearance of an area which is valued locally as a place for tranquil informal recreation. It is not considered that 'very special circumstances' exist that clearly outweigh the harm to the Green Belt and any other harm.

1.2 In addition, the proposal as it stands would result in an unacceptable impact on highway safety. Whilst the submission and approval of a Transport Management Plan could be secured by condition and could help mitigate some of the potential impact, insufficient information as to the feasibility and effectiveness of the proposed measures has been provided to demonstrate that highway safety concerns can be adequately addressed.

1.3 The applicant is proposing that part of the parking requirement be met off-site but has not demonstrated that feasible or available parking can be secured. Without certainty over the off-site arrangements it is considered likely that more parking will be drawn onto the main site, further exacerbating highway safety concerns.

1.4 The applicant has not demonstrated that the proposed development would not have a detrimental impact on biodiversity.

RECOMMENDATION

Planning permission be refused for the reasons set out in Section 11 of this report

2 REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 This application is reported to committee at the request of Councillor Brunel-Walker.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Green Belt

Outside the settlement boundary

Sited within 5km of the Thames Basin Heaths SPA

Biodiversity Opportunity Area

SSSI 500m buffer (access track only)

3.1 The 12.9ha site is located within the south eastern part of the over 200ha Swinley Forest which lies between the A332 Swinley Road to the west and the Ascot to Bagshot railway line to the east. The site is an open area of land that has been recently cleared and which forms part of a large commercial forest that benefits from permissive public access.

3.2 The vehicular access to the site would be from the west, off the private Buttersteep Rise and Swinley Road. Within the site, forest tracks would provide access to the film set and support area.

3.3 Swinley Forest Golf Course and residential properties on Bodens Ride are approximately 320 metres away to the south.

4. RELEVANT SITE HISTORY

4.1 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 12.09.2012

5. THE PROPOSAL

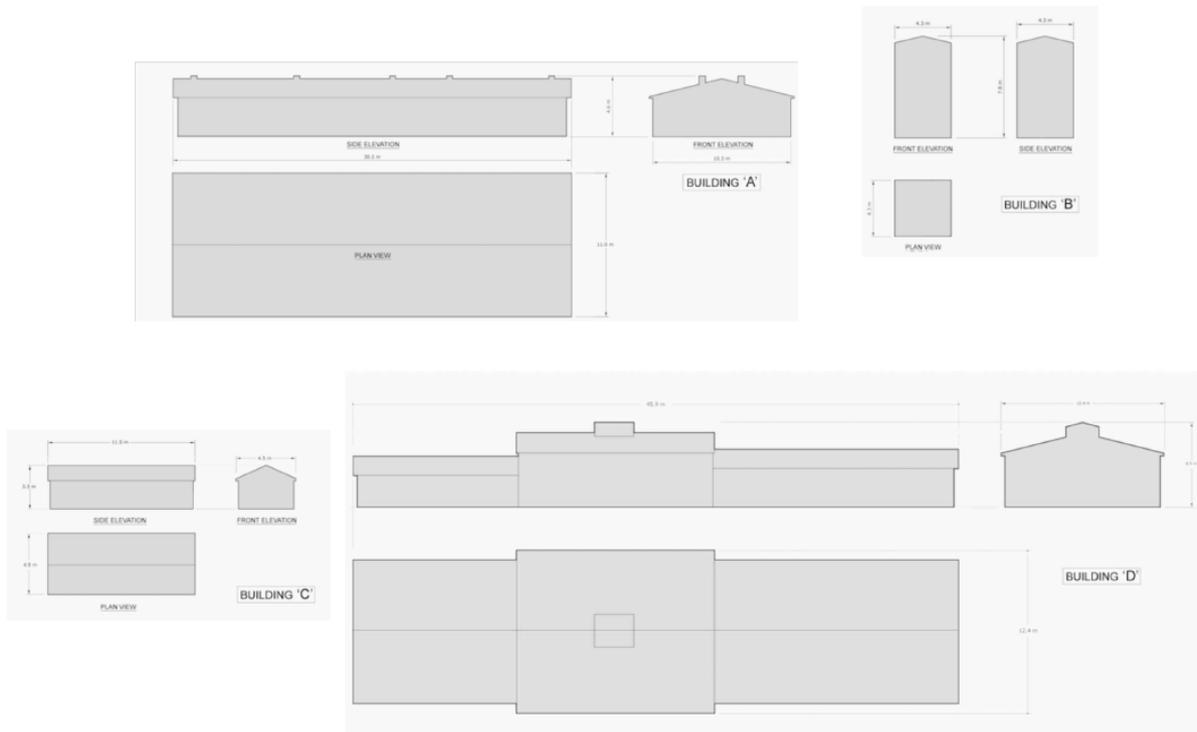
5.1 Planning permission is sought for the temporary use of land for film making including the creation of a film set on the land, to allow for the filming of a television series for a US Production company. Filming use of the land is required for a 12-month period, with filming proposed to occur over 30 days within a four-month period following the required preparation period. Following the conclusion of filming, the land will be reinstated to its former appearance.

5.2 In addition to the construction of the film set, adjacent areas will be used for the creation of a unit base, and for parking on filming weeks. The built film set would be created in the northern section of the application site and would involve the construction of temporary buildings and fencing. In addition, the proposal would require associated activities including parking and a Unit Base including portacabin site office; toilet facilities; technical vehicles including power supply generators; waste water and fresh water bowers; storage containers; two marquees for costume/dining (during the filming period) and construction and general waste skips. The Unit Base would be located to the south west of the main set. It would also include areas of hardstanding to accommodate up to 20-25 vehicles, typically in the range from 7.5 tonnes to 18 tonnes.



Set layout – showing approximate location of temporary set structures

5.2 There are no permanent or fixed structures proposed to be built. Set structures would not exceed 7.8m in height and would be made and constructed in situ and removed at the end of the filming period. Overnight accommodation would be provided on the site for security reasons during the construction and filming phases.



Examples of set structures

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Winkfield Parish Council supports the proposals subject to submission by the applicant of an acceptable highways report and a comprehensive traffic management plan.

CPRE Berkshire

CPRE Berkshire objects to this application on a number of grounds including:

- inappropriate development in the Green Belt resulting in encroachment and visual and spatial loss of openness to the Green Belt. Does not accept the very special circumstances put forward as the site is isolated, and unlikely to benefit local businesses some miles distant. Overall, there would be few if any benefits, and these are outweighed by the harm to the Green Belt.
- Several SSSIs are nearby, the nearest Swinley Park and Brick Pits SSSI, and the application site is in proximity to the Thames Basin Heaths SPA, a network of heathland sites that provide habitat for important ground-nesting bird species, for which it was designated. The filming schedule could impact particularly on nesting birds and young fledged birds, potentially reducing breeding success and populations.
- There is no assessment of the access route, which traverses the Forest from the west. The Habitats Study considered parking areas, but not potential disturbance from cars, buses and other heavy vehicles traversing the Forest during filming. The route goes through some of the alternative breeding/foraging areas that the report suggests will mitigate the proposal. There is also no consideration of potential vehicle pollution on the Forest and nearby vulnerable habitats. In addition no consideration is given to wider disturbance of the Forest in

terms of potential (recreational) footfall from up to 350 extra people. These are significant gaps in the ecological assessment.

- The study did not cover other species of conservation concern in the Forest, yet potential impacts could be significant. Both Woodcock and Nightjar are seriously affected by night-time light and noise. While the report concludes that viable Woodlark and Nightjar habitat will be restored onsite from 2022 onwards, intervening seasons may be critical.

- There is inadequate consideration of whether the proposed access route is safe or adequate, or of impact on the quiet residential area. The proposal indicates that site traffic would turn off and exit onto the fast (60mph limit) and busy A322. There is no evidence safety has been adequately assessed.

- It is proposed the site would then be accessed via a residential road and a forest track. These are not intended or capable of the estimated volume or types of traffic. Heavy vehicles would be in use throughout construction/removal and the filming period. While forest tracks are undoubtedly suitable for forestry vehicles, such vehicles are few in number and are also designed for the terrain. Buttersteep Rise is a small, quiet road. Consideration does not seem to have been given to whether it is adequate for the traffic, or of adverse impact on residents. Multiple heavy-vehicle movements during the construction/ removal phases and an overwhelming number of vehicles during filming is more than the road can cope with and would be severely disruptive to the tranquil community.

- The site is accessed via roads passing through or near the TBH SPA. There are other European sites in the vicinity. We are not clear whether this development, given the traffic volume including heavy traffic (albeit sporadic and temporary), needs to be considered under the Habitats Regulations.

The Society for the Protection of Ascot & Environs (SPAЕ)

6.3 SPAЕ objects to this application on a number of grounds including:

- The set pieces would remain in situ for the whole of the year. They therefore would have a high degree of permanence, physically changing the character of the site for the elapsed duration. They would be visually intrusive, and the proposal would represent encroachment into the countryside. In spatial and visual terms, the proposal would cause substantial harm to the openness of the Green Belt. It is inconceivable that such use of this land would not have major adverse impact on the Green Belt and so would amount to inappropriate development.

- The case put forward for very special circumstances has an emphasis on the economic benefits that may be derived. However the nearest locations for retail and other services are in Ascot Centre (2.8 miles away and in the Royal Borough) and Bagshot (2.9 miles away and in Surrey Heath BC). SPAЕ considers that there would be little economic and financial impact on the local area. Further, there would be little employment gain in the set-up and take-down for the set pieces. Employment would inevitably come from outside the area and it is also very doubtful that acting talent and support staff would be drawn from the local community. As such, the proposal is highly unlikely to outweigh the detrimental harm that would result from development in the Green Belt.

- The proposed development is in an area of high biodiversity value and is located adjacent to the Swinley Park and Brick Pits SSSI. The proposal is therefore likely to have a direct adverse and harmful impact on the habitat and wildlife. The proposal should contribute to minimising impacts on and providing net gains for biodiversity. If significant harm to

biodiversity resulting from the proposal cannot be avoided (through locating on an alternative site with less harmful impacts), then adequate mitigation should be provided.

- The proposal would adversely affect the character and appearance of the land, it would damage its landscape quality and it would injure the visual amenity of the Green Belt.

- The proposed access is from the A332 which has a 60mph speed limit. We would expect Thames Valley Police to be satisfied that the additional traffic would not result in safety concerns. Further, car movements, light and noise within the site would seriously disrupt those residents who live within the Green Belt land on Swinley Road.

Creative England (CE)

6.4 CE supports this application. CE is the national agency that provides support to the creative industries in England, outside London. It supports international and domestic film and TV production to shoot in England and works to improve the environment for filming in England. It works in close collaboration with the British Film Commission, to attract inward investment from film and TV production. CE states that the film and TV industry in the UK generates significant value for the UK economy. In 2019, film production in the UK generated a total spend of £1.95 billion.

Creative England estimate the average amount a production spends when filming on location per day is in excess of £42,000 on a major feature film and in the region of £22,000 for a high-end television drama. The impact to both the national and local economy is clear to see.

High-end UK productions create outstanding content in demand by audiences globally and generating much-needed expenditure and support more than 180,000 jobs to drive the UK's economic and social recovery. Despite the UK's success in attracting international productions in film and high-end TV, the supply of studio and alternative build space is not in-step with demand. This temporary planning application directly responds to the shortage of studio and alternative build space in the UK that Creative England have seen over the last number of years. Temporary planning permission would also ensure that the UK remains internationally competitive by ensuring sufficient infrastructure to support inward investment.

Given Berkshire's proximity to the M3, M4, Central London, Heathrow and the largest Studios in the UK its unsurprising that the County has been home to some of the biggest productions to shoot in the UK over recent years such as Netflix' The Crown and Bridgerton, Universals' Fast and Furious 9, MGM's No Time To Die and Sony's Cinderella to name but a few. This validates Berkshire's importance as a filming destination in the UK and the opportunity to ensure communities across the County enjoy the profile, job opportunities and economic benefits that the sector generates.

Other Representations

6.4 78 letters of objection have been received, the vast majority of these from local residents living in Ascot and Bracknell. They raise the following concerns:

Transport

- Buttersteep Rise, is a small road, barely wide enough for two cars to pass each other. 300 cars on this per day will not only block our entrance, but there is no provision in the application for restoring the road surface once production is completed (that number of heavy vehicles will destroy it).

- additional traffic would further impact already busy routes. The junction of the A322/A332 is already notorious and often leads to incidents which then cause a gridlock on the M3 junction 3 roundabout. Furthermore, traffic destined for Ascot Race Course and Sunningdale/ Wentworth Golf courses often lead to horrendous traffic issues for local residents.
- Traffic leaving the A322 to enter the tight Buttersteep Rise track will create another accident danger spot on entry and exit.

Green Belt/ Harm to character of area

- The woods are used by thousands of walkers, dog walkers and ramblers everyday. It is an attractive and unspoilt area of land providing a quiet, secluded area of peace and tranquility for local residents. In addition, many people pay a substantial membership fee to park at Buttersteep in order to have a safe place to exercise and walk their dogs. If this goes ahead it will be unsafe for walkers using the forest, and will impact on the ability to park, unload/load dogs safely, and reduce the area of forest people can access, due to a large area being closed off, which will push all the dog owners/walkers onto a smaller space.
- By any standards, the proposed development is huge. A total of 15 buildings (Types A, B, C and D) each ranging between about 18sq.m and 570sq.m, is massive. The potential is for in excess of 4,000sq.m, or more.
- Although the application is for a 'temporary' development of one year, experience shows that these types of applications get extended over time and may become permanent, which would be totally unacceptable. Furthermore, any temporary development approval would set a dangerous precedent for potential future development.

Environment and Ecology

- The proposed development is incredibly unsustainable in terms of land use, impact on the environment and ecology, use of high carbon materials, use of power generation (assumed diesel and associated pollution), lack of public transport links etc. Developments of this type should be built on brownfield or regeneration sites with existing infrastructure.
- This Application has not addressed biodiversity aspects at all. The area is known for endangered species, including ground nesting birds and rare reptiles.

Economic benefits

- Whilst any assistance to the local economy is very welcome especially in today's climate, it queries what proportion of this is going to be brought to BFC.
- will have a significant negative impact to dog walking businesses.

6.5 45 letters of support received. The vast majority of these are not from local addresses and include support from across the country including London, Bedford and Leeds. The supporting letters highlight the economic benefits of this proposal.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Officer

7.1 Objection for the reasons set out in the report.

Biodiversity Officer

7.2 To demonstrate how the application protects and enhances biodiversity, further information is required to address the following points:

1. Local records and survey information
2. Ecological Impact Assessment
3. Potential impacts and mitigation

The application in its current state does not demonstrate that it protects and enhances biodiversity in accordance with EN1, CS1, CS7, NPPF, Circular 06/05, NERC Act 2006 and Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it should be withdrawn or refused unless such information can be provided within the timeframe of the application.

Parks & Countryside Officer

7.3 There are almost no public rights of way in the Crown Estate land that falls within the Bracknell Forest area. All access for recreation and leisure is by permission, which could be withdrawn at any time. (The exception is Crowthorne Woods which the Crown Estate took over from the Forestry Commission, so different rights were already in place there.)

The Crown Estate website for Buttersteep Forest and Swinley Park refers to the fact that these are working forests where large machinery operates, and areas are clear felled and replanted in a sustainable method of commercial timber production. It is considered that this sets the recreational access in context. It is not a static landscape with inalienable rights of public access; rather a working forest where the public are allowed to have permissive access. There is no open access land in this area of the Crown Estate.

Would not recommend refusal based on loss of access to the countryside as:

- 1 It is a relatively small area compared to the total area that the public are allowed to use and explore.
- 2 It is used by permission, not by right.
- 3 The area of land will have been forest plantation in the past and probably will be again in the future.
- 4 The application is for temporary use, and the land will be restored after 12 months
- 5 The forest tracks are primarily for forest operations, maintenance, timber extraction, and the public access is a by-product of the layout of tracks and parcels of forest.

It may well be possible to create an alternative path to the west of the film set, connecting Buttersteep Hill northward to Passmore's Plantation.

Environmental Health Officer

7.4 No objection.

Lead Local Flood Authority

7.5 No comments received.

SPA Officer

7.6 This proposal is not located on the SPA or SANG. It also does not involve a net increase in dwellings and the filming area lies approximately 2km from the SPA. Therefore, it is not considered that this proposal requires an Appropriate Assessment.

Royal Borough of Windsor & Maidenhead

7.7 No comments received.

Surrey Heath Borough Council

7.8 No comments received.

8. DEVELOPMENT PLAN

8.1 The key policies and guidance applying to the site and the associated policies are:

	Development Plan	NPPF	Weight to be attributed, with reference to para. 213 of NPPF
Sustainable development principles	SALP Policy CP1	Para. 11(d) refers to 'policies which <u>are most important for</u> determining the application are out-of-date'. CP1 wording differs to this.	Limited (policy not used in planning application decision-making)
	CSDPD Policy CS1	Furthermore, the PPG states that there is no need for a policy to directly replicate para. 11. Consistent (Paras. 7, 8, 11, 12, & 117 - 119)	Full
Principle of development – Green Belt	BFBLP 'Saved' Policies GB1 and GB2	Elements are acknowledged to not be fully consistent (para.145 & 146) however the thrust of these policies remains consistent	Not fully consistent therefore not full weight
	CSDPD Policy CS9 and BFBLP 'Saved' Policy EN8	Elements are acknowledged to not be fully consistent (para. 170 a) and b) however the thrust of these policies remains consistent (paras. 78-79, 103, 104a, 117 & 170)	Not fully consistent therefore not full weight

Design & Character	CSDPD Policy CS7 BFBLP 'Saved' Policy EN20	Consistent (Chapter 12) “	Full Full
Trees & Landscape	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 127 & 170) “	Full Full
Residential Amenity	'Saved' Policies EN20 & EN25 of BFBLP	Consistent (paras. 127, 170 & 180)	Full
Transport	CSDPD Policies C23 BFBLP 'Saved' Policy M9	Consistent (Chapter 9) “	Full Full
Biodiversity	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 170 & 175) “	Full Full
Noise and Pollution	CSDPD Policy CS1 BFBLP 'Saved' Policies EN15 & EN25	Consistent (paras. 118, 170, 178 & 180) “	Full Full
Other publications:			
National Planning Policy Framework (NPPF) (2019) National Planning Policy Guidance (NPPG) (2019) Bracknell Forest Borough Landscape Character Assessment (LUC) (2015)			

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- (i) Principle of the Development – Green Belt issues
- (ii) Impact on the character and appearance of the area
- (iii) Transport Implications
- (iv) Impact on residential amenity
- (v) Biodiversity
- (vi) Planning Balance

i. Principle of Development

9.1 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, which is supported by the NPPF (paras. 2 and 12). Policy CP1 of the Site Allocations Local Plan sets out that a positive approach should be taken to considering development proposals (which reflects the presumption in favour of sustainable development set out in the NPPF), and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.2 The proposed film set would be located in an area of countryside designated by the Bracknell Forest Borough Policies Map as Green Belt. National Planning Policy, (set out in the NPPF 2019), states “The Government attaches great importance to Green Belts” and that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

9.3 The NPPF states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, (paragraph 143). It goes on to state, in paragraph 144, “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

9.4 Paragraph 145 states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”, with the exception of the certain types of buildings. Paragraph 146 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, and these include material changes in the use of land.

9.5 In order to make a more robust assessment of the harm to the Green Belt the Government has provided additional guidance on how to assess the impact of a proposal on the openness of the Green Belt. This states:

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

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

9.6 The proposed change of use of the land for the construction of a film set and associated activities, for a 12 month period involves a set build of a number of temporary buildings, rising to a maximum height of 7.8m, and fencing covering an area of

approximately 9.7ha (although the majority of the buildings would be confined to a core area of approximately 1.6ha). In addition, the proposed unit base, would cover a further area of approximately 0.63ha, and would accommodate parking, a portacabin site office, power and water supplies, storage containers, marquees for costumes and dining, technical vehicles and generators and construction and general waste skips.

9.7 While an argument could be made that the duration of the development and its remediability count in favour of the proposed development, it is considered that, on balance, the proposed development would cause substantial harm to the openness of the Green Belt taking into account the following spatial and visual impacts:

- the fact that the site is currently completely undeveloped;
- the scale and number of the proposed structures, plant and parking areas comprising the set and unit base;
- the fact that this is clearly a popular area for public outdoor recreation and thus would be readily perceived in public views;
- the degree of activity that would be generated.

9.8 Cumulatively these factors would result in a significant loss of openness albeit for a limited period of time. This would conflict with one of the five purposes of Green Belts, namely that of assisting in safeguarding the countryside from encroachment. As such the proposed development is considered to constitute inappropriate development within the Green Belt. The NPPF makes clear that inappropriate development is 'by definition' harmful and should not be approved except in very special circumstances and that these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.9 The principle of development is unacceptable unless there exist any "very special circumstances" which clearly outweigh the harm to the Green Belt, and any other harm. These are considered within the 'Planning Balance' section of this report.

ii Impact on character and appearance of area

9.10 CSDPD Policy CS7 states that development will be permitted which builds upon the local character of the area, provides safe communities and enhances the local landscape where possible. BFBLP 'Saved' Policy EN20 states that development should be in sympathy with the appearance and character of the local area. It further states that the design of the development should promote local character and a sense of local identity.

9.11 The Bracknell Forest Borough Landscape Character Assessment (2015) (LCA) provides a comprehensive landscape character assessment for all land outside defined settlements. It identifies different landscape character areas, describes their key characteristics and features of value and suggests an appropriate landscape strategy for each character area. The application site is identified within the LCA as falling within landscape type A Forested Sands. This character area comprises a large expanse of forest plantation between the settlements of Bracknell to the north, Crowthorne and Sandhurst to the west, Camberley to the south and South Ascot to the east. Key characteristics of this landscape type relevant to the application site include:

- Large areas of forestry plantation interspersed with broadleaf woodland and limited areas of open heath, giving a sense of enclosure and remoteness.
- Typically short views, contained by trees, with occasional distinctive long views along historic, straight rides through the trees and glimpsed views from more elevated areas. Where areas have been felled or trees lost to forest fires, views open out to enable appreciation of the undulating landform and the scale of the landscape

- A very low settlement density and few transport corridors.
- Well-used recreation areas valued by the local community. Substantial parts of the forest are owned by the Forestry Commission and Crown Estate, with public access allowed in most of these areas.
- Despite the non-native land cover and presence of forestry operations the area has a sense of remoteness; a sense of removal from the surrounding urban settlements and a connection to the history of Windsor Forest.
- Used as a film location - Swinley Forest was used as a film location for Harry Potter and the Deathly Hallows in 2009.

9.12 This is an area characterised by extensive forest which provides a continuity of character as well as a large sense of scale. The influence of the suburban development at its edges is limited. The area is an important recreation resource for the adjacent settlements of Bracknell and Ascot and includes large areas of publicly accessible land where provisions are made for a range of activities, including biking and walking.

9.13 The report identifies the following valued features and characteristics of this landscape area which are considered of particular relevance to the application site:

- The extensive areas of forest and woodland where an undeveloped character predominates, providing opportunities for recreation and enjoyment of the landscape as well as a wooded setting to the surrounding settlements and forming a physical and visual separation between Crowthorne and Bracknell.
- The forest and the historic rides are particularly important, providing associations with the historic Royal Forest of Windsor created in the 11th century by William the Conqueror. The woodland and undeveloped areas are key to Bracknell Forest borough's character as a whole; and areas of Swinley Forest have more recent film and literary associations, having been used as a location for the filming of Harry Potter and the Deathly Hallows in 2009.
- Mosaics of broadleaf and mixed woodland, remnant heathland and grasslands which provide important habitats as well as contribute to the visual diversity of the area (a variety of colours and textures and changing seasonal interest).
- The undeveloped character, sense of naturalness and remoteness provided by the lack of built development and the remaining deciduous and mixed woodlands and heathlands. This sense of remoteness and escape is highly valued so close to dense urban parts of the borough.
- Heavily enclosed character with distinctive long but framed views opening out along historic, straight rides through the trees.
- Recreational areas of open access land (although this is in part controlled due to the Thames Basins Heath SPA).

9.14 The report proceeds to identify a detailed landscape strategy for this landscape character area, including the protection of the valued attributes identified above, and in particular to protect the undeveloped nature, sense of remoteness and dark skies in the interior areas of forest, which provide an escape from the settled parts of the borough.

9.15 The application site comprises an open clearing within an area of generally forested countryside and lies at the intersection of two of the straight rides characteristic of this area. It is evident from numerous of the objections from local residents that the informal recreational function of this area of countryside is a highly valued feature. The siting, scale and design of the proposed development would therefore be incongruous and harmful to the rural character and appearance of the area. The weight attributed to this harm is set out in the Planning Balance section of this report.

9.16 It is also significant that one of the identified characteristics is that areas of Swinley Forest have recent film and literary associations. It is therefore considered that the small scale and temporary use of the land for filming would not in itself be harmful to the character of this area. However, it is considered that there is a substantial difference between using this site as a film location and developing a substantial film set with all the associated activities over an extended period of time. It is the proposed erection of set buildings and the scale and duration of the proposed activity here as evidenced by the amount of traffic that would be generated and length of time involved, that are considered to be the main causes of harm to the character and tranquillity of this remote countryside location.

9.17 On balance, it is therefore considered that the proposal would result in harm to the character and appearance of the area and is therefore considered to be contrary to CSDPD Policy CS7, and, 'Saved' Policy EN20 of the BFBLP.

iii Transport Implications

Access

9.18 The site would be accessed via Buttersteep Rise, which is a private road which serves several residential properties and provides access to Crown Estate land and car park at its eastern end. It is understood this car park is there to cater for the wider public who pay to use it whilst walking in the surrounding woodland. Buttersteep Rise has been improved over the years and now has bollards on one side and a low post and wire fence on the other, both of which are located close to the edge of the road and therefore provide very little room for vehicles to get close to the edge of the road. The road is around 4.5m wide and this coupled with proximity of the bollards and fence provide very little room for cars and larger vehicles to pass.

9.19 The junction with Swinley Road is relatively informal with limited kerbing and the junction will need to be tracked for the expected vehicles to ensure that the safety of motorists both on Buttersteep Rise and on Swinley Road is not compromised. Visibility in both directions is good but as Swinley Road has a 60mph speed limit it is imperative that the junction into and out of the site can operate safely.

9.20 The applicant has submitted a Transport Assessment that sets out the likely trips and types of vehicles expected from the intended use of the site and provides information on the tracking of delivery vehicles that will access Buttersteep Rise during the site set up and take down (strike) events. The original proposal indicated that all vehicles would be expected to come from the south and exit southwards through the junction. Whilst it is understood that deliveries may be advised to use this route, this cannot be guaranteed and as the strategic local road network also exists to the north of the site it is quite possible for such deliveries to arrive and exit in this direction.

9.21 In relation to the tracking that has been provided it is clear from the movements executed that the largest vehicles will overrun the centre line of Swinley Road on exit and this gives rise to safety concerns. Large goods vehicles by their very nature are heavy and slow moving from a standing start. This coupled with the speed limit and straight alignment of Swinley Road means that the potential for conflict between turning vehicles is greater. Should a vehicle try to turn earlier to avoid overrunning the centre line then the adjacent ditch and headwall are likely to be overrun and thus could lead to damage to the highway. It is also noted that any vehicles turning right into Buttersteep Rise take up a lot of the road space and so with a vehicle waiting at the junction to exit this would restrict the ability for a HGV to turn in easily, or if already turning and a vehicle is exiting the potential for such a vehicle to stop suddenly and be partially on Swinley Road could occur also leading to conflict.

9.22 As stated above the Transport Assessment does not consider the potential harm that might arise from vehicles accessing from the north of the junction, which could not be precluded. Tracking for minibuses from either direction into and out of the junction should also be undertaken for the maximum size of vehicle expected to be used. This could include smaller buses that are commonly used to serve businesses that have private shuttle bus contracts and hold approximately 30 - 40 passengers.

9.23 In response to these concerns the applicant has reviewed the situation and is now proposing that vehicles enter from and exit to the north of Buttersteep Rise. However the tracking that has been provided still raises concerns as the amount of road space needed is excessive for the size of the junction and existing vehicles along Buttersteep Rise would not be expecting a HGV so would not naturally stop over 25m from the junction to allow it to pass. This in reality is likely to lead to the incoming HGV to suddenly stop potentially overhanging Swinley Road which could lead to conflict.

9.24 In addition, visibility for exiting vehicles would be restricted by a waiting HGV and with its indicators on an approaching vehicle from the north may choose to try and overtake as forward visibility would be good and this could lead to conflict with an emerging vehicle from the junction. The swept paths submitted have considered the manoeuvre, but this has not considered such vehicles waiting at the stop line. The current tracking would require vehicles to make such turns without being able to see oncoming traffic. This is unacceptable and should be carried out with vehicles appropriately waiting at the stop line and then turning out.

9.25 It is also expected that the larger HGVs will overrun the edge of Swinley Road leading to highway safety issues and damage to the highway adjacent. In order to safely allow such operations to occur, alterations to the northern kerb line on Swinley Road and on Buttersteep Rise would be required to allow sufficient space at the junction for vehicles to enter the site safely as well as provide sufficient room for exiting vehicles as well. An increase in junction radii and compound curve or splay arrangement are expected to be required to facilitate safe access. It is anticipated that such changes would be required over the first 25-30m of the junction. There appears to be a T service chamber that could be affected by such changes as well as a headwall but this would need proper investigation. Such changes would be expected to be carried out under a S278 agreement.

9.26 Alterations to the northern kerb line may be possible within the ancient highway and it is assumed that the Crown Estate has control of Buttersteep Rise and the verge areas adjacent. However the applicant has not carried out the required investigations or submitted acceptable proposals for the required highway improvements. It should also be noted that while signage and instructions can be provided this would not completely preclude some deliveries either arriving from or exiting to the south. For the above reasons it is considered that the applicant has not demonstrated that a safe access can be provided onto Swinley Road.

9.27 Furthermore Buttersteep Rise itself is limited in width when considering the potential for HGV's and cars to pass each other and alterations to the current bollards or fence adjacent to the road edge would be required to widen the road nearer the junction and provide passing places along the road. However, this would not address the form of the junction and the safety issue relating to increased use by this proposal. The applicant has suggested that the submission and approval of a Transport Management Plan could be conditioned to provide mitigation for these issues. This could include provisions relating to the control of access during filming to the Buttersteep Forest Members Car Park, and for forestry vehicles; the creation of passing spaces along Buttersteep Rise, the provision of signage and banksmen or provisions relating to the timing and routing of HGVs. While a number of these measures may individually or in combination provide an element of mitigation for the highway safety concerns insufficient detail has been provided at this stage

to demonstrate that acceptable mitigation could be provided or secured within the control of the applicant. A number of the proposed measures include works to be carried out by or restrictions on a third party (the Crown Estate) and relate to land outside the application red line. In addition, insufficient information has been provided on the feasibility and effectiveness of some of the proposals in terms of providing the required outcomes. While the Highway Authority is continuing to work with the applicant to overcome the highway concerns, to date no form of acceptable mitigation has been demonstrated that would justify a change to the recommendation of refusal.

Parking

9.28 The Transport Assessment also outlines the trips associated with the day to day operation of the site when filming is in progress and sets out that a large proportion of the site staff and crew as well as cast members and extras will be collected by mini busses from local rail stations or from off-site car parking to be secured elsewhere. The applicant has stated that two off-site parking options are being looked at which could also accommodate parking for delivery vehicles to wait until they are permitted to enter the site. As both options are located off-site the Council would need to be satisfied that such off-site parking was feasible and that the applicant had secured control of such parking.

9.29 One option is at Lapland. However, this option would appear to conflict with the extant planning permission for Lapland which is limited to LUK only and to specified time periods. In addition, it would appear that this site may not be suitable for the HGVs required for this development. It would therefore appear that in order to pursue this suggestion a further planning permission will be required on the Lapland site. Furthermore the junction arrangements at Lapland are limited and the use of the site by HGVs would need to be carefully controlled and the applicant has not set out which access to that site would be used, this would be required to ensure the highway is not damaged leading to safety issues. It should also be noted that there is a narrow railway bridge on the section of Swinley Road south of Lapland and increasing the amount of traffic from cars but more specifically HGVs could create an enhanced risk of conflict in this area from those directed to wait at this location. It is therefore not considered that Lapland would be a feasible option and would not be a suitable location for vehicles to wait off site.

9.30 The second option suggested is Ascot Racecourse. If Lapland is unavailable for the reasons set out above then the use of the racecourse could have significant implications if it displaced parking for racecourse functions. The applicant has also failed to demonstrate that this would be a feasible or suitable option or that it has secured the necessary control required to implement this.

9.31 Overall without certainty over the off-site arrangements it is considered very likely that more parking will be drawn onto the main site and this will impact on the use of Buttersteep Rise and could further increase the impact on the surrounding area and potentially the junction with Swinley Road.

9.32 Pedestrian access from the car parking for walkers into the areas of woodland will also have to be managed to reduce any conflict with vehicles entering or exiting the site. However, it is considered that this could be secured by condition.

Traffic impact

9.33 The impact of the development will be impacted by the extent of what occurs on site and how people arrive at the site. Due to the uncertainty over the off-site parking arrangements the full impacts of this proposal cannot be fully assessed as they could be different from what has been outlined.

Pedestrian safety

9.34 There is a potential conflict between vehicles and pedestrians using the forest routes between Buttersteep Rise and the unit base/ film set. However, the routes within the wooded area are predominantly straight with verge areas to the side of them. In that regard, with mitigation measures such as suitable alternative routes for pedestrians and advisory signage on speed and of potential users along the route so that both vehicles and pedestrians are made aware of each other such matters could be addressed by a suitable condition.

iv Residential Amenity

9.35 Saved Policy EN20, criterion vii considers that new development should not adversely affect the amenities of neighbouring residents.

9.36 The nearest residential dwellings to the proposed film set are on Bodens Ride, approximately 320 metres away to the south. It is considered that this distance is adequate to prevent undue noise or light impacts on these properties and no objection has been raised by the Environmental Health Officer.

9.37 There are also residential properties on Buttersteep Rise. Although there are unlikely to be any direct impacts on the amenities of these properties, some inconvenience in accessing these properties may arise as a result of the additional traffic, narrow width and any issues entering or leaving from Swinley Road as set out above. Although it is not considered that this would result in sufficient grounds upon which to refuse the application in its own right, it adds weight to the highway concerns about the suitability of the access arrangements.

9.38 The proposal is therefore considered to comply with 'saved' Policy EN20 vii) of the BFBLP.

v Biodiversity

9.39 The application in its current state does not demonstrate that it protects and enhances biodiversity in accordance with EN1, CS1, CS7, NPPF, Circular 06/05, NERC Act 2006 and Conservation of Habitats and Species Regulations 2017 (as amended). In particular the insufficient information has been submitted on the following matters:

Local records and survey information

9.40 The Habitat Survey does not provide sufficient information to determine the existing value of the site for biodiversity. The proposed site is located within an area that shares characteristics of the Thames Basin Heaths SPA and Swinley Brick Pits SSSI. Therefore, it is likely to support a range of notable and protected species that could be affected by the proposed film set.

9.41 The UK Guidelines for Accessing and Using Biodiversity Data (CIEEM, 2016) explain that for ecology surveys supporting a development application "The sources consulted for the background data search may vary depending on the location of the proposed development, but must always include the LERC where one exists." The Habitat Survey does not include any local records search, and this leads to a lack of information about the potential impacts of the proposals on protected and notable species. Local records are required to provide an indication as to the potential for species that may be present on the site and could require further assessment.

9.42 The Habitat Survey provides information about the habitat structure on the site but no habitat map to show the distribution of differing habitat types or structures. The report comments on the rides and suggests "They are largely poorly vegetated with any species

richness confined to the margins.” The rides in this area provide margins of short heather and acid grassland up to 3 metres in width and in many areas these margins occur on both sides (particularly on the south side of the site). These rides are known to support reptiles and invertebrates such as Silver Studded-Blue butterfly. Therefore, this value should be recognised and included in an ecological impact assessment.

9.43 The Habitat Survey does provide detailed consideration of the three Schedule 1 birds Nightjar, Woodlark and Dartford Warbler but does not refer to any survey data to support the statements in the report. It is highly likely that these birds are present but unclear how important this site may be in the local context to assess whether the loss of a breeding season could be compensated by the extended provision of young plantation habitat (i.e. setting back the restocking to allow a longer period of open habitats). This area is regularly surveyed, and survey information is held by the Crown Estate which should be included as an evidence base.

9.44 Strict adherence to Standing Advice from Natural England would require further surveys for schedule 1 birds, reptiles, amphibians, and notable invertebrates. However, given the short-term nature of the proposals and the good potential for site restoration it should be possible to use a thorough ecological impact assessment based on survey information to address the potential impacts of the proposals.

9.45 Paragraph 43 of the NPPF explains “The right information is crucial to good decision-making; particularly where formal assessments are required”. The Habitat Survey provided with this application does not provide sufficient information for the council to conclude that the proposals will protect biodiversity and requires revision to include a local records search and survey information.

Ecological Impact Assessment

9.46 The Habitat Survey does not follow recognised methodology and provides limited consideration of the potential impacts of the proposals on biodiversity. The report does not follow guidelines for Ecological Impact Assessment (CIEEM, 2018) which results in an inconsistent approach to assigning the ecological value of the site, identifying potential impacts, and recommending appropriate mitigation.

9.47 The report focuses mainly on the schedule 1 birds (Nightjar, Woodlark and Dartford Warbler) and considers some short-term impacts during site set-up and long term impacts on their habitat. However, it does not systematically identify potential impacts through the different stages of the film set and it does not consider other species. The report identifies a ditch and seasonal pond at the site but does not make any further comment as to their suitability for great crested newts which are known to be present at the Swinley Brick Pits SSSI.

9.48 The area is likely to be suitable for reptiles such as Adder (*Viperus berus*), which may also use hibernacula of particular importance for population that would need to be protected from any clearance or human activity. In particular, there is a potential hibernaculum on the ride to the west of the site (Kings Ride). The local area also has records of Silver-studded Blue (*Plebejus argus*) which has poor dispersal and could be using heather on the rides. Adder, Silver-studded Blue and several other species recorded in this area are Species of Principal Importance (SPI). Under section 40 and 41 of the NERC Act 2006, the Council must have regard to the conservation of listed habitats and species of principal importance.

9.49 Therefore, further information is required to assess how species will be affected by the proposals and what mitigation will be implemented to avoid, reduce and compensate for these effects. Paragraph 99 of the ODPM Circular 06/2005 states “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the

proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

Potential impacts and mitigation

9.50 As mentioned above, the Habitat Survey report does not provide an ecological impact assessment which means that potential impacts are not readily identified. There is little information about the activities during the lifetime of the film set in the Supporting Statement which leads to uncertainty regarding the potential impacts of the proposals. Therefore, further information and a precautionary approach to assessing impacts will be needed. A number of potential impacts are described below. These need to be considered and addressed through the mitigation hierarchy in an ecological impact assessment. While it is recognised that the Crown Estate will continue management works in agreement with Natural England that may affect habitats and species in this area, this application has to be considered on its own merits against planning policy and guidance and in a consistent manner with other planning applications.

i) Direct habitat loss – temporary/permanent

9.51 Section 3.10 of the Support Statement provides a schematic diagram of the site with various blocks on an aerial photo but it is not clear whether all vegetation within the site would be removed. The potential impacts of the scheme including direct habitat loss and potential disturbance of schedule 1 birds depends on the extent of vegetation removal. The Habitat Survey does not provide any details of the remediation of the site following the strike of the film set except to mention “an assumed forestry restocking regime”. While the Crown Estate will have a stocking regime and standard working practices to replace vegetation at the site, the presence of a film set is additional to their original stocking plan. To demonstrate that biodiversity will be protected and enhanced by these proposals, the ecological impact assessment should identify specific mitigation and compensation which could take the form of a restoration plan.

9.52 It would appear that the ditch line and ponded area are outside the area required for the film set but there is no confirmation of this in the Habitat Survey. These areas should be specifically protected from any vehicles or vegetation clearance. There are four ride areas which appear to be marked for parking and facilities which may have differing habitat and impacts. There is no information to show how these areas would function. Some of these rides include heathland that could be lost to parking and temporary buildings. In the first instance, consideration should be given to avoiding rides with heathland margins or fencing off areas of this habitat. As a second measure, protective matting could be used to preserve the existing habitat. If protection is not possible or fails, a restoration plan should be outlined as compensation in the ecological impact assessment. There is a risk that some activities on the site could result in permanent habitat loss through compaction of the soil, impounding of the ditch lines and importing materials, particularly if ground conditions are poor.

ii) Killing, injury or disturbance of protected species/species of principal importance

9.53 Depending on the timing of the site clearance, breeding birds, reptiles and invertebrates could be killed, injured or disturbed. The Habitat Survey suggests that clearance will be outside the bird breeding season in February but depending on the extent of the clearance and the activity at the site, schedule 1 birds may still nest close to the site and be disturbed by later activities. In addition, there is no consideration of clearance methods that will protect reptiles which could be active in February depending on weather conditions. In addition, Kings Ride located adjacent to the west of the site includes a pile of partially buried logs and wood chippings which could be used by reptiles as a hibernaculum that appears to be in a parking area. This feature should be protected from physical clearance and fenced off for the duration of the site activities.

iii) Disturbance – temporary

9.54 Due to the lack of information regarding filming activities, there are a range of potential impacts that may need to be considered. If Schedule 1 birds attempt nesting on any remaining areas of heathland near the film set before filming begins, they could still be disturbed. This would depend on the frequency and severity of human presence, animals, vehicles, noise, vibration, explosions or lighting. Lighting at night could have impacts beyond the immediate site depending on the lighting being used. Security and film lighting could have impacts on a wide range of species such as bats, nightjars and invertebrates depending on its intensity, duration and type.

iv) Air Quality

9.55 There could be localised temporary impacts from particulates emissions caused by generators or running vehicles. These could smother some areas of vegetation which may not be an issue within the cleared area of the site but it may be a potential impact in parking areas where there is presence of heathland/acid grassland and some priority species. This could be remedied by using parking areas close to conifer rather than more open habitats and/or using renewable energy and electric vehicles.

9.56 In the absence of adequate information in respect of local records and survey information; Ecological Impact Assessment and potential impacts and mitigation, the application in its current state does not demonstrate that it protects and enhances biodiversity in accordance with saved Policy EN1 of the BFBLP, Policies CS1 and CS7 of the CS, and national policy contained in the NPPF, Circular 06/05, NERC Act 2006 and Conservation of Habitats and Species Regulations 2017 (as amended).

vi Other material considerations

Permitted Development Rights

9.57 Schedule 2 Part 4 Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) specifies that the use of any land for any purpose for not more than 28 days in total in any calendar year, (of which not more than 14 days in total may be for the purposes of— (a) the holding of a market; (b) motor car and motorcycle racing including trials of speed, and practicing for these activities) is permitted development i.e. does not require planning permission, including the provision on the land of any moveable structure for the purposes of the permitted use. Class BA extended this right for an additional 28 days until 31st December 2021. Therefore, the use of the land for filming for a period of up to 56 days during 2021 would not require planning permission.

9.58 Schedule 2 Part 4 Class E of the Town and Country Planning (General Permitted Development) Order 2015 specifies that 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 the provision on such land during the filming period of any temporary structures, works, plant or machinery required in connection with that use is permitted development. Class E development is permitted subject to the condition that (a) any structures, 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 the development was carried out. It is noted that Class E is less restrictive than Class B in terms of the physical works permitted. Class E permits the provision of any temporary structures, works, plant or machinery required in connection with that use whereas Class B only permits moveable structures which is not consider to include the construction of a film set.

9.59 However, development is not permitted by Class E where the land in question is more than 1.5 hectares or the use of the land is for overnight accommodation. Furthermore development is only permitted subject to the condition that before the start of each new filming period the developer must apply to the LPA for a determination as to whether prior approval of the authority will be required for the dates and hours of operation of the filming period; the transport and highway impacts of the development; the noise and lighting impacts of the development, in particular the effect on any occupier of neighbouring land and the flooding risks of the site.

9.60 Accordingly and theoretically, the applicant could erect a substantially smaller film set on a smaller site up to 1.5ha (including any base unit and parking), with no overnight accommodation and film for no more than 9 months without requiring planning permission subject to the prior approval process. Due to the size of the site being restricted to 1.5 hectares, a film set and base unit of a comparable size to that proposed under the current application could not be provided under permitted development. The set would also have to be removed from the land after each filming period and the land reinstated to its original condition.

9.61 If the applicant chose to take the permitted development route they would need to either restrict the activities to filming within the natural environment for up to 56 days (i.e without the erection of a film set) or apply to the Council for prior approval under Class E. It is important to note that the relevant permitted development rights criteria do not require any consideration to be given to the impact of the proposal on the Green Belt, character of the area in which the site is located, or biodiversity. However, prior approval under Class E does require a consideration of transport and highway impacts and, in view of the highway concerns discussed above it is unlikely that prior approval would be granted for a development of the scale of that proposed.

9.62 The Permitted Development Rights available to the applicant are a material consideration in the assessment of this planning application and the weight given to this is set out in the Planning Balance below. In particular it demonstrates Government support for the film industry. It is also considered relevant in that it establishes a fallback position for the applicant whereby some form of film making may be acceptable on this site in principle albeit on a much smaller scale. The highway safety issues would still have to be assessed (unless the activity was restricted to just filming for up to 56 days), but a much smaller scale proposal would be likely to have reduced the highway impacts, and subject to any required mitigation, could potentially be deemed acceptable.

Economic benefits

9.63 Paragraph 80 of the NPPF states that planning decisions “should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.” Para.82 states: Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for...creative or high technology industries...”

9.64 The applicant has submitted a ‘Statement of Very Special Circumstances’, which sets out the economic benefits of the proposal. These benefits are supported by the letter submitted by Creative England (CE). CE states that the film and TV industry in the UK generates significant value for the UK economy, and that in 2019, film production in the UK generated a total spend of £1.95 billion. 2019 also saw the second highest level of spend by international filmmakers ever recorded, reaching £1.77 billion. CE claims that this highlights the confidence international filmmakers have in the UK’s creativity, the expertise of our crews, and world-class production facilities combined with the generous UK film tax relief.

On a more local level, CE estimate the average amount a production spends when filming on location per day is in excess of £42,000 on a major feature film and in the region of £22,000 for a high-end television drama.

9.65 The applicant claims that this proposal would provide both direct and indirect benefits to the local economy resulting from local spend in the immediate surrounding area on staffing, hotel, transport, cleaning, security, catering and waste requirements along with spending in nearby restaurants, shops and petrol stations. During the period of construction and filming the staff and the production company will use local facilities and services. This will bring a boost to the local economy and provide local employment and use of local services. This will feed directly into the local economy. It should however be noted that in view of the remoteness of the site from Bracknell the nearest local centres are Bagshot and Ascot, both outside the Borough.

9.66 The economic benefits of the proposal are material considerations relevant to the assessment of the proposal and the weight given to this is set out in the Planning Balance section below.

Lack of suitable and available alternative sites

9.67 In its supporting letter, Creative England states that “despite the UK’s success in attracting international productions in film and high-end TV, the supply of studio and alternative build space is not fully in-step with demand.” It adds that “temporary planning permission for the proposal would ensure that the UK remains internationally competitive by ensuring sufficient infrastructure to support inward investment.”

9.68 It is therefore considered that there is evidence that there is a demand for additional film studios and filming locations, especially within the local area on account of its proximity to the M3, M4, Central London, Heathrow and the largest studios in the UK. Indeed, this is recognised by this Council’s support for the industry, including the promotion of filming locations within the Borough, and its work with the Berkshire Film Office.

9.69 However, the applicant has not demonstrated that any alternative sites were considered during the site selection process, in particular it has not been demonstrated why a Green Belt site is necessary. Notwithstanding this, the applicant has submitted details of a number of sites within the region where planning permission has been granted for filming, including previously developed and non-Green Belt sites. The demand for and availability of suitable film sites are material considerations relevant to the assessment of the proposal and the weight given to this is set out in the Planning Balance section below.

Precedent and cumulative impact

9.70 It is established practice that each application must be determined on its own merits and concerns about setting a precedent must be treated very cautiously. However, a common feature in several other similar proposals submitted by the applicant is the multiple number of applications made for temporary film sets on these sites. Once a temporary permission has been granted this establishes the acceptability of the principle of creating a film set on a site, and as can be seen in other cases, further similar applications, either on different parts of the general site or at different points of time may be made.

9.71 A ‘very special circumstance’ will not normally be considered to create a precedent where a particular development, site characteristic or planning history is unique to an area. However if there is a possibility that the very special circumstances relied upon could be replicated, leading to a number of subsequent similar permissions on a site that would cumulatively, or through repeated operations over an extended period of time result in a recurring loss of openness to the Green Belt, this may be a potent reason for rejecting a proposed development. Even if individually a proposal would be relatively inconspicuous or

have a limited effect on the openness of the Green Belt, if such arguments were to be repeated, the cumulative effect of many permissions could destroy the very qualities which underlie Green Belt designation.

9.72 Precedent and cumulative impact are considered material considerations relevant to the assessment of the proposal and the weight given to this is set out in the Planning Balance section below.

vii Planning Balance

9.73 As set out in paragraph 9.3 above, inappropriate development in the Green Belt is, by definition harmful and should not be approved except in very special circumstances. Local Planning Authorities are required to give substantial weight to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.74 In addition, while the NPPF specifies the amount of weight to be given to certain issues, for example, any harm to the Green Belt is to be given substantial weight, there are other material considerations where the weight given is a matter for the decision-maker, having regard to the information before them. Accordingly, the 'weighing-up' exercise outlined below is an Officer recommendation and the weight, for issues in favour or against, could be varied according to the Committee's judgement of the proposal.

9.75 In this case, the proposal is considered to constitute inappropriate development in the Green Belt, would lead to loss of openness in the Green Belt and would lead to encroachment of development in the countryside. This harm to the Green Belt is given substantial weight, albeit that it would be limited to one year. Given the undeveloped and rural nature of the land, harm to the character and appearance of the area would also be caused and this is also given significant weight. Highway safety is also very important and in view of the advice from the Highway Authority that the proposed access has not been demonstrated to be safe, and the uncertainty that remains about any off-site parking, this issue is also given significant weight. The Council has a statutory duty in regard to protected species and their habitats and, as the potential harm to these are unknown due to lack of information, this is also given significant weight.

9.76 The proposed development would have a negative impact on the current informal recreational use of the land as evidenced by the very large number of objections to this application from local users. The urbanising nature of the film set, supporting base facilities and traffic would be very evident to forest users both visually and audibly, especially given the central location of the film set within the publicly accessible area of Swinley Forest. Furthermore, many more people may choose to come and walk in Swinley Forest to have a look when there are sets being built or filming activity going on than at other times. This would all detract from the tranquil rural experience that existing users currently enjoy. This harm is considered to have moderate weight as opportunities to mitigate this impact may exist, and public access would be maintained. However, this issue further adds to the cumulative concerns about this site. It is not considered that the proposal would directly harm the living conditions of any residents living within the vicinity of the application site so this is considered to have a 'neutral' impact and therefore no weight is given to this issue.

9.77 In favour of the proposal, the site benefits from Permitted Development Rights (PDR) which allows commercial film-making to take place on the site for a period not exceeding 56 days or the provision on such land during the filming period of any temporary structures, works, plant or machinery required in connection with that use for a period of 9 months in any 27 month period. However the application site area and the development proposed far

exceeds the amount that could be provided under permitted development and would be permanently in place for 12 months, as opposed to being removed from the site after each filming period as required by the PDR. Furthermore, it is far from clear that prior approval would be granted in view of the transport and highways impact of the proposal. Accordingly, this consideration is given limited weight. Based on the limited information submitted, only limited weight is given to the lack of alternatives to the application site.

9.78 Having regard to the supporting information provided, significant weight is given to the economic benefits arising from the proposal, (as required by paragraphs 80 and 82 of the NPPF). The claimed economic benefits may be limited by the remoteness of the site to Bracknell, although closer centres at Bagshot and Ascot may benefit. These benefits would be limited due to the temporary nature of the proposal, although it may result in long term benefits by securing further investment into the UK's Film and TV Industry. It is also a possibility that despite the temporary nature of this application, should it be permitted, further similar applications may be made in the future as an expectation of a successful outcome would have been created. Should this happen, the economic benefits may become recurring.

9.79 Given the weighting attributed to the other considerations set out above and, as the test requires that for 'very special circumstances' to exist the harm to the Green Belt and any other harm must be clearly outweighed by other considerations, it is not considered that this test has been met in this case. Therefore, the proposed development is considered to result in harm to the Green Belt by reason of inappropriateness and that this harm and other harm identified is not clearly outweighed by any other considerations. In addition, the proposal as it stands would result in an unacceptable impact on highway safety, would result in harm to the character and appearance of the area and has not demonstrated that it would not have a detrimental impact on biodiversity. For these reasons refusal is recommended.

10. RECOMMENDATION

That the Head of Planning be authorised to refuse the application for the following reasons:

1. The proposed development constitutes inappropriate development within land designated as Green Belt, and as such is contrary to Saved Policies GB1 and GB2 of the Bracknell Forest Borough Local Plan; Policy CS9 of the Core Strategy Development Plan Document and paragraphs 143-146 of the National Planning Policy Framework. The applicant has not demonstrated that any very special circumstances exist that would outweigh the potential harm to the Green Belt by reason of inappropriateness or any other harm.
2. The proposal, by reason of its siting, design and scale, would detract from the rural character and appearance of the area and be detrimental to the enjoyment of its recreational value. This is contrary to Saved Policy EN20 of the Bracknell Forest Borough Local Plan and paragraph 170 of the NPPF.
3. The proposal fails to provide a safe access to the site from Swinley Road. This will result in an unacceptable detrimental impact to highway safety. The proposed development is therefore contrary to Saved Policy M4 of the Bracknell Forest Borough Local Plan and Core Strategy Policy CS23 and paragraphs 108, 109 and 110 of the NPPF.
4. The applicant has not demonstrated that off-site parking options are available or feasible. In the absence of secured off-site parking the proposed amount of car parking on site is insufficient which is likely to lead to overspill parking or parking obstructing the highway to the detriment of road safety and/or biodiversity. The proposed development is therefore contrary to Saved Policies EN20 and M9 of the Bracknell Forest Borough Local Plan and Core Strategy Policies CS1, CS7 and CS23.

5. It has not been demonstrated that biodiversity can be adequately protected and enhanced. As such, the development would be contrary to Policy EN20 of the Bracknell Forest Borough Local Plan and Policies CS1 and CS7 of the Core Strategy Development Plan Document and paragraphs 170 and 175 of the NPPF.

Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application. However, given the fundamental concerns with the proposal it has not been possible to negotiate a satisfactory way forward, and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

02. This refusal is based on the following plans:

- PL-010-Site Location Plan
- PL-100-Proposed Block Plan
- PL-200-Proposed Structures - Plans and Elevations

ITEM NO: 6

Application No.
21/00262/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
10 March 2021

Target Decision Date:
5 May 2021

Site Address:

**Kenrick Chavey Down Road Winkfield Row Bracknell
Berkshire RG42 7PB**

Proposal:

Single storey front extension to provide additional accommodation ancillary to the main dwelling.

Applicant:

Mr and Mrs Neil and Tracey Tompkins

Agent:

Mr Bill Lascelles

Case Officer:

Alexander Ralph, 01344 352000

development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

- 1.1 The proposal is for the erection of a single storey front extension.
- 1.2 The proposed development is within the settlement boundary. It is not considered that the development results in an adverse impact on the streetscene or the character and appearance of the area. The relationship with adjoining properties is acceptable and adequate parking can be provided.

RECOMMENDATION
Planning permission be granted subject to the conditions set out in Section 11 of this report.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application is being considered by the Planning Committee as more than five objections have been received.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Inside settlement boundary
Within 5km of SPA
Character Area (Northern Villages Study Area, Area D Winkfield Road South)

- 3.1 The application site is located within the settlement boundary and relates to a 4-bedroom detached bungalow. The site is located in a character area, Area D of the Northern Villages Study Area as defined by the Character Area Assessments SPD. This assessment states that the built form in this area is varied, with a variety of boundary treatments.

4. RELEVANT SITE HISTORY

- 4.1 The relevant planning history is set out below:

601006- Erection of single storey rear extension.
Approved 1975.

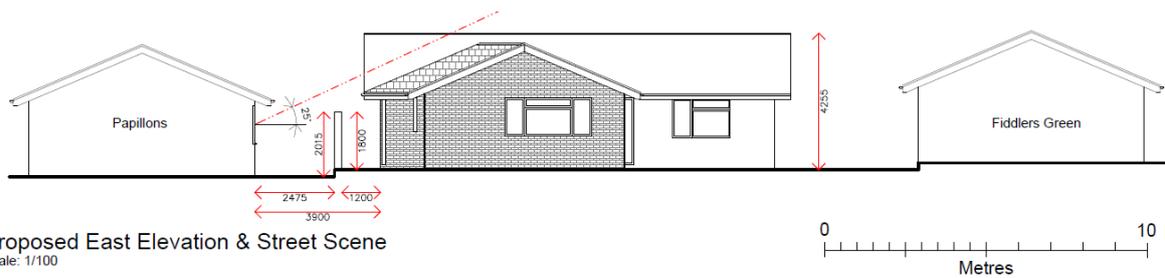
601535- Erection of single storey extension forming utility room and WC.
Approved 1976.

5. THE PROPOSAL

- 5.1 The proposal is for a single storey front extension measuring a maximum of 9.40 metres in depth, a maximum of 3.88 metres in height, and 6.27 metres in width. The extension would provide a bedroom, wet room, kitchenette/living area for the applicant's disabled family member allowing a level of independence whilst receiving family support.



Proposed Site and Block Plan



Proposed Front Elevation



Proposed Floor Plan

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Winkfield Parish Council recommended refusal, stating that due to the increased elevation of this property compared to its surroundings, the size and bulk of the proposed development will be overbearing, making the neighbouring bungalow subordinate, causing loss of amenity to neighbouring properties and a detrimental impact on the street scene, and this would be therefore an unacceptable design elements.

Other representations

6.2 12 objections have been received from 11 addresses. The issues raised can be summarised as follows:

- Concern regarding the character and appearance of the streetscene due to the proposal.
- Issues regarding parking.
- Concern regarding the impact of the proposal on the residential amenity of neighbouring properties.

6.3 There have also been 3 support comments from 3 addresses. The issues raised can be summarised as follows:

- The proposal would improve the appearance of the streetscene
- The proposal would improve the quality of life for the occupier.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 Any comments received will be reported in the supplementary report. However, it is considered that parking for three vehicles can be achieved on the site.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary strategic planning considerations applying to the site and the associated policies are:

	Development Plan	NPPF
General policies	CP1 of SALP,	Not fully consistent
	CS1, CS2 of CSDPD	Consistent
Residential amenity	Saved policy EN20 of BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Parking Standards SPD		
Design SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Community Infrastructure Levy

i. Principle of development

9.2 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, which is supported by the NPPF (paras. 2 and 12). Policy CP1 of the Site Allocations Local Plan sets out that a positive approach should be taken to considering development proposals (which reflects the presumption in favour of sustainable development set out in the NPPF), and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.3 Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements.

ii. Impact on character and appearance of the area

9.4 The design is considered to be in keeping with the existing dwelling and matching materials are proposed. Papillons is set approximately 9.41 metres further forward than the existing dwelling of Kenrick at present, and the front elevation of the proposal would not project further than the front elevation of Papillons. There is approximately a 7.00

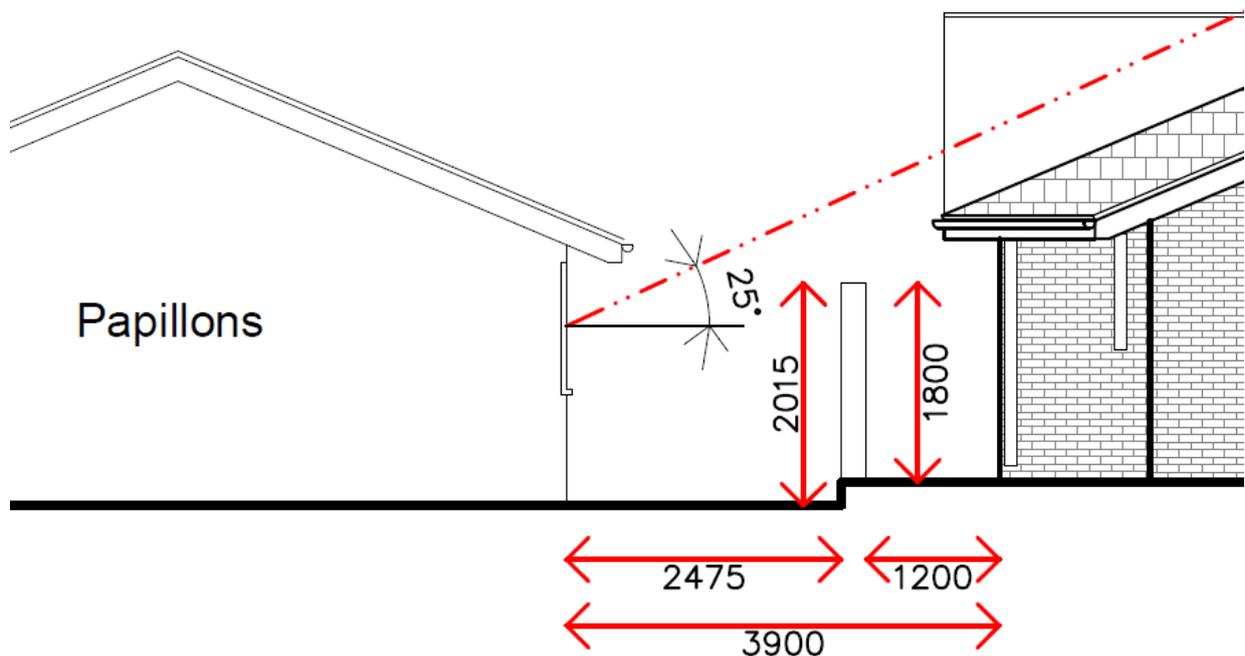
metre separation gap between the extension and the side boundary of Fiddlers Green which would provide a transition between the front elevations of Papillons and Fiddlers Green.

9.5 Subject to the proposed condition regarding materials, it is not considered that the development would not result in an adverse impact on the character and appearance of the area or the host property, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF.

iii. Impact on Residential Amenity

9.6 The nearest dwellings to the application site are “Papillons”, located to the north of the application site, and “Fiddlers Green” located to the south. A window serving a bathroom would be the only window facing “Papillons”. The agent has provided a loss of light assessment to show the loss of light to neighbour dwellings is within acceptable parameters.





Loss of light assessment to side facing windows

9.7 The plans show a 3.9 metre separation gap between “Papillons” and the proposed extension (2.91 metres if counting the roof overhangs of the proposal to the overhang of “Papillons”). A loss of light assessment has been undertaken in accordance with BRE guidelines to assess the impact of the proposal on the side facing windows of “Papillons” with a 25-degree angle drawn from the approximate centre position of windows situated on the side of “Papillons”. The plan takes into account the levels changes between the two properties and indicates that the 25-degree line does not intersect with any part of the proposal, and therefore any light loss is considered to be acceptable.



9.8 To the south of the application site is “Fiddlers Green.” There is a 11.72 metre separation distance from the south facing element of the proposal to the nearest point of the dwelling of “Fiddlers Green”. At this distance, no loss of light to habitable rooms at Fiddlers Green would result due to the separation between the dwellings.

9.9 It is noted that a side facing ground floor window in the proposed extension would look towards "Fiddlers Green". However, due to the ground floor nature of this window, plus the fact that the view from it would be partially obscured by part of the existing dwelling of "Kenrick, it would not be considered that overlooking would be so adverse to warrant refusal of the application .

9.10 The proposal is considered to comply with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF.

iv. Transport implications

9.11 It has been demonstrated that parking for three vehicles can be achieved at the site in line with the maximum amount for the Bracknell Forest Parking SPD (2016) for a property with 4 or more bedrooms although the parking plan submitted with the application shows that parking for six vehicles.

viii. CIL

9.12 The Council, in consultation with Natural England, has formed the view that any net Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.13 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) the creation of additional dwellings.

9.14 In this case, the proposal would not be CIL liable as it does not comprise the creation of new dwellings.

10. CONCLUSIONS

10.1 The proposed development is within the settlement boundary where the principle of development is acceptable. The proposal would not have any adverse impacts on the character of the area, residential amenity or highway safety. A condition is recommended to ensure that the accommodation remains ancillary to the main dwelling.

10.2 The application is therefore recommended for conditional approval.

11. RECOMMENDATION

11.1 That the Head of Planning be **AUTHORISED** to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary: -

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act.

2. The development shall be carried out only in accordance with the following approved plans, and other submitted details, received on 13.05.2021 and 02.06.2021 by the Local Planning Authority.

Drawings received on 13.05.2021:

SHADOW - 3D VIEW OF PROPOSED AT 12PM 21ST DECEMBER
SHADOW - 3D VIEW OF PROPOSED AT 3PM 21ST DECEMBER
SHADOW - 3D VIEW OF PROPOSED AT 9AM 21ST DECEMBER
SHADOW - PROPOSED 12PM 21ST DECEMBER
SHADOW - PROPOSED 12PM 21ST JUNE
SHADOW - PROPOSED 12PM 21ST MARCH
SHADOW - PROPOSED 3PM 21ST DECEMBER
SHADOW - PROPOSED 3PM 21ST JUNE
SHADOW - PROPOSED 3PM 21ST MARCH
SHADOW - PROPOSED 9AM 21ST DECEMBER
SHADOW - PROPOSED 9AM 21ST JUNE
SHADOW - PROPOSED 9AM 21ST MARCH

Drawings received on 02.06.2021:

2021- 1399- PL SHEET 1 REV A

2021- 1399- PL SHEET 3 REV A

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be similar in appearance to those of the existing dwelling.

REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, CSDPD CS7]

4. The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse, "Kenrick" Chavey Down Road, Winkfield Row, Bracknell, Berkshire, RG42 7PB, and shall at no time form a separate dwelling.

REASON: The creation of a separate unit would require mitigation measures.
[Relevant Policies: SEP NRM6, Core Strategy DPD CS14, BFBLP EN3]

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. No details are required to be submitted in relation to the following conditions; however, they are required to be complied with:

1. Time Limit
2. Approved Plans
3. Materials
4. Ancillary Use

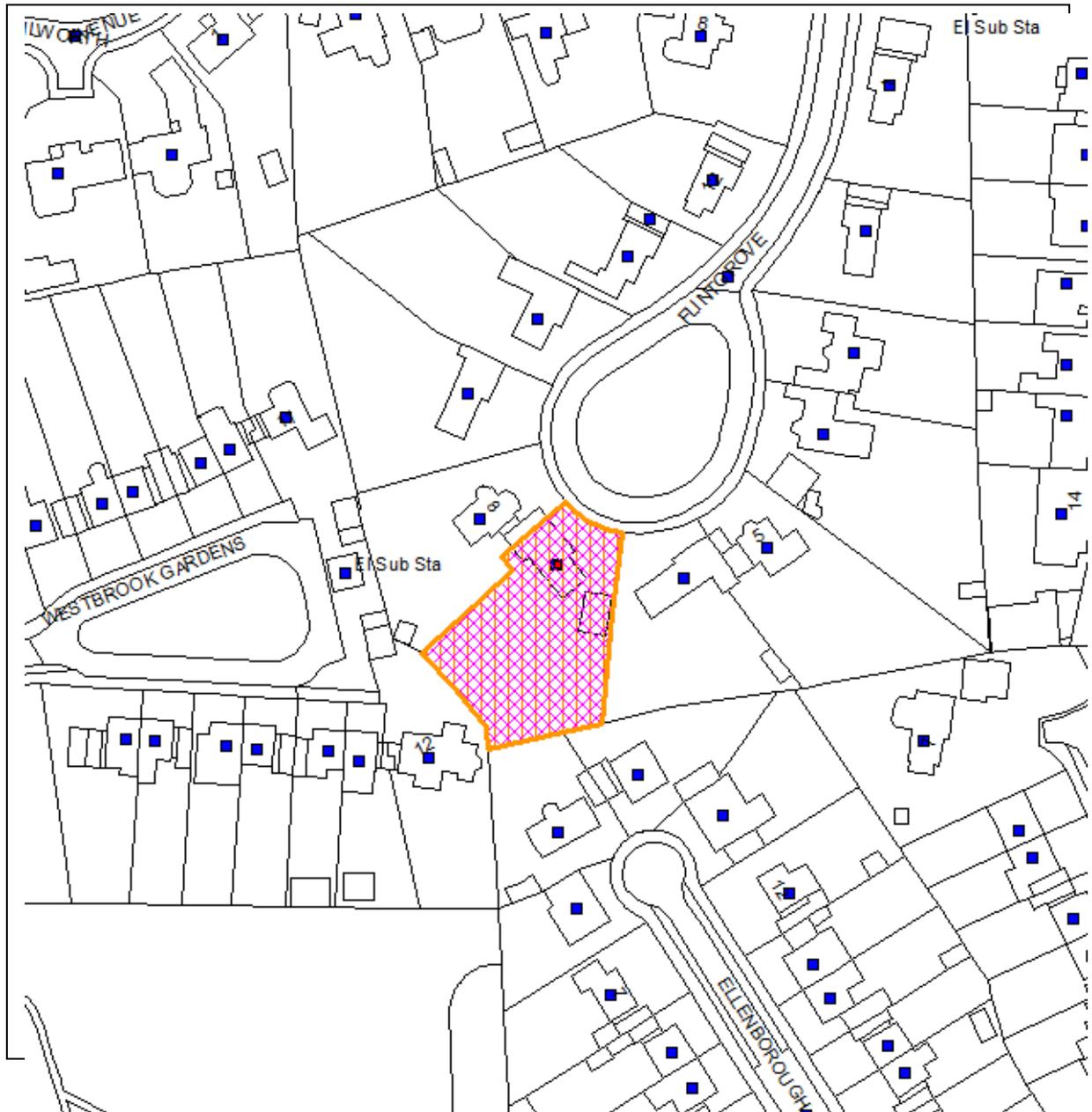
3. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
4. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed on-line at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk

ITEM NO: 7			
Application No. 21/00224/FUL	Ward: Bullbrook	Date Registered: 1 March 2021	Target Decision Date: 26 April 2021
Site Address: 7 Flint Grove Bracknell Berkshire RG12 2JN			
Proposal: Installation of a detached pre-fabricated garden building within the rear garden to be used for ancillary use (C3) and pre-school classes (F1).			
Applicant: Mr & Mrs Arden			
Agent: Mr Scott Allen			
Case Officer: Olivia Jones, 01344 352000 development.control@bracknell-forest.gov.uk			

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



OFFICER REPORT

1. SUMMARY

- 1.1 Full planning permission is sought for the erection of a detached building for mixed use as ancillary residential outbuilding linked to 7 Flint Grove (class C3), and for pre-school classes (class F1).
- 1.2 The development relates to a site within the settlement boundary. It is not considered that the development results in an adverse impact on the streetscene or the character and appearance of the area or highway safety. The relationship with adjoining properties is considered acceptable.

RECOMMENDATION

Planning permission be granted subject to conditions in Section 11 of this report

2. REASONS FOR REPORTING THE APPLICATION TO PLANNING COMMITTEE

- 2.1 The application has been reported to the Planning Committee at the request of Councillor Dudley on parking provision and highway safety grounds.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

- 3.1 7 Flint Grove is a two storey semi-detached property. The application site is located within the defined settlement boundary, within an area predominantly residential in character.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history is summarised as follows:

The building was constructed under Section 6/1 of the New Towns Act 1965

15/00153/FUL

Erection of a detached garage to side following demolition of existing conservatory
Approved 2015

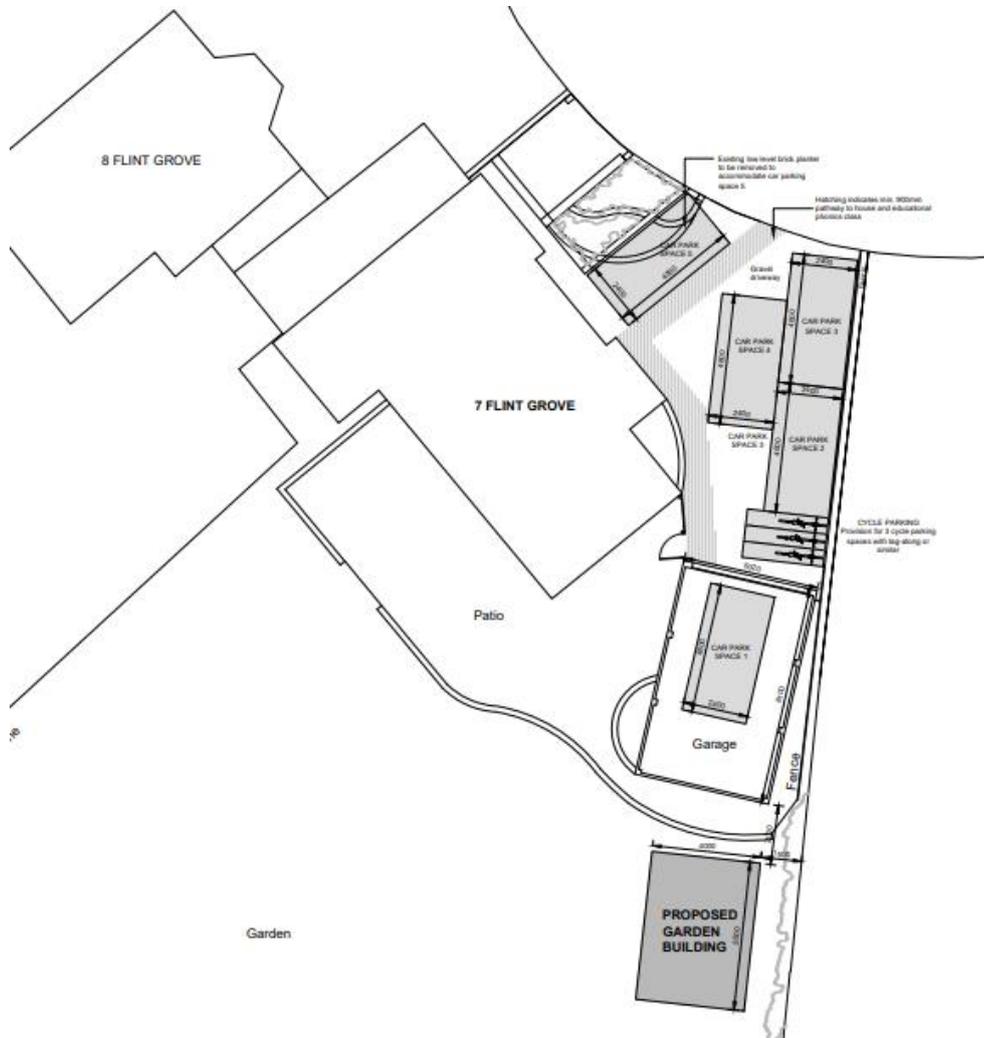
15/00530/FUL

Erection of part two storey part single storey front and side extensions following demolition of garage and conservatory.
Approved 2015

5. THE PROPOSAL

- 5.1 It is proposed to erect an outbuilding within the rear garden of 7 Flint Grove for a mixed use comprising ancillary residential use to the occupants of 7 Flint Grove (use class C3), and for providing music classes for pre-school children (use class F1).
- 5.2 The proposed building would be located in the rear garden of 7 Flint Grove and would have a depth of 5.5 metres, a length of 4 metres and a height of 3.37 metres.

5.3 It is proposed to use the building for phonics classes for children aged 1-4. Up to 6 children (and their parents) would be present per class, and each class would run for 45 minutes. Two classes would be run per day, within the working hours of 9:30am – 2:45pm Monday to Friday. All activity will take place inside the building.



6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 Objection on the following grounds:

- (i) The peak times for traffic caused by this business will clash with the local residents in this small Cul-de-Sac causing an extra burden on traffic for the residents.
- (ii) Bringing a commercial business to a small residential space is out of keeping for this quiet area.

Other Representations

6.2 Letters of objection from the occupants of two properties have been received raising the following concerns:

- (i) Noise disturbance
- (ii) Insufficient parking provision and highway safety concerns
- (iii) Additional traffic would have adverse impact on character of area
- (iv) Commercial uses should not be allowed in a residential area

6.3 Letters of support from the occupants of six properties have been received.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 No objection subject to suitable conditions

Environmental Health

7.2 No objection subject to suitable conditions

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and associated guidance applying to the site are:

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	Consistent
Design and Character (including heritage)	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential Amenity	Saved policies EN1, EN2, EN20 and EN25 of BFBLP	Consistent
Highways	CS23 of CSDPD, Saved policy M9 of BFBLP	Consistent
Supplementary Planning Documents (SPDs)		
Design (2017) Parking Standards (2016)		
Other publications		
National Planning Policy Framework (NPPF) Building Research Establishment: Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice 2011 (BRE SLPDS)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- (i) Principle of the Development
- (ii) Impact on the character and appearance of the area
- (iii) Impact on residential amenity
- (iv) Highway safety consideration

i. Principle of Development

9.2 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, which is supported by the NPPF (paras. 2 and 12). Policy CS2 of the CSDPD states that development will be permitted within defined settlements. This is provided that the development is consistent with the character, accessibility and provision of infrastructure and services within that settlement. The above policy is considered to be consistent with the NPPF, and as a consequence is considered to carry significant weight.

9.3 The site is located in a residential area that is within a defined settlement on the Bracknell Forest Borough Policies Map (2013). As a result, the proposed development is considered acceptable in principle, subject to no adverse impact on the amenity of the neighbouring occupiers and upon the character and appearance of the area.

ii. Impact on Character and Appearance of Surrounding Area

9.4 'Saved' policy EN20 of the BFBLP states that development should be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials etc. Policy CS7 of the CSDPD states that the council would require high quality design for all development in Bracknell Forest. Development proposals would be permitted which build on the urban local character, respecting local patterns of development. Paragraph 124 of the NPPF emphasises the importance of good design as key to making places better for people to live. Additionally, paragraph 130 of the NPPF states that the design of development should help improve the character and quality of an area and the way it functions.

9.5 The outbuilding would be located within the rear garden and therefore would not have a prominent impact on the character of the area. While large, the building is not out of keeping in a residential rear garden.

9.6 It is proposed to use the building for a combination of ancillary residential use and commercial use. The use of the building as a residential outbuilding would not be considered excessive in relation to the plot size, and it is not considered that the use of the building for commercial use would result in an additional impact on the appearance of the area.

9.7 Concern has been raised that any increase in traffic would adversely affect the character of the area. As set out in section (iv) any increase in on-street parking would be modest, and therefore it is not considered there would be an over proliferation of vehicles within Flint Grove to the detriment of its character.

iii. Impact on Residential Amenity

9.8 'Saved' policy EN20 of the BFBLP states that development will not adversely affect the amenity of surrounding properties and adjoining area. Paragraph 127 of the NPPF states that the Local Planning Authority should ensure high quality amenity for all existing and future occupants of land and buildings.

9.9 Given the single storey nature of the building and its distance to the nearest neighbouring properties it would not be considered to cause unacceptable impacts on residential amenity by reason of its size and massing.

9.10 A Noise Assessment has been submitted by the applicant and reviewed by the Environmental Health Officer. It has been advised that, subject to a condition restricting all activity to the inside of the building, the proposed use is unlikely to have a significant adverse impact on the amenities of the neighbouring occupiers.

9.11 Should unacceptable levels of noise occur, this planning permission does not override the powers of environmental health legislation to control noise nuisances.

iv. Transport and Highways Considerations

9.12 Policy CS23 of the CSDPD states that the council will use its planning and transport powers to reduce the need to travel, increase the safety of travel, promote alternative modes of travel and promote travel planning. 'Saved' policy M9 of the BFBLP states that development will not

be permitted unless satisfactory parking provision is made for vehicles and cycles. The supporting text to this policy states that the standards set out in the Bracknell Forest Borough Parking Standards, Supplementary Planning Document 2016 (SPD) can be applied flexibly in certain circumstances.

- 9.13 Five off-street parking spaces can be provided within the application site. Three of these spaces would be required for the occupants of the existing dwelling, allowing two off-street parking spaces for visitors to the phonics class. There is also likely to be on-street space available to park a further vehicle adjacent to the low-level brick planted and former driveway (permitted to be removed in 2015), subject to this not being used by others. This would require half of parents to arrive by modes of travel other than private car.
- 9.14 Secure cycle storage can be provided within the existing garage for the bicycles of the residents of 7 Flint Grove. Side access into the rear garden would allow for secure storage of cycles in the garden for the visitors during music classes.
- 9.15 It is considered that sufficient provision for visitors to the music classes would be provided, and any on-street parking would be minimal and would not be considered to have a significant adverse impact on highway safety.

10. CONCLUSIONS

10.1 It is considered that the development is acceptable in principle and would not result in an adverse impact on the character and appearance of the surrounding area, highway safety or the residential amenities of the occupiers of the neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policies of the BFBLP, Policies of the CSDPD, BFBC SPDs and the NPPF.

11. RECOMMENDATION

11.1 That the Head of Planning be authorised to **APPROVE** application 21/00224/FUL subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details:

Location Plan (01) – Received 01.03.21

Proposed Plans and Elevations (05/A) – Received 10.05.21

Specifications of Garden Room – Received 01.03.21

Design and Access Statement (annotated) – Received 26.03.21

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

03. The development hereby approved shall not be occupied until the associated vehicle parking and turning spaces have been provided in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

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]

04. The development hereby approved shall not be occupied until the associated cycle storage has been provided in accordance with the approved drawing. The cycle parking spaces and facilities shall thereafter be retained.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
05. The building hereby approved shall only be used for pre-school classes during the following hours:
09:30 to 14:45 hours Monday to Friday (excluding public holidays)
At all other times the building shall be used only for purposes ancillary to the residential use of 7 Flint Grove.
REASON: To prevent unacceptable impacts on residential amenity.
06. There shall be no more than 6 children present in connection with the pre-school classes within the building hereby approved at any one time.
REASON: To prevent unacceptable impacts on residential amenity.
07. The pre-school classes shall be undertaken exclusively within the building hereby approved, and no activities in connection with the pre-school classes shall take place outside the approved building.
REASON: To prevent unacceptable impacts on residential amenity.

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:
(1) Time limit
(2) Approved plans
(3) Parking
(4) Cycle parking
(5) Hours of operation
(6) Number of children
(7) Restriction of classes to inside of building
03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.
04. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.
05. This planning permission does not grant consent for a dropped kerb. The Highways and Transport Section should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000 or via email at Highways.Transport@bracknell-forest.gov.uk , to agree the access construction details and to grant a licence before

any work is carried out within the highway. A formal application should be made allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements and licences to undertake the work. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.