

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:

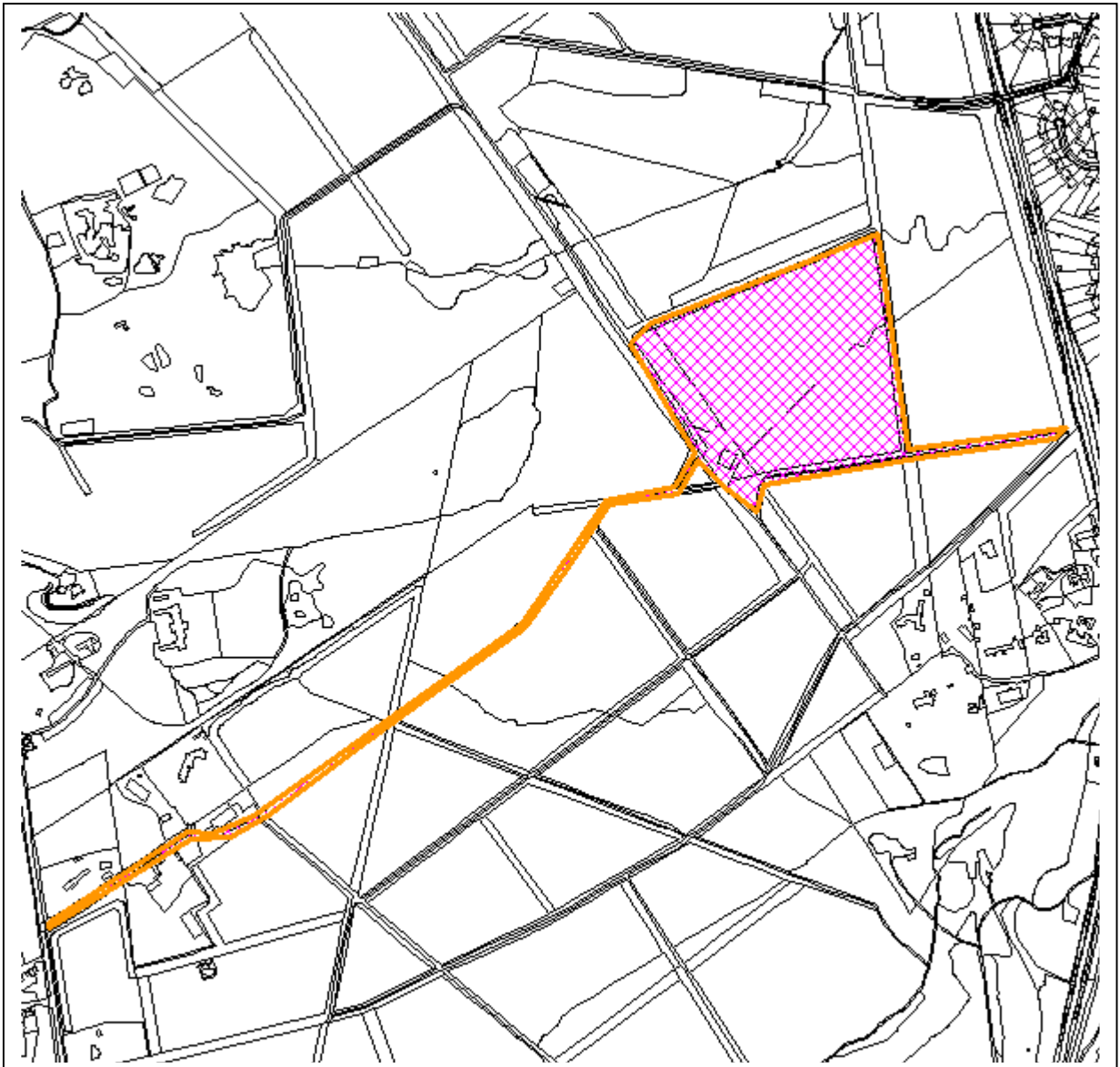
Ms J Long

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

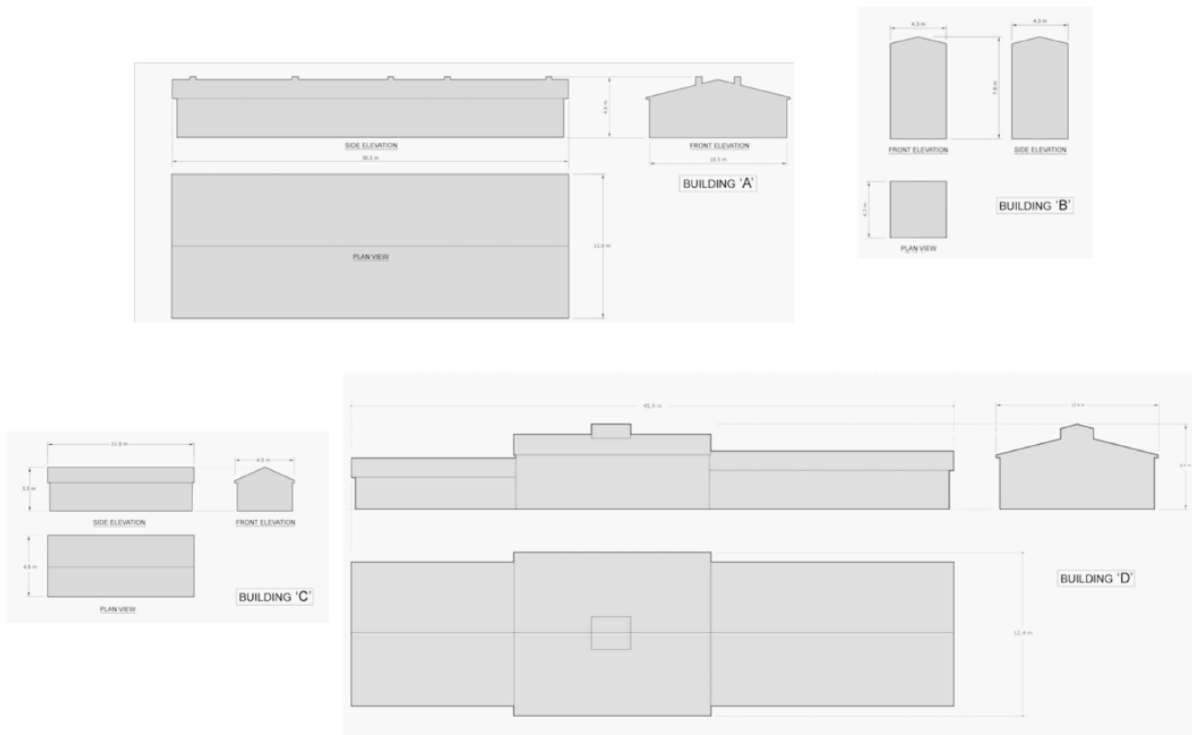
5.1 Planning permission is sought for the temporary use of land for film making including the creation of a film set on the land, to allow for the filming of a television series for a US Production company. Filming use of the land is required for a 12-month period, with filming proposed to occur over 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