

## DEVELOPMENT CONTROL PANEL

19 May 2021

Item: 2

<b>Application No.:</b>	20/03418/FULL
<b>Location:</b>	Land Adjacent To The Drawery Windsor Great Park Windsor
<b>Proposal:</b>	Change of use of land for construction of film set and use of associated land for parking and storage purposes for a 5 year period
<b>Applicant:</b>	Mr Hood
<b>Agent:</b>	Mrs J Long
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Ascot & Sunninghill

**If you have a question about this report, please contact:** Susan Sharman on 01628 685320 or at [susan.sharman@rbwm.gov.uk](mailto:susan.sharman@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 The proposal is inappropriate development in the Green Belt and would result in loss of openness in the Green Belt and lead to encroachment of development in the countryside. This harm to the Green Belt is given substantial weight. In addition, the proposed development, on an existing open field, would be an incongruous feature harmful to the rural character and appearance of the area and detrimental to the recreational value of the adjacent public footpath. Accordingly, significant weight is given to this harm.
- 1.2 Due to insufficient information, it has not been demonstrated that the proposal would not adversely affect protected species or their habitats within the vicinity of the site. Accordingly, significant weight is given to this potential harm.
- 1.3 Although Permitted Development Rights exist that would enable the change of use of the land for filming purposes, together with the siting of structures required in association with filming, this relates to a significantly smaller area (1.5 hectares) compared to the application site. It does not therefore, represent a realistic fall-back position and can only be given limited weight. Likewise, due to insufficient information, only limited weight is given to the lack of alternative sites available for filming and the potential social and environmental benefits resulting from revenue received as a result of the development. There would, however, be economic benefits resulting from the proposed development, which national planning policy states should be given significant weight.
- 1.4 In general, the harm caused by the proposal would be limited to 5 years. Similarly, any benefits would also generally be limited to the same temporary period.
- 1.5 The National Planning Policy Frameworks makes clear that inappropriate development should not be approved except in very special circumstances and that "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.". In this case, the "other considerations" do not clearly outweigh the harm to the Green Belt and the other harm specified and, therefore 'very special circumstances' do not exist.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):**

1.	The proposal is inappropriate development in the Green Belt and would result in loss of openness to the Green Belt and lead to encroachment of development in the countryside. 'Very special circumstances' do not exist in this case to justify granting planning permission and the proposal is contrary to policies GB1 and GB2 (A) of the Local Plan and paragraph 143 of the NPPF.
2.	The proposal would detract from the rural character and appearance of the area and be detrimental to the recreational value of the public footpath. Insufficient information has been submitted to demonstrate that protected species and/or their habitats would not be adversely affected by the proposal. The proposal is therefore contrary to Local Plan policies N6 and DG1, adopted policies NP/EN4 and NP/EN5 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan (ASSNP) and paragraphs 170 and 175 of the NPPF.

## 2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located in a central position within Sunninghill Park, Windsor Great Park and covers approximately 6.8 hectares. It is predominantly an open, arable field bordered by a concrete track to the east, with woodland and lake (Great Pond) beyond, paddocks to the south, woodland to the west and a continuation of arable fields to the north.
- 3.2 The site can be accessed by way of three established private estate tracks: i) from Watersplash Lane from the south east; ii) from the access track through the Royal Ascot golf club from the west; and iii) from the north east from Sunninghill Road (B383).
- 3.3 The site lies adjacent to the border with Bracknell Forest Borough Council.

## 4. KEY CONSTRAINTS

- 4.1 The main planning constraint relates to the site's location within the Green Belt and its proximity to Ancient Woodlands.

## 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal involves the creation of a film set to allow for the filming of a television series (Bridgerton) for Netflix (a US Production company). Given the nature of the TV series, the set is required for 5 years, to allow for filming to take place on an annual basis for each series. It is unlikely that filming will occur for more than 8 weeks in any one calendar year and is more likely to only take place for six weeks. In the intervening periods the set pieces would remain in place but unused.
- 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 (for up to 150 cars) on film weeks. This area will lie to the immediate east of the set build nearest the track and project west towards the set build if required.
- 5.3 The proposal involves a set build that recreates a London Square (Regency). The set covers an area of 120m x 120m and does not involve actual buildings but scaffolding with frontages to have the appearance of buildings around a square. A timber fascia

is applied to the scaffold frame and painted/dressed to have the appearance of a stone building. The maximum height of the set structures is 12.8m. None of the 'buildings' will be enclosed or have roofs.

- 5.4 The scaffolding frame is weighted with the benefit of water containers to give stability, rather than digging foundations. This allows the works to be reversible at the end of the period of use so that the land will be reinstated to grassland.
- 5.5 The set will be constructed to have the appearance of buildings around a square, in the centre of which will lie an 'arcade'. This is formed of two parallel rows of 'buildings/shops', with a covered canopy roof, which will be enclosed and watertight. This area will provide weather cover in bad weather and allow outside filming to continue.
- 5.6 In addition, the associated activities will include a unit base for a portacabin site office, independent power and water supply, tech area and storage containers, a marquee for costumes and dining and construction and general waste skips. The majority of these facilities will only be brought onto site during filming week.
- 5.7 If permission is granted works on site would start immediately. Filming would take place each year (probably during the summer months)
- 5.8 A previous application 20/02574 for the same proposal was withdrawn in December 2020. No other planning history is relevant to the consideration of the application.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2(A)
Highways	P4 AND T5
Trees	N6

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

### Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Environmental policies: trees, biodiversity, wildlife corridors.	EN2, EN4, EN5

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy>

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 6 – Building a strong and competitive economy

Section 13- Protecting Green Belt land

Section 16- Conserving and enhancing the historic environment

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Rural Development	SP5
Nature Conservation & Biodiversity	NR3
Trees	NR2

### **Borough Local Plan: Submission Version Proposed Changes (2019)**

Issue	Local Plan Policy
Rural Development	QP5
Nature Conservation & Biodiversity	NR2
Trees	NR3

- 7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

- 7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector’s post hearings advice letter was received in March 2021. The next stage will be for main modifications to be carried out and consulted upon.
- 7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

## Other Local Strategies or Publications

- 7.4 Other Strategies or publications material to the proposal are:
- RBWM Landscape Assessment

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

37 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 13<sup>th</sup> January 2021 and the application was advertised in the Local Press on 24<sup>th</sup> December 2020.

35 letters were received supporting the application, summarised as:

Comment	Where in the report this is considered
1. <u>British Film Commission (BFC)</u> The BFC is the UK Government's national organisation responsible for supporting inward investment for film and TV production in the UK, funded by the Department for Digital, Culture, Media and Sport (DCMS) and the Department for International Trade, with corporate sponsorship from key films and TV clients.	All comments from the BFC are noted and considered in paragraphs 9.64 – 9.68 below.
The BFC works closely with the US content streaming platform, Netflix to support their many UK-based productions. Netflix has become one of the UK's most valuable investment clients, financing billions of pounds of production in the UK and creating thousands of UK jobs. Netflix has doubled its UK production budget recently to \$1 billion, following the global success of UK-based shows including <i>The Crown</i> and <i>Sex Education</i> .	-
Despite the impact of the COVID-19 pandemic, Netflix is producing more than 50 shows in the UK. The BFC is currently working with Netflix to facilitate the production of a major multi-season project in the UK. In order to accommodate the series, in addition to their studio space, they need an exterior space for an exterior base and set-builds. A suitable site, Sunninghill Park, has been identified as an ideal location due to its proximity to their main filming base and to the largest crew, talent and film and TV infrastructure hub in Europe, which is located in the Western Home Counties. The Crown Estate, who own the land, is supportive of Netflix's plans. As such, the BFC is writing to support Netflix's planning application.	-

	<p>Film, TV and wider Creative Industries are the fastest growing sector, growing at five times the rate of the UK economy as a whole. Due to growing demand for filmed content, the film and TV Industry has become increasingly valuable in terms of employment and investment.</p> <p>Film production spend in the UK has increased by 24% in the last five years, with high-end TV (HETV) spend increasing by a remarkable 93%. In an unprecedented year, feature film and HETV spend in Financial Year 2019/20 was £3.6 billion, £200 million higher than the previous 12 month period and the highest since records began.</p>	-
	<p>The UK Government recognises that the film and TV Industry is a unique economic and cultural proposition, highlighting “the impact that creative anchor institutes can have on pride and economic performance in an area”, and how creative businesses and local investment increase employment and share spill-over benefits across the area and the supply chain.</p>	-
	<p>The TV and film industry is also central to the UK’s COVID-19 recovery efforts. Following the release of the Government endorsed ‘Working safely During COVID-19 in Film and High-end TV Drama Production guidance’ by the BFC on 1<sup>st</sup> June, we have seen an immediate uptick in new film and TV enquiries, with the restart of the majority of major feature films and HETV projects in the UK. The Government’s announcement of a new £500 million scheme, that will allow film and TV productions struggling to secure insurance for Covid-related costs to get back up and running in the UK, has further boosted this sector. This support, despite ongoing challenges presented globally by the Covid-19 pandemic, has positioned the UK perfectly to accommodate a wealth of current and future film and TV productions.</p>	-
	<p>The BFC is fully supportive of Netflix in this planning application.</p>	Noted.
2.	<p><u>Household Pictures Ltd (on behalf of the Netflix/Shondaland Production of ‘Bridgerton’)</u></p> <p>The Covid-19 pandemic has brought a number of business sectors to a standstill with national lockdowns. In March 2020 the film industry closed productions and the vast majority of self-employed crew were without income and ability to access the furlough scheme. Netflix, as with many of the streaming services, has provided solace over this period to their 13 million subscribers in lockdown. This is, in the main, due to the considerable content which Netflix has commissioned in the UK. Shows like Witcher, Sex Education, The Crown and Bridgerton (to which this planning application specifically relates) have become very popular and all were made in the UK.</p>	All comments from this representation are noted and considered in paragraphs 9.64 – 9.71.

<p>During the pandemic, Netflix has also worked to support out-of-work film crew with over \$150 million in donations to financial support projects across the globe and is now investing heavily in training schemes to assist people to get back to work. Netflix continues to support the UK Film Industry and the UK is its No.1 base outside the USA.</p>	-
<p>The application site will be used as a build space for filming locations for the Bridgerton Series that cannot be sourced elsewhere. The site is close to the main Studio and Production base in Uxbridge and provides good access to the amazing locations of Great Windsor Park which were used in Series One.</p>	-
<p>The Bridgerton Series has been No.1 on the series listings for Netflix across the world with some 53 million households having watched the show. The series is based on the 8 books written by Julia Quinn which have now for the first time featured in the NY Times and Sunday Times best seller lists. It has also become very popular across social media and drawing critical plaudits from across the world. Bridgerton has quickly become a stand-out production for the UK Film Industry, in the same vein as Downton Abbey and The Crown, and is expected to continue with multiple series.</p>	-
<p>The application site will be used across a number of series to create different sets and exterior locations that are impossible to replicate in the public domain and will require a considerable amount of support during the construction, filming and maintenance periods. As Creative England's letter of support points out the flow of spend into the local community is estimated to be between £22-42,000 per day.</p>	-
<p>The Bridgerton production would rest in the higher spend bracket mentioned above and in an effort to reduce our carbon footprint , we will try to resource products, materials and services locally where possible – ranging from local hotels and accommodation, building supplies, local transportation, specialist contractors (plumbers, electricians etc and local food produce to feed the cast and crew. Local employment opportunities will also be created to assist with film crew work, supporting actor roles and security. In addition to direct production spend the crew would contribute to local shops and services during their time at the production base.</p>	-
<p>Over the period of 5 years a considerable amount of cast and crew will be needed to create, maintain and film at the location. Local businesses will see the benefits throughout the life cycle of this project, and it is hoped that the use of the site for this production will provide many local businesses, which have suffered during the pandemic, with a well-deserved boost.</p>	-

3.	<p>From Creative England: Creative England is the national agency that provides support to the creative industries in England, outside London. Funded by Central Government via the British Film Institute, Creative England supports international and domestic film and TV production to shoot in England and works to improve the environment for filming in England. We are in close collaboration with the British Film Commission, working to attract inward investment from film and TV production.</p> <p>Creative England would like to extend their full support to the temporary planning application to Royal Borough of Windsor and Maidenhead by Windsor Great Park for filming purposes, associated storage and parking for a five-year period.</p>	All comments from Creative England are noted and considered in paragraphs 9.64 – 9.71 below.
	<p>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, a 17% increase on the previous year's £1.84 billion and the second highest figure since statistics were first recorded. 2019 also saw the second highest level of spend by international filmmakers ever recorded, reaching £1.77 billion. 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, 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.</p>	-
	<p>Against the backdrop of the COVID-19 pandemic, the UK Government has made sector specific interventions including a £500 million Film and TV Production Restart Scheme to help domestic film and TV productions which are struggling to get coronavirus related insurance which they need to get back up and running. Over 85% of high-end UK productions are safely starting up again, creating the outstanding content in demand by audiences globally, and generating much-needed expenditure and supporting more than 180,000 jobs to drive the UK's economic and social recovery.</p>	-
	<p>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. 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.</p>	-

	<p>Windsor Great Park's proximity to the M25, Central London and the largest Studios in the UK in addition to the site's unique attributes such as its 4,800 acres of varied scenic locations and film friendly approach, it is unsurprising that it has been home to some of biggest productions to shoot in the UK over the recent years such as Walt Disney's <i>Cinderella</i> and <i>Into the Woods</i>, Warner Bros.' <i>King Arthur: Legend of the Sword</i> and <i>Harry Potter and the Deathly Hallows – Part One and Two</i>, Universal Pictures' <i>Snow White and The Huntsman</i> and <i>The Huntsman: Winter's War</i>. This validates Windsor Great Park's importance as a filming facility in the UK.</p>	-
4.	<p><u>On behalf of The Crown Estate (landowner)</u></p> <p>Before the application was submitted, The Crown Estate spent a great deal of time discussing and assessing the requirements that the production company have.</p>	All comments from The Crown Estate are noted and are considered in paragraphs 9.72 – 9.74 below.
	<p>As with any filming request received by the Windsor Estate, careful consideration is given to the impact of the activity on the landscape, the continued operation of the Estate and on our neighbours and the local community.</p>	-
	<p>We were pleased to consider the request favourably and support the application for the following reasons:</p>	-
	<ul style="list-style-type: none"> <li>- The site selected was chosen after other sites were discounted as not being suitable. The site is agricultural land and not subject to any statutory designations. The land in question is a private part of the Estate. The only public access close to the chosen location is the designated footpath access being through our permitted gate key access scheme, which has been in operation for over 40 years. There is minimal passing footfall and no immediate neighbouring buildings. There are no veteran trees within close proximity to the site selected, and there are three separate vehicular access points to allow traffic flow to be rotated. Neighbouring tenants or sub-tenants of The Crown Estate have all been contacted and consulted.</li> </ul>	-
	<ul style="list-style-type: none"> <li>- The public footpath which runs to the side of the site will of course remain open at all times, and The Crown Estate will ensure that the film company will maintain safe public access along this footpath using a combination of signage and marshals. It should be noted that the footpath runs along an operational Estate road, along which both Farm and Estate traffic already passes.</li> </ul>	-

<ul style="list-style-type: none"> <li>- Filming is one of a number of business streams employed by The Crown Estate at Windsor to generate income which is used to offset the cost of maintaining, protecting and preserving Windsor Great Park and the wider Windsor Estate. Over five million visitors a year, a great many of them local, enjoy permissive access to this managed private land. The Crown Estate is also a significant local employer, and the spin-off for the local economy through the recreational visitor business is significant.</li> </ul>	-
<ul style="list-style-type: none"> <li>- The Crown Estate, unlike many other businesses, does not pay a dividend to stakeholders. We are tasked with returning 100% of our net revenue profit to the Treasury for the benefit of the nation's finances and have generated £2.9 billion over the last 10 years. Along with other businesses, the current Covid pandemic has impacted significantly on the income received by the Windsor Estate. The licence fee paid by the production company will be beneficial in helping us maintain the quality and quantity of management and maintenance of the Estate, safeguarding its position as a premier rural destination.</li> </ul>	-
<ul style="list-style-type: none"> <li>- The Crown Estate is also aware of the responsibility it has to be a good neighbour to both local businesses and local households. We would not have permitted the application to be made if there had been any concern over a negative impact of the filming activity on local businesses or communities. However, the application is made on private agricultural land with very limited public access as previously mentioned.</li> </ul>	-
<ul style="list-style-type: none"> <li>- We know that the presence of a film crew on site produces significant benefits for local business, be they accommodation, hospitality or retail. There will also be opportunities for flexible and long-term employment through the temporary presence of this film crew.</li> </ul>	-
<ul style="list-style-type: none"> <li>- As always, in any decision made about a business activity on the Windsor Estate, the long-term wellbeing of the landscape, flora and fauna of the Estate remains our priority. Over many years' experience of working with film crews, both large and small, the Estate has developed a knowledge and experience of working with this industry to safeguard the natural asset that is the Windsor Estate. We have an excellent relationship with Natural England's regional team and our in-house team of experts ensure that there is no ecological risk permitted to the Estate.</li> </ul>	-
<ul style="list-style-type: none"> <li>- The long-term nature of the film project does not mean that it will be treated in any way differently to a shorter-term project. The wellbeing of the Windsor Estate is more important than short-term</li> </ul>	-

	<p>financial gain. It is with a great degree of confidence that I can assure you that The Crown Estate, should planning be granted, will work continuously with the production company to ensure that both the land at Sunninghill Park, the neighbouring communities, and the people who use the public access, will be respected and protected.</p>	
	<ul style="list-style-type: none"> <li>- When the occupation period is complete, The Crown Estate will ensure, through a contractual commitment with the production company that the field is returned to its original agricultural condition.</li> </ul>	-
	<ul style="list-style-type: none"> <li>- We have carefully considered all of the alternative locations on the Windsor Estate but these were not suitable due to their statutory designations.</li> </ul>	-
5.	This part of the estate has deteriorated and now the Crown Estate is investing in this part of their holding. This application will assist the long-term regeneration of a section of the Park that needs investment in order to flourish and benefit the local community.	9.72 – 9.74
6.	The positive effects will be beneficial to our own and other local businesses.	9.64 – 9.68
7.	The interests from Netflix to film in the local area over a significant time period is a welcome one and will undoubtedly help out business and other local businesses recover through the post-vaccine recovery stage after an extremely damaging 2020. It will also improve employment prospects within those businesses. From a business and societal aspect we welcome these proposals to help accelerate the Royal Borough's recovery and give us all a brighter future.	9.64 – 9.68
8.	As an entomologist and ecologist, I can see nothing injurious to flora and fauna of the area. I am of the belief that the biodiversity at the end of the project may even be increased through regrowth of boundary hedges and field margins. The measures that will be taken to reduce any possible impact to the local environment seem to be exemplary.	9.19-9.31

59 letters were received objecting to the application, summarised as:

Comment	Where in the report this is considered	
1.	<p><u>Green Belt &amp; Character and Appearance of the area</u></p> <p>Wholly inappropriate for a Green Site. The large structure will affect the openness of the Green Belt.</p>	9.2 – 9.6

	Described as temporary but is for 5 years. Will be a persistent visual intrusion.	Noted.
	The enormous size and scale of the proposal is underplayed in the documents submitted. The London Square area is 4500sqm larger than Leicester Square. The buildings at 12.8m high are twice the height of residential buildings in the local area. Large car park area.	9.7. 9.56 – 9.63
	This is not some modest construction in the rural landscape, this is industrialised sized building built of cladding hung on scaffolding. Monstrous constructions completely alien to the quiet rural setting. No screening can be made to reduce this. The screening provided by existing trees will have little effect.	9.7
	Would scar the beautiful countryside purely for commercial reasons. It will be an eyesore completely out of character with the area.	9.7
	The application submission significantly under-estimates the harm the development will do to the Green Belt.	9.2 – 9.6
2.	<u>Highway &amp; PROW Issues:</u>	
	The proposal will lead to a significant increase in traffic on local roads, which have serious safety implications.	9.8 – 9.13
	The public footpaths serving the field are not suitable for the volume of traffic this project will generate. The existing paths are narrow, have a lack of passing places and are in a poor state.	9.14 – 9.18
	The danger to walkers, runners, cyclists and horses is not justified.	9.8 – 9.13 & 9.14 – 9.18
	The entrance to Sunninghill Park is shared with a public footpath and there is a blind corner that shields oncoming traffic from foot traffic. An increase in traffic movements using this access will increase the risk to users of the public footpath. There is a history of accidents at this entrance.	9.8 – 9.13
	The significant negative impact of the associated traffic both during construction and filming on the local community has not been taken into due consideration.	9.8 – 9.13
	Keypad entry will lead to traffic queuing on the road causing a potential hazard. The gate cannot be permanently open as this would compromise security.	Noted.

	There is no justification to allow a large amount of HGV traffic coming into Ascot for at least 5 years. This is in addition to the two hundred or so light commercial vehicles and cars that will be travelling to the site each day during construction and filming.	9.8 – 9.13
	One of the routes to the site is Watersplash Lane that frequently experiences parking along its length on a typical weekend. The additional traffic from the proposal will make the existing problem of congestion in the area much worse.	9.8 – 9.13
	The proposed access for over 150 vehicles is totally unacceptable.	9.8 – 9.13
	The planned route for construction vehicles through Ascot Football Club is through an already congested bottleneck between Winkfield and the football ground.	9.8 – 9.13
3.	<u>Ecology &amp; Biodiversity</u>	
	Most of the generators for electricity will use diesel. There are no assurances that if there are any leaks this will not pollute the ground water or enter The Great Pond.	9.48 – 9.55 9.19- 9.31 9.32 – 9.45
	Detrimental to the many different types of natural wildlife that live or transit the proposed site. Harmful to protected species.	-
	The construction base and unit base will need to altered to hardstanding or concrete base, destroying natural flora. This will be extremely difficult to reinstate.	-
	Local wildlife disturbed by noise and light from generator power used for night time operations.	-
	This is an important wildlife corridor and the development and traffic would decimate local wildlife.	-
	There is no ecological survey. Species impact assessments should have been included.	-
	The land is a rare bird habitat. Supports endangered Lapwings and Swifts.	-
	The lake is a breeding ground for frogs and hundreds cross the footpath in Spring and will not survive due to the heavy flow of traffic. The Great Pond is home to a number of bird species.	-

	The site is in an area of Ancient Woodland and watercourses, which comprise an important and irreplaceable environment for biodiversity. The proposal will inevitably cause disruption to these.	-
	Lack of adequate ecological evaluation.	-
	Traffic will lead to an increase in Co2 air pollution.	-
	If Covid has taught the masses one precious thing, it is the value of nature, an extremely precious commodity.	-
	We need to respect our environment and destroy the habitat of animals to pursue our own frivolous pleasures.	-
4.	<u>Trees</u>  The development is surrounded by and encroaches onto ancient woodland – an irreplaceable habitat supported a wide range of protected species.  Lack of adequate tree surveys so impact difficult to assess.	9.32 – 9.45
5.	<u>Amenities</u>	
	Extra traffic will lead to an increase in noise and disturbance to occupiers at the 'Gate House', from door slamming, engines revving and requests for out-of-hours access.	9.74
	Increase in noise and air pollution from traffic and generators in an otherwise peaceful location. Pollution from lighting.	9.19 – 9.31
	Noise from construction activities as well as during filming including from flying of drones.	Noted
	This area has been vital to the mental health of the community during Covid-19. The huge increase in traffic will be detrimental to our recreation, health and quality of life.	9.72 – 9.73
	The exterior view of the film set will look awful with scaffolding and clutter.	9.7
6.	<u>No very special circumstances</u>	Considered in paragraphs 9.75 – 9.82.
	Ascot is the wrong location and doesn't share any of the other qualities of the alternative sites, such as better access to the motorway network	-
	The benefits proposed do not outweigh the detrimental aspects and the application should be refused.	-

	Benefits to the local economy have not be proved in any way. Any increase to local employment will be temporary and low paid. Netflix will bring their own staff and equipment with them and staff will be working and not spending money locally. Over-estimates the economic benefits.	-
	The film set does not require surroundings to be woodland – it is a London square. There must be more suitable brownfield sites which are currently derelict and less wealthy areas that could benefit from this proposal.	-
	The attempt to justify this application by citing economic improvement for local restaurants and taxi firms is not an exceptional reason to allow development in the Green Belt.	-
	Exceptional circumstances imply something like a local emergency.	-
	It is not within permitted development rights set out in the Town and Country Planning Order 2015	-
	Disturbing this area of local and natural importance for 5 years cannot be acceptable. The wildlife will be displaced and local community disrupted, probably on a permanent basis.	-
	There must be more suitable sites for a London square rather than a Green Belt site.	-
	Lincolns Inn could be used for filming as the streets are not open to the public. There must be lots of alternative locations available throughout the country that are more suitable than building on open green belt land.	-
	Very special circumstances have not been demonstrated in this case.	-
7.	Massive influx of unknown people into the area will mean the freedom of many children allowed to play unsupervised in the woods will be curtailed.	Comment noted.
8.	Once built it will establish a precedent for other such development to be allowed in the future.	9.75 – 9.82
9.	The land is prone to flooding. The significant areas of hardstanding will speed up surface water run-off into the ditch adjacent to the footpath, possibly contaminating it and increase flood risk to the north of the site.	See EA consultee response section 8.
10.	Helicopters and airplanes frequently fly over the site so it will be disrupted by aircraft noise.	Noted.
11.	The wellbeing of horses in the adjoining fields will suffer. Up to 20 horses are walked in hand twice daily to their grazing fields along this road. The risk to horses and their handlers from the levels of traffic associated with the use will be tremendous.	Noted.
12.	There are other film studios in the area – in Longcross, Reading and Shepperton, and another facility is not needed.	9.69 – 9.71

13.	If the proposal does not fall within Permitted Development Rights it cannot be a material consideration.	9.56 – 9.63
14.	The application fails to address fire risk management.	Not a matter for consideration under this application.
15.	Misleading information on application form.	Noted.
16.	Local businesses will not benefit as the applicant will have their own on-site catering facilities and suppliers.	Comment noted.

**Consultee responses, summarised as:**

Consultee	Comment	Where in the report this is considered
Tree Officer	<p>Recommends refusal. The impact on trees cannot be ascertained as the tree information provided is not BS5837 compliant. A tree survey, tree constraints plan and updated tree protection plan is required.</p> <p>The construction base and unit base is within the minimum 15m buffer zone to the ancient woodland, The Dawrey. This, and part of the set are also within the root protection areas of trees along the southern boundary. This will cause harm and potential loss and is unacceptable.</p> <p>The proposal does not comply with the NPPF or policies N6 and DG1 of the Local Plan.</p>	9.32 – 9.45
Ecology	<p>Objects.</p> <p>1<sup>st</sup> consultation response, dated 29<sup>th</sup> January 2021. Potential adverse impact on ancient woodland and local wildlife site. Potential harm to bats and Great Crested Newts. Insufficient information submitted.</p> <p>2<sup>nd</sup> consultation response, dated 29<sup>th</sup> March 2021: Very little of the further information I requested has been provided since my last response (the new ecology letter addresses the potential for GCN, and explains the reason for the 60 meter buffer for 1 woodland, but no buffer for the other (though it is still not clear if the development would be a minimum of 15 metres from the second woodland), but does not address any other point, request for further info, or question raised in my response), and I would still require this information prior to the application being determined.</p>	9.19 – 9.31
Natural England	<p>Not assessed the application for impacts on protected species. However it has published standing advice which should be used to assess the impacts on protected species or consult your own ecology service.</p> <p>The proposals as presented have the potential to adversely affect woodland classified in the Ancient Woodland Inventory.</p>	9.19 – 9.31

	<p>The application should be assessed against their standing advice on ancient woodland.</p> <p>The consultations documents indicate this development includes an area of priority habitat.</p> <p>The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.</p>	
Woodland Trust	<p>Objects. Concerned about the proximity of the proposed development to areas of ancient woodland surrounding the site.</p> <p>It is not clear what distance is maintained from the development to Birch Copse and Paddock Wood, however The Dawrey is directly adjacent.</p> <p>With the potential for indirect impacts and in line with Natural England's standing advice, there should be a buffer zone of at least 15 metres between the development and ancient woodland boundary.</p>	9.19 – 9.45
Berkshire Gardens Trust	<p>The application site does not sit within a Registered Park &amp; Garden, nor on any locally listed parks. It is located within Sunninghill Park, which is Crown Estate.</p> <p>There should be an evaluation of former uses of the area and with particular reference to the ancient woodland and Great Pond, so the impacts of the proposal can be fully assessed. In the absence of this information we are likely to object. Also concerned about sufficient tree protection and pressure to fell trees close to the track.</p>	9.19 – 9.45
Highway Authority	<p>No comments received under current application, but consultation response provided for previous identical application 20/02574 (as below).</p> <p>The Highway Authority offers no objections to the proposal subject to complying with conditions in relation to a construction management plan, parking and turning – layout to be submitted and no on-site works and/or filming to take place during Royal Ascot week.</p>	9.8 – 9.13
Public Rights of Way Officer	<p>No comments received under current application, but consultation response provided for previous identical application 20/02574 (as below).</p>	9.14 – 9.18

	Recommended refusal as the proposal would have a significant adverse impact on the recreational value of Public Footpath 4, both in terms of visual intrusiveness when viewed from the footpath, and noise impact on the tranquillity of the setting of the footpath. Contrary to Policy R4 of the Local Plan.	
Environment Agency	No objection. The site lies within Flood Zones 2 and 3. The LPA must be satisfied that a satisfactory route of safe access and egress is achievable	Noted
Lead Local Flood Authority	Recommends refusal in the absence of information referred to in full consultation response.	9.48 – 9.55
Historic England	No comments.	Noted.
Conservation	No objections. The proposal is not considered to overly affect the setting of designated or non-designated heritage assets.	Noted.
Berkshire Archaeology	The application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance from the proposed development. It is therefore recommended that a condition be imposed, requiring the submission and approval of a Written Scheme of Investigation, in order to mitigate the impacts of development.	9.46 – 9.47

**Other Group responses, summarised as:**

Consultee	Comment	Where in the report this is considered
Parish Council	Strongly objects to the proposed development.	
	The applicant has significantly underestimated the harm the development and its accesses will do to the Green Belt, biodiversity and users of the popular footpaths affected by the proposals. Contrary to NP/EN4.2.	9.2 – 9.6
	Over-estimated the economic benefit of the facility which will only be used between 12-15% of the 5 years it will be in place.	9.64 – 9.68
	It is inappropriate development in high quality green belt.	9.2 – 9.6
	It doesn't respect the character of the surrounding area	9.7
	It will have a significant and unacceptable impact on: <ul style="list-style-type: none"> <li>- The openness of the Green Belt</li> <li>- The health of the prime agricultural land</li> </ul>	9.2 – 9.82

	<ul style="list-style-type: none"> <li>- The biodiversity of the Great Pond and ancient woodland and on two wildlife corridors that cross the site</li> <li>- The tranquillity, enjoyment and safety of the families, dog walkers and cyclists who heavily use the public footpaths</li> <li>- The tranquillity of those residents that live alongside the access roads, which are narrow and not fit for the high level of OGVs and HGVs that will be using them</li> <li>- The viability of the riding stables who walk their horses between the stables and paddocks</li> <li>- The significant areas of hardstanding might speed up surface water run-off into the ditch by FP4 and may contaminate it. May increase flood risk of the land to the north.</li> </ul>	
	If permission is granted it will be used as a filming facility for many years thereafter. This has happened on Bovingdon Airfield (see alternative sites review)	9.75-9.82
	The lack of information provided makes it difficult to make a full assessment of the application and should be provided before the application is determined.	Noted.
	The case for VSC is very weak. The impacts of the proposal are severe.	9.75 – 9.82
SPAЕ	Society for the Protection of Ascot and Environs:  Objects and urges refusal of the planning application.	
	Although the set will be used for filming for between 6 and 8 weeks, the set build would remain in situ for the whole 5-year period. It would therefore have a high degree of permanence, physically changing the character of the site. It will also be visually intrusive and represent encroachment into the countryside.	9.7
	It is unclear how the set and unit base will be protected and secured throughout the year. If a continuous unbroken arrangement (such as fencing) around the site's periphery be necessary, this would substantially reduce the openness of the land.	9.7, 9.56 – 9.61
	In spatial and visual terms, the proposal would cause substantial harm to the openness of the Green Belt, particularly as the site is an open field and is relatively flat	9.2 – 9.6

	pastureland. It would amount to inappropriate development in the Green Belt.	
	The case for very special circumstances heavily emphasises the economic benefits that may be derived. However, there would be little employment gain in the one-off set-up and take-down for five years for the set build. It is also doubtful that acting talent would be drawn from the local community. As such the proposal is highly unlikely to outweigh the detrimental harm that would result from the development in the Green Belt.	9.75 – 9.82
	The site is abutted by Footpath 4, enjoyed by walkers, runners and horse riders, and so would be visually intrusive when viewed from this public footpath. This conflicts with policy R14 of the Local Plan.	9.14 – 9.18
	The proposal is in an area of high biodiversity value and so is likely to have a direct adverse impact on local biodiversity and on the habitat or wildlife of a Local Wildlife Site. The proposal must include an independent survey report which is supported by the Council's ecological adviser. Needs to comply with policy NP/EN4. The proposal should provide net gains for biodiversity.	9.19 – 9.31
	The site is situated in the vicinity of two Green Corridors through Green Belt with water courses flowing from Brewer's Pond and Great Pond to Virginia Water. The proposal must clearly demonstrate how it incorporates appropriate measures to secure the connectivity of the corridors and the freedom of movement for species on or through the site for compliance with policy NP/EN5.	9.19 – 9.31

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of development – Green Belt issues;
- ii The impact on the character and appearance of the area;
- iii Highway implications;
- iv The impact on the Public Rights of Way
- v The impact on local ecology and biodiversity;
- vi The impact on trees

- vii Archaeological impacts;
- viii Surface water drainage;
- ix Other material considerations; and
- x The Planning Balance.

### **The principle of development – Green Belt issues**

- 9.2 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 listed. 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 this case, the proposed change of use of the land for the construction of a film set and use of the land for parking and storage purposes, for a 5 year period involves a set build that covers an area of approximately 14,400sqm, rising to a maximum height of 12.8m. In addition, the proposed construction and unit base, covering an area of approximately 10,680sqm, would accommodate up to 150 cars, a portacabin site office, structures to house independent power and water supplies, a tech area, storage containers (numbers unspecified), a marquee for costumes and dining, and construction and general waste skips. Also, although unspecified, it is also assumed the entire site would be enclosed for security and safety reasons. Given the application site is currently completely undeveloped, the proposal would cause substantial harm to the openness of the Green Belt and would conflict with one of the purposes of Green Belts, specifically to assist in safeguarding the countryside from encroachment.
- 9.6 Accordingly, the proposal is inappropriate development in the Green Belt and the principle of development is unacceptable. However, the applicant has submitted details of ‘other considerations’ which they consider clearly outweighs the harm to the Green Belt, and any other harm, such that ‘very special circumstances’ exist to justify granting planning permission. These are considered towards the end of this report within the ‘Planning Balance’ section.

### **The impact on the character and appearance of the area**

- 9.7 The application site is an open field, bounded to the east by a public footpath and surrounded on all other sides by open countryside. 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.

### **Highway implications**

- 9.8 At the time of writing the Highway Authority has not provided a consultation response on the current application. However, it did provide comments under the previous, identical application (20/02574) and, as there has been no material change in circumstances since the last application, these (as set out in 9.9 to 9.13 below) are considered to remain valid to the current proposal.
- 9.9 The application site lies in a central position within Sunninghill Park which is private. The site can be accessed via established private estate tracks. Access to the site will be via 3 routes: i) from Watersplash Lane from the south east; ii) from the access track through the Royal Ascot gold club from the west; and iii) from the north east from Sunninghill Road (B383).
- 9.10 The submitted Design and Access Statement 6.3 states: "During the construction phase heavier vehicles, including trucks (between 7.5T and 18T) will access the site off the A330 from the west, and arrive via the existing road which leads past the football ground and serves the golf club maintenance depot. Car movements will be taken from Watersplash Lane from the south east and from Sunninghill Road to the north." In the interest of highway safety, the Highway Authority requests that temporary measures, such as suitable barriers and signs, are provided along the public right of way from the B383 to Watersplash Lane, to ensure that vehicles and pedestrians are segregated on filming days.
- 9.11 A 5-year planning permission is sought for the site, however the details submitted indicate that construction will only take 4 months and filming will only take place for between 6 and 8 weeks each year. The details indicate the size of the site will offer ample parking and turning to accommodate the proposed 150 cars. A site plan showing access, parking and turning should be provided.
- 9.12 The Highway Authority would request that any works on the site and filming do not take place during Royal Ascot week. This is to ensure there is no further additional impact on the local highway network, (all routes are used during Royal Ascot week).
- 9.13 The Highway Authority offers no objections to the proposal subject to complying with conditions in relation to a construction management plan, parking and turning – layout to be submitted and no on-site works and/or filming to take place during Royal Ascot week. If the application were recommended for approval, such conditions would be proposed to ensure that the proposal had an acceptable impact on the surrounding highway network.

### **The impact on the Public Rights of Way**

- 9.14 At the time of writing the Public Rights of Way (PRoW) officer has not provided a consultation response on the current application. However, comments were provided under the previous, identical application (20/02574) and, as there has been no material change in circumstances since the last application, these (as set out in 9.15 to 9.17 below) are considered to remain valid to the current proposal.
- 9.15 The application site is adjacent to a public footpath (Public Footpath 4 Sunninghill) and one of the access routes to the site is shared with parts of this public footpath and

Public Footpath 3 Sunninghill. Footpaths 3 and 4 Sunninghill are very well used public footpaths, forming links in several circular walks in the area.

- 9.16 The proposed film set and associated infrastructure, including fencing, would have a significant adverse impact on the recreational value of Public Footpath 4, both in terms of visual intrusiveness when viewed from the public footpath, and noise impact on the tranquillity of the setting of the footpath.
- 9.17 Furthermore, vehicles accessing the site would have a significant adverse impact on both Footpath 4 and Footpath 3, in terms of both noise disturbance and visual impact. Notwithstanding that the use would be for a limited period, it is considered that the proposal would be contrary to Policy R14 of the Local Plan.
- 9.18 The weight attributed to the harm to the PRow is set out in the Planning Balance section of this report.

### **The impact on local ecology and biodiversity**

- 9.19 The Council's ecologist provided the following initial advice (dated 29<sup>th</sup> January 2021) in respect of the proposal:
- 9.20 This application is for the temporary (5 years) erection of a film set (and concomitant filming) with associated access routes. The site proposed for the main film set comprises agricultural land (it is unclear whether this is laid to arable crop, as per the ecology report, or a grassland pasture, as per the Design and Access Statement), which in itself is of low ecological value. The field is bordered by grass and ruderal vegetation margins, with a ditch running around the south, east and north. A concrete track runs down the eastern edge. It is bound to the north and south by tree lines/mature outgrown disjunct hedgerow, beyond which to the south lies Ascot Golf Course. Adjoining the site to the west is Birch Copse which is an Ancient Woodland, and a priority habitat (as per the NPPF). Adjoining the site to the east is the Dawrey; another Ancient Woodland and priority habitat, and part of the Platts Firs, Penslade Bottom, Fireball Hill Local Wildlife Site (LWS). The proposed main access to the site is an existing track which originates from the main road to the north east of Great Pond, crosses Great Pond to the south, and continues through the ancient woodland to the film set site. The majority of this access road passes through the Platts Firs, Penslade Bottom, Fireball Hill LWS.
- 9.21 The ecology report (AA Environmental Ltd, December 2020) details the results of a Preliminary Ecological Appraisal (PEA) of the main film set site, though it does not appear to give consideration to the impacts of the access routes. The report concludes that protected species are unlikely to be affected by the proposals, and that, provided a 60 metre buffer is retained between the film set and Birch Copse (advice which has been incorporated into the site plan), there should be no adverse ecological impacts.
- 9.22 However, it is unclear from the report why 60 metres has been advised as a buffer from Birch Copse, but no buffer is recommended between the site and the Dawrey woodland to the east. Natural England's standing advice recommends that a minimum of 15 metres buffer is left between a development and Ancient Woodland (which is a highly important and irreplaceable habitat); a larger buffer could be needed if the projected potential impacts of the development on the ancient woodland warrant it. As the temporary film set would contain concrete paving stones, hardstanding, etc., it is likely that there could be increased runoff into the woodlands, and subsequent changes to the hydrology of the site (and therefore surrounding habitats). As such, we would

expect **at least** a 15 metre buffer between the film set and **all** adjacent ancient woodland. It should also be clarified why the ecology report recommends a buffer for Birch Copse, but not the Dawrey (as not much information has been provided about each of these adjacent woodlands). Furthermore, section 3.4 of the Design and Access Statement states that:

*“In addition to the construction of the film set, which will remain in situ for the whole 5 year period, adjacent areas will be used for the creation of a unit base, and for parking on film weeks. The position of this area is shown on the submitted plans, and will lie to the immediate east hardstanding on east of set build, nearest to track, and overflow west of the set build area, if required.”*

And section 3.13 says:

*“The annotated map below shows the set build area, unit service base and the location of the car parking areas.”*

- 9.23 The annotated map showing car parking does not appear to have been provided, however, section 3.4 appears to suggest that the wildlife buffer zone to the west of the film set would be used as an overflow car park. It therefore needs to be clarified (and the annotated map provided) whether this is the case and, if so, how many vehicles, and how often, are anticipated to be parked in this area.
- 9.24 Moreover, it is not yet clear from the information provided what volume of traffic is expected, both during construction and filming, along the access tracks over the pond and through the woodland (and how this compares to the current use of these tracks) and therefore what risk there is of creating unacceptable levels of pollution in the sensitive ancient woodland and pond priority habitats. The applicant has stated that they are happy to implement a traffic control system during filming and more information on what this would entail (and controls during construction, as well as filming) would need to be provided prior to the application being determined. Moreover, details would need to be provided on whether and how volume of traffic overall would be mitigated as far as possible through the woodland during filming days (e.g. vehicle sharing, shuttle bus, etc) to minimize both pollution to habitats and disturbance to wildlife inhabiting the LWS.
- 9.25 Additionally, more information would be required regarding the access tracks, particularly during construction. Photos of the track to the east of the film set site show the existing track to be relatively narrow. The applicant should confirm whether tracks would need to be modified, widened, or reinforced anywhere, and whether the existing track is adequate to allow large construction vehicles to pass through (and pass each other) without leaving or straddling the track and potentially impacting on the surrounding ancient woodland flora.
- 9.26 Furthermore, the site lies approximately 270 metres from Brewer’s Pond which is known to host a population of great crested newts (GCN), the size and status of which is, to my understanding, currently unknown, but is likely a breeding population (a juvenile was observed on the golf course – see unrelated planning application 20/02720/FULL). The ecology report states that there are no ponds or habitats suitable for use by GCN on the site, so GCN have not been considered further. However, the grassland and ditches around the field margins and the surrounding hedgerows and woodland could be used by GCN, particularly if individuals were traversing the site between ponds. A full OS map assessment of ponds within 500 metres of the site,

and HSI assessments/further surveys where deemed appropriate, should therefore be undertaken to assess the likelihood of there being a GCN metapopulation in the area and, as such, the likelihood of GCN using the terrestrial habitat on the site.

- 9.27 In addition, the site and access routes are surrounded by woodland and the Great Pond which provides optimal habitat for use by bats, including rarer and more light-sensitive species. It appears that actual filming on the set would not occur past 6pm, so presumably lighting associated with filming is unlikely to be an issue. However, information should be provided on proposed lighting of the car parking area/dressing areas, security cabin etc., and the access routes (during both construction and filming) prior to this application being determined. This information should include the expected hours of operation of lighting, a layout plan with beam orientation, a schedule of equipment, measures to avoid glare, an isolux contour map showing light spillage to 1 lux both vertically and horizontally, and areas identified as being of importance for commuting and foraging bats. Once in receipt of this information, advice can be provided on whether bat transect surveys would need to be undertaken prior to the application being determined.
- 9.28 The applicant's ecologist provided a response (dated 12<sup>th</sup> February 2021) to the Council's ecologist's initial consultation which, in summary, advised that it was not considered that there are any overriding ecological constraints to the proposals. The suggested buffer with Dawrey woodland located to the east was not considered necessary as the existing concrete road/track with a wire mesh fence provides a suitable barrier. The risk of encountering great crested newts on the site is considered minimal given the distance of Brewers Pond from the site (approximately 270m). However, the applicant's ecologist has recommended that site clearance works are carried out adopting Reasonable Avoidance Measures.
- 9.29 In response to this information, the Council's ecologist has advised that the suggested Reasonable Avoidance Measures proposed would sufficiently address concerns in respect of Great Crested Newts, and that clarification with regard to the 60m buffer between the site and Birch Copse to the west is sufficient. However, a number of queries raised by the Council's ecologist remain unaddressed.
- 9.30 Specifically, notwithstanding the applicant's ecologist stating that a buffer between the site and The Dawrey is not required, (due to the existing track that runs alongside the site and a wire mesh fence separating the track from the woodland providing a suitable barrier), together with information from the Crown Estates Head Forester stating The Dawrey is plantation woodland within an ancient woodland and is not therefore rich in ancient woodland flora and fauna, The Dawrey is/remains a designated Ancient Woodland. As the film set would contain areas of hardstanding, (to facilitate the unit service base and car parking), it is likely that there could be increased runoff into the woodlands, with subsequent changes to hydrology, and therefore surrounding habitats. A minimum buffer of 15m is therefore required. In addition, as traffic associated with the development would utilise existing narrow tracks within ancient woodland and adjacent to pond priority habitat (Great Pond), the Council's ecologist's initial consultation response requested further details on the volume of traffic anticipated during construction and filming, details of the traffic control system (as suggested by the applicant), details of how traffic would be mitigated through the woodland to minimise pollution to habitats and disturbance to wildlife, and details regarding whether the existing narrow access tracks will need to be modified, widened or reinforced to facilitate the type and volume of traffic. No information addressing these queries has been provided by the applicant. The Council's ecologist has also advised that as the surrounding area is optimal for bats (particularly rare ones), details of lighting are required prior to determining the application.

9.31 The further information required and detailed above would need to be provided prior to the application being determined, or the application would need to be refused on the grounds that currently there is insufficient information to assess the potential impacts of the proposals on priority habitats, Ancient Woodland, the LWS, or protected species contrary to paragraphs 170 and 175 of the NPPF and adopted policies NP/EN4 and NP/EN5 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan (ASSNP).

### **Trees**

9.32 The Council's Tree Officer has advised the following: The site is bounded to the west by Birch Copse and to the east by The Dawrey, both are ancient woodland. Paddock Wood to the north east of the site is also ancient woodland. There is also a linear woodland strip to the west of The Dawrey, immediately to the west side of the track, south of the site. This has been recognised as ancient woodland in a review undertaken by Thames Valley Environmental Records Centre, the results of which have been submitted to Natural England for review and inclusion in the national inventory.

9.33 There are several trees along the northern and southern boundary of the site along with other natural vegetation. These trees may form part of a remnant hedgerow.

9.34 A British Standards 5837 tree survey, constraint plan and tree protection plan is required, to assess the impact on trees and to demonstrate how trees/woodland will be adequately protected. In the absence of this my comments are generalised.

9.35 The NPPF, section 175 states: When determining planning applications, local planning authorities should apply the following principles:  
(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

9.36 Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is important for its wildlife (which include rare and threatened species), soils, recreational value, cultural, historical and landscape value.

9.37 Direct impacts of development on ancient woodland or ancient and veteran trees may include:

- damaging or destroying all or part of them (including their soils, ground flora or fungi);
- damaging roots and understorey (all the vegetation under the taller trees);
- damaging or compacting soil around the tree roots;
- polluting the ground around them;
- changing the water table or drainage of woodland or individual trees;
- damaging archaeological features or heritage assets.

9.38 Nearby development can also have an indirect impact on ancient woodland or ancient and veteran trees and the species they support. These can include:

- breaking up or destroying connections between woodlands and ancient or veteran trees;
- reducing the amount of semi-natural habitats next to ancient woodland;
- increasing the amount of pollution, including dust;

- increasing disturbance to wildlife from additional traffic and visitors;
  - increasing light or air pollution;
  - changing the landscape character of the area.
- 9.39 For ancient woodlands, a minimum buffer zone of at least 15 metres is required in order to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, a larger buffer zone will be required. For example, the effect of air pollution from development that results in a significant increase in traffic.
- 9.40 The construction base and unit base is within the minimum 15m buffer zone to the ancient woodland, The Dawrey. This and part of the set are also within the root protection areas of trees along the southern boundary. This will cause harm to and potential loss of and is unacceptable.
- 9.41 It is noted the existing access track will be used for vehicles to access the site. However, the track may not be able to easily accommodate the increased traffic movements without the introduction of passing places. This potentially could have a further impact on trees and ancient woodland. The point at which vehicles are driven from the track onto the parking area has not been shown.
- 9.42 It is noted applicants are willing to agree to a traffic management programme for main filming days when the highest number of traffic movements can be expected. However, this should also be extended to the build and dismantling phases which potentially have high level of traffic movements.
- 9.43 The red line boundary comes up to the edge of Birch Copse, which is within the minimum 15m buffer of this ancient woodland. It is unclear whether the land to the west of the set, up to Birch Copse, will also be used in connection with filming and what its exact purpose might be, this needs to be clarified.
- 9.44 The applicant will need to provide further information as outlined above and revise the extent of the useable area of the site. Currently, the proposal does not comply with the NPPF or policies N6 and DG1 of the Local Plan and policy NP/EN2 of the ASSNP.
- 9.45 A response to the Tree Officer's comments in support of the proposal and in respect of the potential impact on trees has been provided by the Crown Estate Chief Forester. In summary, it advises that there will be no impact on the areas designated as Ancient Woodland (as these have been maintained / cut as 'plantation'), nor will there be any impact on the trees on the south side of the site as these are poor quality / overgrown hedge trees.

### **Archaeological impacts**

- 9.46 There are potential archaeological implications associated with this proposed scheme. The site of the proposal area is wholly a known heritage asset in the form of a royal demesne, embarked in the late 14<sup>th</sup> century with a lodge, and later a mansion (Sunning House). Within the park area, and less than 800m from the proposed site, there has been no less than 14 individual find spots for archaeological material, with many of these spots turning up more than one item. Many of these have been registered with the portable antiquities scheme.
- 9.47 Therefore the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. It is therefore recommended that a condition, requiring the submission and approval of a Written Scheme of Investigation, be imposed, should permission be

granted, to mitigate the impacts of the development. This is in accordance with paragraph 199 of the NPPF.

### **Surface water drainage**

- 9.48 The flood risk assessment and drainage strategy proposes two surface water drainage options. The first involves infiltration through permeable paving and a soakaway. The second, intended to be used if infiltration is not practical, utilises attenuation crates which discharge to a drainage ditch on the eastern edge of the site. In line with the national Planning Practice Guidance, the drainage hierarchy should be followed, and the infiltration strategy should be implemented unless the applicant demonstrates this is inappropriate or not reasonably practicable.
- 9.49 The drainage design for both options is high level and no ground investigation or infiltration tests have been conducted. RBWM planning constraints indicate the site, or at least parts of it, is designated as contaminated land and there is a concern that this could impact on the viability of an infiltration strategy. The applicant would need to demonstrate that potential risks of mobilising existing contaminants have been considered as part of the drainage strategy and will be appropriately mitigated.
- 9.50 The Lead Local Flood Authority (LLFA) would normally expect infiltration rates to be based upon on-site testing conducted in accordance with BRE Digest 365. However, given the site location, the nature of development and the short development lifetime, with reinstatement of the site to grassland at the end of a 5-year period, the LLFA would be prepared to accept an indicative infiltration rate in this case, should infiltration be appropriate. However, the applicant would need to clarify how the estimated infiltration rate used in the submitted calculations was derived at.
- 9.51 No information on site or drainage systems levels have been provided and, therefore in the case of the fall-back, non-infiltration option, the attenuation crate depth, (including possible cover depth as a trafficked area), may be higher than the ditch invert level where the outfall is proposed. As a result it is not clear that either option presents a viable drainage system at present. The applicant needs to provide a more detailed drainage strategy demonstrating that there will be a viable method of disposing of surface water.
- 9.52 In both drainage strategy options, the parking build and base area may increase the rate at which contaminants (e.g. hydrocarbons) enter the ground and/or nearby watercourses. The applicant needs to demonstrate that the proposal would not result in unacceptable water quality risk to the receiving waterbody. This is normally demonstrated through the risk screening, and where appropriate, the Simple Mitigation Index approach.
- 9.53 The applicant also needs to clarify who would be responsible for the maintenance of the system through the 5-year implementation period and provide maintenance details.
- 9.54 Unless the information referred to above is provided, the LLFA recommends the application be refused, contrary to paragraph 165 of the NPPF.
- 9.55 In response to the LLFA's advice, the applicant has confirmed that an above-ground attenuation based system, that incorporates a petrol and hydrocarbon interceptor, can be employed in this case, and that details of this and information in respect of the other queries raised can be provided as part of an appropriately worded planning condition.

### **Other material considerations**

## Permitted Development Rights

- 9.56 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, i.e. does not require planning permission.
- 9.57 However, part E.1 sets out that development is not permitted by Class E if:
- The land in question is more than 1.5 hectares
  - The use of the land is for overnight accommodation
  - The height of any temporary structure exceeds 15m, or 5m where any part of the structure is within 10m of the curtilage of the land
  - The land is on article 2(3) land
  - The land forms part of a site of special scientific interest, a safety hazard area or a military explosives storage area
  - The land contains a scheduled monument or
  - The land is within the curtilage of a listed building
- 9.58 Part E.2. states that 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.
- 9.59 Part E.2 (2) states development is permitted subject to the condition that before the start of each new filming period the developer must apply to the local planning authority for a determination as to whether prior approval of the authority will be required as to:
- The schedule of dates that make up the filming period in question and the hours of operation;
  - Transport and highway impacts of the development;
  - Noise impacts of the development
  - Light impacts of the development, in particular the effect on any occupier of neighbouring land of any artificial lighting to be used, and
  - Flooding risks of the site
- 9.60 Accordingly and theoretically, the applicant could erect the film set (set build only) as proposed by the current planning application and which is approximately 1.4 hectares, (so less than 1.5 hectares), on the land the subject of this application, and film for no more than 9 months over a 27 month period or, for example, film for 4.5 months each year and then after a break of 3 months start again. Due to the size of the site being restricted to 1.5 hectares a 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 apply to the Council for prior approval.

- 9.62 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, local ecology or biodiversity, trees, surface water drainage or archaeology.
- 9.63 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.

#### Economic benefits

- 9.64 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.”
- 9.65 The applicant has submitted a ‘Statement of Very Special Circumstances’, which sets out the economic benefits of the proposal. These benefits are evidenced in the supporting letters received in connection with the application from The British Film Commission (BFC) and Creative England, (see supporting letters in Section 8 of this report). The BFC confirms that the applicant (Netflix) has become one of the UK’s most valuable investment clients, financing billions of pounds of production in the UK and creating thousands of jobs. It further advises that the film, TV and creative industries are the fastest growing sector, growing at five times the rate of the UK economy as a whole and, due to growing demand, the Industry has become increasingly valuable in terms of employment and investment.
- 9.66 At a local level and in its supporting letter, Creative England confirms that it is estimated that 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.
- 9.67 The application site is required for filming locations for the ‘Bridgerton’ series which, since its release in the UK on Christmas Day last year, has topped the series listings for Netflix across the world with some 53 million households having watched the show. In a short space of time, it has become a stand-out production for the UK Film Industry, in the same vein as Downton Abbey and The Crown. Netflix has announced a second series and multiple series are expected to follow.
- 9.68 The economic benefits of the proposal that are direct and indirect, local and wider are material considerations relevant to the assessment of the proposal and the weight to this is set out in the Planning Balance section below.

#### Lack of suitable and available alternative sites

- 9.69 The application is supported by a list of alternative sites that were considered during the site selection process but were discounted in favour of the application site. 5 alternative sites were investigated and discounted for various reasons ranging from the site being too small/insufficient space, highway constraints, potential noise issues, trees and safety issues.

- 9.70 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.”
- 9.71 The BFC, in its supporting letter, confirms that the application site is the “ideal location due to its proximity to their (*the applicants*) main filming base and to the largest crew, talent and film and TV infrastructure hub in Europe, which is located in the Western Home Counties.” Creative England states that Windsor Great Park, with its unique attributes such as its 4800 acres of varied scenic locations and film friendly approach, make it an important filming facility in the UK.

#### Social and environmental benefits

- 9.72 The Crown Estate, (application site landowner), sets out in its letter of support (see section 8 above) that unlike many other businesses, it does not pay a dividend to stakeholders, but is instead tasked with returning 100% of its net revenue profit to the Treasury for the benefit of the nation’s finances, and has generated £2.9 billion over the last 10 years. Along with other businesses, the current Covid pandemic has impacted significantly on the income received by the Windsor Estate. The licence fee paid by the production company will be beneficial in helping The Crown Estate maintain the quality and quantity of management and maintenance of the Estate, safeguarding its position as a premier rural destination.
- 9.73 As many of the local residents have confirmed in their letters of representation, Windsor Great Park is highly valued as an attractive and safe environment that is important to their well-being. Accordingly, there are social and environmental benefits arising for the proposal which, if approved, would provide a source of income to the Crown Estate helping it to “maintain the quality and quantity of management and maintenance of the Estate.”

#### Impact on residential amenities

- 9.74 The application site is in a relatively isolated position with no residential properties close by. The nearest dwelling to the site is over 500m away. Accordingly, the proposal would not harm the living conditions of any residents in terms of loss of privacy, loss of light or from the structure appearing overbearing when viewed from their properties.

#### **The Planning Balance**

- 9.75 As set out in paragraph 9.3 above, inappropriate development in the Green Belt 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.
- 9.76 In assessing the weight to be given to each factor in favour of or against the proposal, it is important to have regard to the temporary 5-year nature of the application, (notwithstanding precedent arguments which are not relevant in the consideration as each application is determined on its own merits). The application is not for a permanent development and therefore any harm caused by it will not necessarily be permanent. Likewise, any benefits from the proposal may also not be permanent.

- 9.77 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 given substantial weight, there are other material considerations where the weight given is a matter for the decision-taker, 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 Panel's (as the decision-taker) judgement of the proposal.
- 9.78 In this case, the proposal is 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 limited to 5 years. Given the open, undeveloped and rural nature of the land, harm to the character and appearance of the area would also be caused and this is 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.
- 9.79 The surface water drainage issue is considered to be a matter that could be satisfactorily resolved. There are no objections from the Highway Authority nor from Berkshire Archaeology, subject to planning conditions. In addition, the proposal would not harm the living conditions of any residents living within the vicinity of the application site. These matters have a 'neutral' impact and therefore no weight is given to them.
- 9.80 In favour of the proposal, the site benefits from Permitted Development Rights (PDR) which allows 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. 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 5 years, as opposed to being removed from the site after each filming period as required by the PDR. Accordingly, this consideration is given limited weight. Based on the information submitted, only limited weight is given to the lack of alternatives to the application site and limited weight is given to the social and environmental benefits.
- 9.81 Having regard to the supporting information provided, significant weight is given to the economic benefits arising from the proposal, (as required by paragraph 80 of the NPPF), which may be limited due to the temporary nature of the proposal, but may not if, for example, it assists in securing further investment into the UK's Film and TV Industry.
- 9.82 Given the weighting attributed to the other considerations set out above and, as the test requires that harm to the Green Belt and any other harm must be clearly outweighed by other considerations, it is not considered that 'very special circumstances' exist in this case.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 The development is not CIL liable.

## **11. CONCLUSION**

- 11.1 The proposal is inappropriate development in the Green Belt and would result in loss of openness to the Green Belt and lead to encroachment of development in the

countryside. It has not been demonstrated that the 'other considerations' in support of the proposal would clearly outweigh the harm to the Green Belt and other potential harm. As such, 'very special circumstances' do not exist in this case and the proposal is contrary to policies GB1 and GB2 (A) of the Local Plan and paragraph 143 of the NPPF.

- 11.2 In addition, the proposal would detract from the rural character and appearance of the area and be detrimental to the recreational value of the public footpath, contrary to Local Plan policies DG1 and R1, and paragraphs 98 and 127 of the NPPF. Due to insufficient information it has not been demonstrated that protected species and/or their habitats and ancient woodland would not be adversely affected by the proposal, contrary to Local Plan policies N6 and DG1, adopted policies NP/EN4 and NP/EN5 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan (ASSNP) and paragraphs 170 and 175 of the NPPF.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Proposed site layout plan
- Appendix C – Proposed layout of film set
- Appendix D – Site sections
- Appendix E – Site sections

## **13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The proposal, by reason of its size and siting, is inappropriate development in the Green Belt and would result in loss of openness to the Green Belt and lead to encroachment of development in the countryside. It has not been demonstrated that the 'other considerations' in support of the proposal would clearly outweigh the harm to the Green Belt and other potential harm. As such, 'very special circumstances' do not exist in this case and the proposal is contrary to policies GB1 and GB2(A) of the Royal Borough of Windsor and Maidenhead Local Plan, adopted 2003, and paragraph 143 of the National Planning Policy Framework, 2019.
- 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 recreational value of the public footpath (Footpath 4) that runs adjacent to the site. This is contrary to adopted Local Plan policies DG1 and R1 and paragraphs 98 and 127 of the NPPF.
- 3 Due to insufficient information it has not been demonstrated that protected species and/or their habitats and Ancient Woodland would not be adversely affected by the proposal, contrary to Local Plan policies N6 and DG1, adopted policies NP/EN4 and NP/EN5 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan (ASSNP), 2014 and paragraphs 170 and 175 of the NPPF.