

# MAIDENHEAD DEVELOPMENT CONTROL PANEL

8 NOVEMBER 2021

ITEM: 1

<b>Application No.:</b>	21/02245/FULL
<b>Location:</b>	Bray Studios Down Place Water Oakley Windsor SL4 5UG
<b>Proposal:</b>	Redevelopment to create new film and TV studios, incorporating demolition, retention of 2no. existing sound stages, rehearsal building, backlot and ancillary offices on a permanent basis, construction of further new production facilities including sound stages, workshops, ancillary offices and other production facilities, use of Waterford House and Steading as ancillary accommodation, parking, landscaping and new vehicular access off Windsor Road.
<b>Applicant:</b>	Bray Film Studios Limited
<b>Agent:</b>	Mr Oliver Bell
<b>Parish/Ward:</b>	Bray Parish/Bray
<b>If you have a question about this report, please contact:</b> Tim Chapman at tim.chapman@rbwm.gov.uk	

## 1. SUMMARY

1.1 This report provides an update on the above report, being considered by the Committee on 8<sup>th</sup> November 2021.

### Additional Consultation responses

1.2 Natural England have responded to the submitted material, namely the Air Quality Assessment, and have withdrawn their objection.

Officer response:

- delete ***“and no further adverse comments being received from Natural England”*** from Recommendation 1,

Section 8 Consultees (Page 16)

- delete ***“Objection - The application could have potential significant effects on Windsor Forest and Great Park Special Area of Conservation. Further information is required in order to determine the significant of these impacts and the scope for mitigation. An Air Quality Assessment compliant with the Habitats Regulations 2017 is required.”*** and replace with ***“No objection”***
- delete ***“An Air Quality Assessment has been submitted. A condition is suggested. Further comments are also awaited at time of writing which will be reported to committee.viii”***

1.3 Negotiations have continued regarding the possible funding of a Film Officer post and its relevance and proportionality to the proposed development. The Council's Economic Growth Team have undated their comments as follows:

“taking on board comments made by the applicant a suitable contribution would be £25k per year for 3 years to allow for the current part time film officer role in RBWM to be made full time to reflect the additional work that will be generated by the studio in the borough. In addition we would like to see the membership to the Berkshire Film Office paid for 3 years at a cost of £5k per annum.”

The applicant has accepted this requirement.

Officer response: the Recommendation should be altered as follows:

- Recommendation 1. Add '***Partial***' Funding for the provision of a RBWM Film Officer for three years;
- Recommendation 1. Additional: Add "***Membership fees for RBWM to join the Berkshire Film Office for three years***"

1.4 The Maidenhead Heritage Centre have written to support application for the following reasons;

- A permanent consent would ensure the continuation of film making at this iconic site which occupies an extremely important position in the film heritage of the Maidenhead area
- A permanent consent would ensure the retention of 2 sound stages from a previous period of film making at the studios and the completion of restoration work to the listed buildings facing the River Thames. In this respect it is recommended that conditions should be attached to any consent requiring the retention of the 2 sound stages for a specified period and the completion of restoration work before the construction of new buildings commences.
- Conditions regarding landscaping and screening should have regard to views from the River Thames and the towpath on the north bank of the river, as well as views from the A308 road.

Officer response: it is not felt necessary to require the restoration of the existing sound stages as their retention and use forms part of the application. The restoration of the listed building (assumed to be Down Place) is being carried out under a different planning consent and is outside the site boundary of the current application. As a consequence it is not possible to require the restoration of Down Place.

## 2. Proposed changes to the published report

2.1 The proposed changes are as follows (changes shown in bold and italics):

2.2 Recommendation 1. "Subject to the Secretary of State not resolving to call in the application to grant planning permission with the conditions listed in Section 13 of this report and on the satisfactory completion of a legal undertaking to secure the infrastructure in Section 10 covering the following:

Carbon Offset contribution

- Economic Measures, including:
  - Implementation of the Employment and Skills Plan;
  - Commitment to join the Visit Windsor Partnership for three years
  - ***Partial*** Funding for the provision of a RBWM Film Officer for three years
  - ***Membership fees for RBWM to join the Berkshire Film Office for three years***
- Travel Plan
  - Transport Improvements, including:
  - Necessary highways improvements under a S32/S278.

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- Contribution towards the Borough’s emerging strategy to secure highway infrastructure, **improvements to walking and cycling** or public transport service improvements across the A308 corridor
- Monitoring”

Reason for suggested changes: in order to update the Recommendation following an additional consultation response and negotiations, and to better reflect the requirement to improve sustainable transport to the site.

2.3 Replace the table in section 5.3 with the follow table (changes in Italics)

LAND USE	SIZE	Size difference / compared with proposal / percentage of built increase
Current Proposal	80,429 m2	
PDL	48,541 m2	31,888 m2 <b>(39.6%)</b>
Temporary Consent	57,795 m2	22,263 m2 <b>(28.2%)</b>
Residential consent (18/01804/OUT)	71,301 m2	<b>9,128m2 (11.3%)</b>

Reason for changes: in order to correct errors.

2.4 Amend the following in the table is Paragraph 5.5:

- In the Temporary Buildings row, move **‘Rehearsal building retained’** from ‘Lot A’ to ‘Lot B’
- In the New Buildings row, add **‘Workshop B’** to the ‘Lot B’ column

Reason for changes: in order to correct errors.

2.5 Add the following wording to Paragraph 9.20

***“The proposed development includes the use of the former gymnastics club which would become part of the wider film studio use. The requirement of the previous consent (ref. 94/00145/TEMP) has effectively ceased already as the gym building is within the site already granted consent for the residential planning permission (ref. 18/01804/OUT). That planning permission has been implemented and is extant. As Paragraph 9.15 makes clear, it is the applicant’s intention to fully implement that consent if the current application is not approved. As a consequence it is accepted that the requirement for the area of the former gym and any other to revert to agricultural use has effectively ceased.”***

Reason for suggested changes: in order to better explain the context of the gym building and the prospect of agricultural use returning.

2.6 Paragraph 9.21 add the following bullet point

- **“Reduction of the height of Stage A1 by over 1 metre”**

Reason for change: to correct an omission.

2.7 Replace Paragraph 9.36 and 9.37 with the following:

***“Following further discussions with the applicant, it is proposed that the development part funds the provision of a Film Officer role, which would allow an existing part-time role to become full time for a three year period. That role would carry out the following tasks in order to ensure delivery of the Employment and Skills Plan:***

- ***Liaison with employment and training providers to create a pipeline of local talent for***

*roles within the industry, and identify training, employment and apprenticeship opportunities (Employment and Skills Plan Actions 1, 3 and 4);*

- *Liaison with local employers and the supply chain to identify economic opportunities relating to the Bray Studio use (Employment and Skills Plan Action 2 and 5);*
- *Liaison with Bray Studios' implementation officer and monitoring the implementation of the Employment and Skills plan (Employment and Skills Plan Next Steps and all Actions);*

*In addition funding of the Borough's membership of the Berkshire Film Office for three years is required in order to assist the Borough in widening its skill base to ensure that the economic and employment benefits of the proposal are delivered.*

*The above Planning Obligation requirements have been assessed in relation to the necessary Regulation 122 tests and the CIL regulations and are considered to be necessary, proportionate and relevant to the proposed development."*

Reason for suggested change: in order to update the Committee following a further consultation response and negotiation.

- 2.8 Alter the last sentence of 9.64 to read "A contribution towards such improvements is recommended within section **10**."

Reason for suggested change: in order to correct an error.

- 2.9 Paragraph 10.1

- Add '**Partial**' before "Funding for the provision of a RBWM Film Officer for three years";
- Add "**Membership fees for RBWM to join the Berkshire Film Office for three years**"

Reason for suggested change: in order to update the Committee following a further consultation response and negotiation.

- 2.10 Paragraph 11.2

After "**Delivering a net biodiversity gain of** " delete "**12.39%.**" and replace with "**11.45%**"

Reason: in order to correct an error.

- 2.11 Replace the conditions put forward in Section 12 of the report as follows:

1. The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed below [to be added]

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

3. No works hereby permitted (including demolition works) that could affect the bat roosts shall commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to the council. Thereafter mitigations measures approved in the licence shall be maintained in accordance with the

approved details. Should conditions at the site for bats change and / or the applicant conclude that a licence for development works affecting bats is not required, the applicant is to submit a report to the council detailing the reasons for this assessment and this report is to be approved in writing by the council prior to commencement of works.

Reason: The buildings on site host bat roosts, which could be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely affected by the proposed development.

4. Prior to the commencement of each phase involving new build development (including demolition, ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures in regard to priority habitats, pennyroyal, reptiles, badgers, nesting birds, and hedgehogs (could be provided as method statements)

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period for each phase strictly in accordance with

the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF.

5. Prior to the commencement of any new build development (including demolition, ground works, vegetation clearance) until a report detailing the lighting scheme and shows how this will not adversely impact upon wildlife has been submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:

o A layout plan with beam orientation

o A schedule of equipment

o Measures to avoid glare

o An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for roosting, commuting and foraging bats.

The approved lighting plan shall thereafter be implemented as agreed.

Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF.

6. Within 6 months of the planning permission, a management and operational plan for those external parts of the site to be used for outdoor filming, shall be submitted to, and approved in writing by, the local planning authority. The plan shall include details of the management and mitigation of the impacts of outdoor filming (including noise disturbance, artificial lighting and parking and access requirements on adjacent residents, the landscape and ecology within the site). No external areas and land within the site shall be used for outdoor filming otherwise than in accordance with the approved plan at all times.

Reason: To protect the amenities of adjoining occupiers. Relevant Policies - Local Plan NAP3.

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7. No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any approved tree work shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area in accordance with Local Plan Policies DG1 and N6.

8. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason Piling can cause pollutant pathways when undertaken in areas of contaminated land leading groundwater pollution.

9. Prior to the commencement of each phase involving new build development, a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan for each phase shall cover any areas of existing landscaping, including woodlands, and all areas of proposed landscaping.

Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1.

10. The development shall be carried out in accordance with the submitted flood risk assessment (ref 332510520 June 2021 compiled by Stantec) and the following mitigation measures it details:
  - o Finished floor levels shall be set no lower than 24 metres above Ordnance Datum (AOD)
  - o No development shall be located within Flood Zones 2 or 3

These mitigation measures shall be fully implemented prior to occupation of each phase involving new build development and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

11. There shall be no storage of materials within the flood plain without written consent from the local planning authority.

Reason: To reduce the risk of flooding on and off site

12. Unless otherwise agreed by the Local Planning Authority in writing, development of each phase involving new build development other than that required to be carried out as part of an approved scheme of remediation for that phase must not commence until clauses A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning

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application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

a survey of the extent, scale and nature of contamination;

as assessment of the potential risks to:

- human health

- property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;

an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM). How to assess and manage the risks from land contamination

#### B. Submission of Remediation Scheme.

A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. Implementation of Approved Remediation Scheme.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. Reporting Unexpected Contamination

In the event that contamination is found at anytime when carrying out the approved development that was not previously identified, work must stop and it must be reported immediately by telephone and in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment must be undertaken in accordance with the requirements of clause A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of clause B, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with clause C.

Reason: To protect controlled water from historic pollution.

13. Prior to the commencement of any new build development (including demolition and clearing of vegetation) a Phasing and Delivery Strategy shall be submitted to and approved by the Local Planning Authority. The strategy shall be implemented as approved.

Reason: in the interests of good planning and to ensure the continuation of film production activities on the site.

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**Reason for replacement of proposed conditions:** in order to correct an error.

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