

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 March 2024

Item: 1

Application No.:	22/03374/OUT
Location:	Land North And South Gays Lane Maidenhead
Proposal:	Outline application for access only to be considered at this stage with all other matters to be reserved for the demolition of the existing agricultural buildings to create a new Film and TV Studio including sound stages, ancillary offices, virtual reality studio, storage and warehouses, workshops, specialist studio facilities and outdoor film backlot; the creation of a new Nature Park incorporating hard and soft landscaping, green infrastructure, sustainable drainage systems, and new cycle and pedestrian facilities; together with supporting infrastructure to include long-stay car parking, cycle parking, boundary treatments, waste storage, sub-stations, and new access roundabout and vehicle route.
Applicant:	Greystoke Land Ltd
Agent:	Ashley Collins
Parish/Ward:	Bray Parish/Bray

If you have a question about this report, please contact: James Overall on 01628 796404 or at james.overall@rbwm.gov.uk

1. SUMMARY

- 1.1 The application site is to the south-east of Holyport, Maidenhead and comprises agricultural land extending circa 43 hectares (106 acres) to the north of Forest Green Road. The site borders Green Lane to the east, Budds Farm to the west, and its northernmost border finishes just south of Stroud Farm.
- 1.2 The site is located in the Green Belt and Flood Zone 1 (low risk flooding). It is also within an Amber and Red zone for Great Nested Newts, a protected species (meaning their presence is highly likely). The site is adjacent to several public right of ways, with four of them running through the application site.
- 1.3 The site is approximately 85 metres south-east of the Holyport Conservation Area and a cluster of Grade II* and Grade II Listed Buildings lie approximately 175 metres north of the site (within the wider land ownership) and an additional cluster (along Coningsby Lane) lies 200 metres south-east of the site boundary (385 metres east of the built form proposed within Site A).
- 1.4 The proposal is for outline planning permission for the erection of a Film and TV Studio with associated buildings and infrastructure, and a new Nature Park following demolition of existing agricultural buildings. 'Access' is the only matter submitted for consideration, with 'appearance', 'landscaping', 'layout' and 'scale' as reserved matters.
- 1.5 The applicant asserts that on a local level, this proposal is projected to support strategic economic growth, with an investment of approximately £106 million into the Royal Borough of Windsor and Maidenhead's economy and the creation of over 700 jobs during operational phases, along with a commitment to a £5 million fund for local employment training. Regionally and nationally, the applicant asserts that the development addresses the shortfall of skilled labour in the UK Film & TV Industry, fosters economic growth and industry competitiveness, and contributes significantly to the UK's supply of studio space. The proposed development is considered by officer to would some benefits, with the most notable being those revolving around economics, however officers have given limited weigh to these benefits (see Section 10.(xi) and planning balance and conclusions).

- 1.6 In terms of environmental enhancements, the development includes the creation of a nature park and enhanced habitats, aiming for a Biodiversity Net Gain of over 10%. These environmental enhancements are a requirement of national planning policy and therefore are not special. Subsequently Officers consider these do not carry any weight for the purposes of outweighing Green Belt harm. An in depth assessment is set out within Section 10.(xi) of the report.
- 1.7 The applicant sets out that the development would meet the BREEAM rating requirements ('Very Good') and should be able to achieve 'Excellent' if all the recommendations of the pre-assessment are followed; however, the applicant intends for the strategy to be fully implemented at the reserved matters stage. Noting the unsustainable location of the site, this BREEAM rating would not adequately classify the development as 'sustainable'. An in depth assessment is set out within Section 10.(xi) of the report.
- 1.8 The proposal is considered to represent inappropriate development in the Green Belt which is harmful by definition. It is considered that the proposal would have a substantial impact upon the openness of the Green Belt. The development would also conflict with two of the purposes of designating the Green Belt, which are (a) – 'To check the unrestricted sprawl of large built-up areas'; and (c) – 'To assist in safeguarding the countryside from encroachment'. In line with planning policy substantial weight is given to the harm to the Green Belt arising from this proposed development.
- 1.9 In line with paragraph 152 of the National Planning Policy Framework (NPPF), applications which represent inappropriate development in the Green Belt "should not be approved except in very special circumstances". '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.
- 1.10 In addition to harm upon the Green Belt, harm has been also identified in the following areas:
- Harm to Character of the area
 - Harm to the setting of designated Heritage assets
 - Harm to highway safety
 - Harm to the amenity of public rights of way
 - Potential harm to neighbouring amenity
 - Ecology
 - Loss of best and most versatile agricultural land
- 1.11 The benefits of the scheme are acknowledged; however, they are not considered to amount to considerations that form Very Special Circumstances which clearly outweigh the harm to the Green Belt which is afforded substantial weight and the other harms identified. As such the application is recommended for refusal.

It is recommended the Committee authorises the Head of Planning:	
1.	<p>To refuse planning permission on the following grounds:</p> <ol style="list-style-type: none"> 1. The proposal would represent inappropriate development within the Green Belt and there are no very special circumstances, which would outweigh harm to the Green Belt and the other harms identified. 2. The development would harm the character of the area, failing to comply with Policies QP3 and QP3a of the Borough Local Plan as well as the Building Heights and Tall Buildings Supplementary Planning Document. 3. The proposed development will amount to less than substantial harm upon Holyport Conservation Area and the setting of John Gay's House (Grade II Listed). The proposal fails to comply with Policies HE1 of the Borough Local Plan; Section 66 (1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; as well as paragraphs 195 and 208 of the NPPF (December 2023). 4. The proposed development would have a detrimental impact upon highway

safety – particularly pedestrians and cyclists – and fails to demonstrate how the proposed roundabout access would be permissible at this location to comply with current standards. The location of the scheme is wholly unsustainable and there are no provisions in place to improve this. The proposed development would therefore have an unacceptable impact on highway safety, particularly for pedestrians and cyclists, contrary to Local Plan policies IF2 & QP3 which is supported by the paragraphs 108, 109, 114, 115 and 116 of the NPPF (December 2023).

5. The proposed development would see a significant change to the existing Public Right of Way network in this area, with three paths being closed/partially closed and only one path being diverted to a significantly lesser quality route. The resulting loss of amenity and value of the affected paths conflicts with Policy IF5 of the Borough Local Plan.
6. In the absence of overriding public interest, the application fails to meet the tests required by Regulation 55 of The Conservation of Habitats and Species Regulations 2017 and Policy NR2 of the Borough Local Plan.
7. The proposed development would result in the permanent/irreversible loss of the best and most versatile agricultural land (likely Grade 3a) and therefore fails to comply with paragraph 180 (b) of the NPPF and Policy QP5 of the Borough Local Plan.
8. In the absence of a legal agreement to secure sustainability measures in line with the Councils Interim Sustainability Position Statement, the proposal fails to meet Policies SP2 and QP1 of the Borough Local Plan.

2. REASON FOR COMMITTEE DETERMINATION

- The application is classified as a ‘major’ application due to the size of the application site, and therefore this application is required to be considered the Maidenhead Development Management Committee.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site (Appendix 1 – site location plan and wider overview) is to the south-east of Holyport, Maidenhead and comprises agricultural land extending circa 43 hectares (106 acres) to the north of Forest Green road. The application site is bisected diagonally by Gays Lane, which is an unmade track used as a bridleway and footpath but does not allow rights of access for public vehicles. The site borders Green Lane to the east, Budds Farm to the west, and its northernmost border finishes just south of Stroud Farm. Green Lane is a made track that allows public vehicular rights of access and can be used as a bridleway and footpath.
- 3.2 Oak Tree Farm lies in a central location along the southern side of Gays Lane and is fully surrounded by the application site.
- 3.3 Generally, the land within the application site is open, with some hedgerows, small ponds, trees, and ditches present throughout. The topology of the site is largely flat with some slight undulation, and it gently slopes upwards to the north. A couple of existing agricultural barns lie in the south-eastern corner of the application site, accessed via Green Lane its junction with Forest Green.
- 3.4 In the immediate vicinity of the site, is a cluster of residential dwellings situated to the south along the southern side of Forest Green, and further to the east along the northern side of Forest Green is another cluster of dwellings. The scale of these properties does not go beyond 2/3-storey level.

- 3.5 The site is located in the Green Belt. It is also within an Amber and Red zone for Great Crested Newts, a protected species (meaning their presence is highly likely). The site is adjacent to several public right of ways, with four of them running through the application site.
- 3.6 The site is approximately 85 metres south-east of the Holyport Conservation Area and a cluster of Grade II* and Grade II Listed Buildings lie approximately 175 metres north of the site (within the wider land ownership) and an additional cluster of heritage assets (along Coningsby Lane) lies 200 metres south-east of the site boundary (385 metres east of the built form proposed within Site A).
- 3.7 The site is within an approximate 5-minute drive from the M4 motorway and a 20-minute drive from the M25. The Site is also within a 30-minute driving radius from Slough, Uxbridge, Staines Upon Thames and Reading, a 45-minute drive from Shepard's Bush, Ealing, and Teddington, and a circa 1-hour drive from Hertford, St Albans, Oxford, Guildford, and Leatherhead.
- 3.8 The nearest train station is Maidenhead, an approximate 7-minute drive away, which provides car parking, cycle parking, bus links, and a taxi rank. The station provides links into Reading, London Paddington, Didcot Parkway, and Marlow.
- 3.9 The Site is located within Flood Zone 1. Areas which fall within Flood Zone 1 are set within locations which have a low probability of flooding – less than 0.1% annual probability (1 in 1,000).

4. KEY CONSTRAINTS

- 4.1 The application lies within the following constraints:
- Green Belt
 - Public Right of Ways
 - Setting of designated heritage assets
 - Best and most versatile agricultural land

5. THE PROPOSAL

- 5.1 The application seeks outline planning permission, with only access as a matter for consideration at this stage, for the erection of a Film and TV Studio including sound stages, ancillary offices, virtual reality studio, storage and warehouses, workshops, specialist studio facilities, and outdoor film backlot. The scheme also seeks the creation of a new nature park incorporating hard and soft landscaping, green infrastructure, sustainable drainage systems, waste storage and new cycle and pedestrian facilities; together with supporting infrastructure to include car parking, cycle parking, boundary treatments, waste storage, sub-stations, new access roundabout and vehicle route. The scheme also involves the demolition of the existing agricultural buildings in the south-eastern corner of the site.
- 5.2 The proposed soundstage space and features are summarised as follows:
- circa 225,000sqft (20,900 sqm) of soundstage space
 - 15 stages
 - 2.9-Acre Backlot
 - Virtual Reality & Gaming Facility
 - 16.9 Acre Nature Park
- 5.3 Seeking outline permission for 'access' only means that all other matters ('appearance', 'landscaping', 'layout' and 'scale') would be considered at reserved matters stage.
- 5.4 Access is the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

- 5.5 Whilst 'access' is the only matter to be considered, the principle of the scheme must be assessed under this outline application.
- 5.6 The application has been accompanied by a detailed masterplan and set of parameter plans, guided by technical considerations.
- 5.7 The submitted parameter plans indicate the erection of 11 buildings on the northern part of the site (Site B) and 12 buildings on the southern part of the site (Site A) – please see Appendix 2. Note the layout of these buildings is a reserved matter and therefore this parameter plan indicates that the suggested locations may vary by up to 5m (in the direction of the arrows) upon receipt of a reserved matters application.
- 5.8 The parameter plans outline a tiered design strategy exclusively applied to buildings with maximum heights of 21 metres and 18 metres. There are exceptions within this framework: a singular 18-metre tall building on Site A that does not incorporate any tiering. All tiered elements are set to a maximum height of 12 metres and apply to a singular elevation of the related buildings. The submitted parameter plan can be viewed within Appendix 3. The plan shows that the majority of the tallest buildings will be located within the northern part of the site (Site B).
- 5.9 The height parameter plan indicates the maximum heights by categorising into four groups:
- Max height of 8 metres
 - Max height of 12 metres
 - Max height of 18 metres
 - Max height of 21 metres
- 5.10 The proposal seeks to introduce a new roundabout along Forest Green Road, slightly west of Green Lane. This roundabout will consist of four 'arms', two serving Forest Green and two providing access into the application site. This can be viewed in Appendix 4.
- 5.11 The proposal also seeks to introduce a 16.9-acre nature park (6.84 ha), which will be located north of Gays Lane. It is proposed that the nature park will operate totally separate from the proposed studio complex but will be able to be used by users of the studio development as well as the general public.
- 5.12 Originally the application sought to provide a cricket pitch (also in the north of the site); however, this was removed from the proposal during the course of the application.
- 5.13 Noting that the proposed built form is separated into parcels (Site A and Site B), these are linked via an access road, which would run through a proposed 'break out area', which would include a decked pathway and seating. This can be viewed in Appendix 5.

6. RELEVANT PLANNING HISTORY

- 6.1 The following planning history relates to redevelopment within the site:

Reference	Description	Decision
22/02796/EIASCR	Screening Opinion from the Council under Regulation 6 (1) of the Environmental Impact Assessment Regulations 2017 ("the EIA Regulations"), to confirm whether or not there is a requirement for an Environmental Impact Assessment ("EIA") in respect of an Outline planning application with all matters reserved apart from principal points of access for the demolition of the existing agricultural buildings to create a new state-of-the-art Film and TV Studio including sound stages, ancillary offices, virtual reality studio, storage and warehouses, workshops, specialist	EIA not required.

	studio facilities, and outdoor film backlot; together with the creation of a new Nature Park incorporating hard and soft landscaping, green infrastructure, sustainable drainage systems, waste storage and new cycle and pedestrian facilities; supporting infrastructure to include long-stay car parking, cycle parking, boundary treatments, sub-station, new access roundabout and vehicle route.	
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6.2 Pre application – the applicant was advised that there were not considered to be very special circumstances which would clearly outweigh the harm to the Green Belt and other likely harm (impact on character of area, and impacts on the recreational value of Public Rights of Way) and that planning permission would be recommended for refusal.

6.3 The submitted scheme under this current application is similar to that proposed under the pre-application, in which advice was provided.

7 DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan (2013-2033)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Building Height and Tall Buildings	QP3a
Development in Rural Areas and Green Belt	QP5
Economic Development	ED1
Historic Environment	HE1
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Pollution (Air, Light, Noise, Contamination, Water)	EP2, EP3, EP4, EP5
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Rights of Way and Access to the Countryside	IF5

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (Dec-23)

Section 2: Sustainable Development

- Section 4: Decision – making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

Supplementary Planning Documents

- Borough Wide Design Guide
- Building Height and Tall Buildings SPD

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Landscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested third parties

139 occupiers were notified directly of the application.

The planning officer posted two site notices advertising the application at the site on 10 Jan-23 and the application was advertised in the Local Press on 5 Jan-23.

181 letters of representation have been received objecting to the application. These comments can be summarised as follows:

Comment		Where in the report this is considered
1	Procedural Application Issues	When the application was submitted, a technological error caused some of the documents to not be received from the Planning Portal; however, this was identified and rectified
a	Lack of formal notification and delays due to postal strikes.	
b	Incomplete information on the council's consultation website.	
c	Missing reports including DTA Transport Assessment, DTA Travel Plan, DTA Draft Construction Management Plan, MHP Landscape Visual Impact Assessment, and MHP Landscape Strategy.	
d	Uncertainty about whether the council received the required documents.	

e	Request for further consultation period and clarification on statutory consultees.	by Officers. The Council has adequately fulfilled their duty with regard to the publication of this application and third parties have had sufficient time in which to submit letters of representation.
2	The Case for Very Special Circumstances (VSC)	Section 10.(xi)
a	Doubts about the applicant's case for Very Special Circumstances.	
b	Mention of UK-wide demand for studio space, making the case not location-specific.	
c	List of existing film and TV studio applications in the UK as potential alternatives	
d	Lack of official forecasts for growth in the film and TV sector	
e	Incompatibility with the Government's 'Levelling-Up' agenda	
f	Concerns about lack of Special Circumstances, disruption, and disturbance.	
3	Harm to the Green Belt	Section 10.(i)
a	Refuting the applicant's case for removal from the green belt	
b	Concerns about openness, urbanising development, and loss of footpaths	
c	Discrepancies in the applicant's use of the Council's 'Green Belt Purpose Analysis' report	
d	Clarification of the land parcel's contribution to Green Belt purposes	
e	Reference to the recent appeal decision for Land at Link Park, Thorney Mill Road, Iver	
f	Impact on Green Belt, loss of access, and harmful lighting	
4	Impact on Character	Section 10.(ii)
a	Impact on character and appearance of the area due to scale and massing.	
5	Impact on Amenity	Section 10.(viii & ix)
a	Negative effects on residential amenity, including noise, light, and vibration.	
6	Access, Highways, PROWs and Traffic Concerns	Section 10.(v & vi)
a	Concerns about noise barriers, security fencing, and other urbanising features	
b	Detrimental impact on existing footpaths, bridleways, and recreational value	

c	Unsuitability of the site's location and lack of sustainable transport options	
d	Unsuitability of proposed roundabout and access road on Forest Green Road	
e	Negative impact on local traffic, congestion, and schools	
f	Negative impact on local roads, including Forest Green Road.	
7	Other Harms Resulting from the Proposals	Section 10.
a	Concerns about the backlot area, cricket pitch, and landscape strategy	
b	Strong objection to proposed development of international film and TV studios	
c	Objection to proposed cricket pitch and nature reserve	
d	Comparison to rejected Gun Club application and concerns about wildlife	
e	Reference to existing studio nearby and lack of necessity for new cricket pitch	
f	Ethical considerations and doubt about economic benefits	
g	Concerns about existing cricket clubs, footpaths, and representations by chair of Holyport Residents Association.	
8	Environmental Impact	Section 10.(vii & ix)
a	Negative effects of development on drainage, flooding, and wildlife	
b	Anticipated environmental and infrastructure impact, air quality concerns	
c	Concerns about light, air and water pollution	

A re-consultation took place in December 2023 as a result of amendments to the site location plan and proposed plan to incorporate the proposed roundabout and land to provide visibility splays in connection with this, and also plans to show the detailed design of the proposed vehicular access and roundabout to the site. This re-consultation resulted in an additional 80 comments being received, **objecting** to the application. These comments can be summarised as follows:

Comment		Where in the report this is considered
1	Flooding	Section 10.(vii)
a	Inaccuracy of flood maps and modelling provided by the applicant.	
b	Exacerbation of existing flooding issues by proposed drainage solutions, leading to displacement of floodwaters.	
c	Lack of infiltration testing raises doubts about the efficacy of the drainage proposal.	
2	Highways	Section 10.(v)
a	Inadequate infrastructure to support increased traffic, including narrow country lanes and blind bends.	
b	Concerns about road safety, given the unsuitability of the surrounding road network for heavy traffic.	
3	Infrastructure	Section 10.(vii)

a	Insufficient capacity in the sewerage network to accommodate the requirements of the new facility.	
4	Environmental Impact	
a	Potential for light and noise pollution from the proposed development, with detrimental effects on residents and wildlife.	Section 10.(ix)
5	Harm to the Green Belt	
a	Excessive building heights unsuitable for green belt countryside.	Section 10.(i)
b	Concerns about openness, urbanising development, and loss of footpaths.	
6	Legal, Documentation and Procedural Issues	
a	Persistent errors in application documentation, including inaccuracies in the location plan and Certificate B	Officers are satisfied that this is not/no longer a concern.
b	Concerns about the timing of the application submissions, particularly just before Christmas, limiting public awareness and participation.	Given the timescales of this application and the number of comments received; the Council do not believe this has detrimentally impacted any persons right to submit a letter of representation.
c	Lack of notification to some residents, leading to exclusion from the consultation process.	<p>The Council carried out a wide consultation including site notices, neighbour letters and news adverts.</p> <p>The Council is only legally obliged to carry out one of these methods for consultation.</p> <p>The Council has gone above and beyond to ensure members of the public were aware of the application.</p> <p>Noting comments have been received from third parties who make reference to not having received a personal formal consultation evidences that the consultation process has successfully fulfilled its purpose.</p>

d	Multiple red lines on the location plan	There is no requirement for an application site to be one piece of land. In this instance, two red lines is acceptable because they surround one application site that is in two different land parcels.
e	Lack of details in relation to the 'safe access' for the cricket pitch	The cricket pitch was removed from the application in Jan-23.
f	Incorrect/Inaccurate description	The removal of elements of the scheme from the application (and subsequent description update) would not require re-consultation as the scheme is not proposing anything additional. Officers are therefore content that the description can be updated to reflect the proposal, by removing reference to elements which no longer form part of the scheme without a need for re-consultation. The key part to this potential validity issue, is that the decision notice must go out with the correct description. It should be noted that the description within this Committee report is also correct.

g	Requirement for crossings in areas falling outside the application site	Whilst it is noted that paragraph 6.44 of the submitted planning statement states, "The detail of this crossing point will be submitted as part of a reserved matters application", the plans submitted with this application do not show any operational development on Gays Lane, and as such this land does not have to be included within the red line. It could be that these access points shown do not include operational development that require planning permission. This application can only consider the proposed development as shown on the proposed plans.
7	The Case for Very Special Circumstances (VSC)	Section 10.(xi)
a	Lack of demonstration of the necessity for the new filming facility outweighing the harm to open countryside and green belt land.	
b	Presence of numerous existing film studios within close proximity, rendering the proposed development unnecessary.	
c	Absence of very special circumstances justifying the destruction of green belt land.	
8	Public Rights of Way	Section 10.(vi)
a	Lack of adequate alternative routes.	
b	Disruption of pedestrian access and safety due to proposed closure of footpaths.	
c	Negative impact on local recreational activities such as walking and horse riding.	
d	Concerns about the loss of community connectivity and access to green spaces.	

One comment of support was received during the re-consultation, which can be summarised as follows:

Comment	Where in the report this is considered
1 Wonderful Employment Opportunity	Section 10.(x)

2	The Public Rights of Way in the Gays Lane area are not heavily used and therefore people will not be largely impacted	Section 10.(vi)
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Comments from community groups

Community Group	Comment	Where in the report this is considered
Berkshire branch of Campaign to Protect Rural England (CPRE) - The Countryside Charity	<ul style="list-style-type: none"> • Inappropriate development in the Green Belt, with no 'Very Special Circumstance' • Direct negative impact on the heritage assets of the Holyport Conservation Area • It would set a bad precedent for Windsor & Maidenhead Borough, potentially opening the door to further loss of Green Belt land and other green spaces for inappropriate commercial development. 	Section 10. (i & iii & xi)
Holyport Residents Association	<ul style="list-style-type: none"> • Concerns over intrusion into rural setting • Site situated within Green Belt clashing with objectives of preserving Green Belt integrity • Site is not designated for development in RBWM's Local Development Plan • Contradiction with government principles outlined in the National Planning Policy Framework (NPPF) • Environmental worries, including potential impact on wildlife habitats, heightened flood risk, and exacerbation of existing traffic and pollution issues • Assertion that it is not the responsibility of the Local Planning Authority to assist an applicant in achieving a development against NPPF rules • Applicants attempt to pressure the Local Planning Authority into agreement, through the implication of appealing, could be perceived as a form of bullying or coercion • Absence of Very Special Circumstances (VSC) • Disagreement with establishing VSC based on the lack of alternative locations • Concerns raised about the adverse impacts of tall buildings on heritage, landscape, and townscape assets. 	Section 10. (i & ii & iii & vii & ix & xi)
Oakley Green, Fifield & District Community Association Limited	<ul style="list-style-type: none"> • Will not attract new jobs for local people • Introduce heavy and constant traffic on rural roads that cannot sustain it • The promise of a country park is risible when we currently have the real thing, and this site would destroy several public footpaths and a bridleway 	Section 10. (i & ii & v & ix & x & xi)

	<ul style="list-style-type: none"> • No “Very Special Circumstances” • The site is on prime agricultural land, which should be protected for food production • Visual impact would be devastating • Associated light pollution would also be very harmful • There is already an established Film Studio within 2.5miles, so another one is neither needed nor deserve • Another cricket club is not required when there are already two in the area – Holyport and Oakley Green • Forest Green Road is a narrow, winding rural road with no footways. Where would the proposed new cycle and pedestrian access routes go from and to? • Forest Green Road has a 7.5tonne limit and is totally unsuitable for the type of heavy vehicles used by film companies. 	
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Statutory Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>It is understood that the foul drainage for the proposed development will be going to mains sewer and treated at Maidenhead sewage treatment works (STW), or alternatively the applicant is considering providing an on-site private sewage treatment plant with treated effluent discharging into on-site land drains. A detailed foul drainage design has not been provided with this application.</p> <p>The proposed development will <u>only</u> be acceptable if a condition is imposed to ensure reserved matters application shall include details of a scheme to dispose of foul drainage, including any phasing and occupation arrangements to ensure the development is delivered and occupied in line with drainage provision.</p>	Section 10.(vii)
Natural England	Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.	Section 10.(ix)

Consultee responses

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	The application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the	Section 10.(iii)

	<p>proposed development. It is therefore recommended that a pre-commencement condition is imposed to secure a programme of archaeological work including a Written Scheme of Investigation (WSI).</p>	
Rights of Way	<p>Objection due to the significant impact on public rights of way in the area. Three paths are shown as closed or partially closed on the plan:</p> <ul style="list-style-type: none"> • Bray Footpath 27 (complete), • Bray FP 26 (partial), and • Bray FP 28 (partial). <p>Only one path is shown as being diverted and the diversion runs alongside the entrance to the development and the road.</p> <p>There is a significant loss of both length and quality of paths in the current plan.</p> <p>Consideration should also be made regarding the loss of views and open nature of many of the paths in the area.</p>	Section 10.(vi)
Ecology	<p>Detailed assessments including an Ecological Impact Assessment and a Biodiversity Net Gain Strategy have been provided, along with responses to previous ecological consultation.</p> <p>The plan includes protection for priority woodland, trees, hedgerows, and ponds, with provisions for replacement where necessary. Biodiversity net gain calculations indicate a positive impact on habitat units, hedgerows, and river units through various enhancements.</p> <p>Considerations for bats, including potential roosting sites, and Great Crested Newts have been addressed with proposed mitigation measures, including retaining ponds, creating new habitats, and obtaining necessary licenses.</p> <p>Other species such as badgers, water voles, dormice, reptiles, brown hares, birds, and hedgehogs have also been considered, with recommendations for protection and mitigation strategies outlined in the proposal.</p> <p>Overall, the application emphasises ecological conservation and mitigation efforts to ensure minimal impact on wildlife during and after development.</p>	Section 10.(ix)
Highways	<p>The proposals represent an insufficient access strategy for pedestrians and cyclists for the development as a whole and while some aspects of the roundabout design are accepted, vital points such as street lighting and visibility splays have not been fully demonstrated to the satisfaction of the Highway Authority nor the extent of vegetation that would need to likely be removed within this rural location. Without this information Highways cannot support the application at</p>	Section 10.(v)

	<p>this stage as the proposal will have an unacceptable impact on highway safety, particularly for pedestrians and cyclists, contrary to Local Plan policies IF2 & QP3 which is supported by the NPPF (Dec 2023) 108, 109, 114, 115 and 116.</p>	
Local Lead Flood Authority	<p>The principle established to allow some flood flows during the 1 in 100 year plus 25% climate change event to attenuate within car parking or similar areas is agreeable in principle. However, in the absence of established site levels we consider the volume of storage required had not been demonstrated to be retained in these areas. The provision of the contributing area site plan is sufficient to demonstrate expected volume storage and this can be secured through the imposition of a condition for details of a surface water drainage scheme.</p>	Section 10.(vii)
NatureSpace Partnership	<p>Without assessing the suitability of the mitigation plan, the application is likely to be supported when applying for a great crested newt mitigation licence application through Natural England.</p>	Section 10.(ix)
Conservation	<p>The proposal raises significant concerns regarding its impact on heritage assets. Holyport Conservation Area boasts a rich tapestry of historical significance, featuring designated and non-designated heritage assets, including listed buildings and archaeological sites dating back to prehistoric times. The intrinsic value of this landscape, characterised by its organic evolution and traditional streetscape, alongside the surrounding open fields that contribute to its rural charm are integral to the Conservation Area's historical significance. The 2016 Holyport Conservation Area Appraisal affirms the area's importance in safeguarding a diverse array of historic structures and maintaining its unique ambiance. However, the proposed development's scale and layout pose grave concerns, potentially jeopardising views, disrupting the rural landscape, and eroding the area's distinct character. Despite purported benefits like job creation and community spaces, these fail to outweigh the harm inflicted on the Conservation Area's significance and ambiance.</p> <p>Additionally, some listed building will face threats from the proposed proximity of tall studio buildings, notably John Gay's house (Grade II).</p> <p>It is considered that the harm would be less than substantial, although the level of harm would be moderate to high, not slight to adverse (long term) as advised in Appendix B Summary table of the LVIA, or very small as suggested in paras 6.51 and 8.5 of the</p>	Section 10.(iii)

	Heritage Statement.	
Environmental Protection	<p>The Noise Impact Assessment, indicates significant noise effects during construction and noise breakout during operation, particularly exceeding background levels at certain times.</p> <p>The Air Quality Assessment suggests minimal air quality impacts but recommends measures to mitigate traffic-related emissions.</p> <p>Conditions are recommended to address these issues through specific plans and monitoring.</p>	Section 10.(ix)
The Ramblers	<p>The proposal will see a detrimental impact on vital public rights of way, notably footpaths 25, 26, 27, 28, 29, 44, and 47. These pathways serve as crucial avenues for exercise and recreation for Royal Borough of Windsor and Maidenhead residents. We strongly oppose the potential encroachment of the development, which typically aims to deter unwanted visitors, thereby endangering the accessibility and integrity of these cherished routes. Even if the development were to maintain rights of way, the loss of the scenic countryside views that define these paths would be irreparable. The proposed development threatens to rob the community of a valuable resource, and we condemn such a prospect as scandalous and unacceptable.</p>	Section 10.(vi)
Parish Council	<p>Oppose any encroachment upon the Green Belt without the provision of adequate justification for Very Special Circumstances (VSC).</p> <p>Preserving the gaps between villages is paramount to maintaining their unique identities.</p> <p>Environmental concerns are of utmost importance, as evidenced by the risks of flooding and the presence of protected wildlife species in the proposed development area. The destruction of agricultural land and disruption of natural habitats must be avoided to ensure the long-term sustainability of our ecosystem.</p> <p>Serious concerns about the strain on local infrastructure, including pathways, roads, and utilities, all of which are ill-equipped to handle the anticipated increase in traffic and demands.</p> <p>The proposed development's impact on light pollution poses a threat to both residents' well-being and the natural environment.</p> <p>Questionable sustainability, given the saturation of the film/TV studio industry in the vicinity and the limited potential for local job creation, warrants significant scrutiny.</p> <p>Potential of setting a precedent for further development in the Green Belt, jeopardising invaluable green</p>	Section 10. (i & ii & v & vi & vii & ix & xi)

	spaces. Threatens high-quality agricultural land.	
Economic Growth	<p>Supportive of the Holyport Studios application. As well as the direct impacts from employment and activity within the film industry there will be indirect impacts to the broader local economy in the borough including employment and activity supported down the supply chain. This application supports the borough's aspirations to support the creative industries as a growing sector in the region.</p> <p>In order to support the wider economic contribution of the studios to the borough and surrounding area the economic growth team would like to recommend that:</p> <ol style="list-style-type: none"> 1. There is a commitment to deliver skills and training opportunities including apprenticeships. A commitment to community outreach to promote a career in the industry. 2. A commitment to being a member of the Visit Windsor Partnership at £10,000 per annum in order to help support the broader local economy and help promote the borough and surrounding area as a destination. Participation in the partnership will support and enhance the existing Royal Borough film tourism industry. 3. A commitment to support the broader arts and creative industries within the borough through work with Old Court Arts Centre in Windsor and Norden farm Centre for the Arts in Maidenhead. 	Section 10.(x) The applicant has also agreed to the recommendations made by the Economic Growth team.

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i. Green Belt
- ii. Impact on character and appearance of the area/surrounding landscape
- iii. Impact on heritage assets
- iv. Climate Change and Sustainability
- v. Highway considerations, sustainable transport and parking provision
- vi. Public Right of Ways
- vii. Flooding
- viii. Impact on neighbouring amenity
- ix. Environmental Considerations

x. Other material considerations

xi. Planning balance

i. **Green Belt**

Whether the development is an exception to inappropriate development in the Green Belt:

10.2 Paragraph 154 of the National Planning Policy Framework (NPPF) sets out that the construction of new buildings is inappropriate in the Green Belt unless it falls into any of the exceptions. Paragraph 155 of the NPPF also sets out exceptions; however, this paragraph (unlike paragraph 154) caveats that the developments must preserve openness and not conflict with the purposes of including land within the Green Belt.

10.3 Policy QP5 of the Adopted Borough Local Plan (BLP) reflects the national policy set out within the NPPF, requiring very special circumstances to be demonstrated when development is considered inappropriate development (as defined in the NPPF).

Film Studio

10.4 The proposed development does not fall under any of the 'exceptions' of the NPPF (this is also agreed by the applicant), and therefore represents inappropriate development within the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Nature Park

10.5 Paragraph 155 of the NPPF 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". One of these exceptions is e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

10.6 The application includes the provision of a 6.84 ha nature park. No built development is proposed. The submitted plans show a publicly accessible area comprising wildflower meadows, amenity grassland and woodland.

10.7 It is considered that the proposed nature park would preserve openness and would not conflict with the purposes of including land within the Green Belt.

Harm to the Openness of the Green Belt

10.8 The National Planning Practice Guidance (NPPG) sets out that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to, spatial and visual impacts; duration and remediability; and activity generation.

Spatial impact

10.9 Although scale and layout are not matters for consideration under this outline application, the submitted plans show an indicative layout of where buildings would go, and the maximum height parameters. Based on the plans submitted, up to 23 large scale structures and associated infrastructure would be built on land that is currently free of built development. It is considered that this would result in substantial harm to the openness of the Green Belt in spatial terms.

Visual impact

- 10.10 In terms of the visibility of the development's effect on openness, the existing site comprises limited development, which is contained to the south-east corner of the site. Most of the application site is undeveloped.
- 10.11 The scheme would result in the construction of a film studio, extending significantly beyond the minor, already developed south-eastern area onto previously undeveloped land, introducing 23 tall buildings.
- 10.12 A number of public vantage points surround the site with the closest being Forest Green Road, Gays Lane, Green Lane and the numerous Public Rights of Way in the area.
- 10.13 Whilst existing hedgerows will remain between the application site and these areas, several gaps are present in the form of access points and the hedgerows are not particularly tall. The submitted landscape strategy proposes tree planting between the proposed buildings and these hedgerows, which will aid with screening; however, there is a significant lack of details with regard to species, heights and numbers; which therefore makes it difficult to assess the foreseen impact this screening will have upon visual views. Noting the height of the proposed development, it is unlikely that the proposed screening will be effective for upwards of 50 years if ever. It is therefore clear that this development will have an adverse effect on the openness of the Green Belt and would be a physical manifestation of its inappropriateness.
- 10.14 There is also a need to consider the proposed backlot area (2.3 ha), which will be used for filming (albeit noted as a "small portion" within paragraph 6.18 of the submitted planning statement). As such, this area could result in unrestricted heights of filming sets/models, leading to further visual impacts on the openness of the Green Belt.
- 10.15 Additionally, it is noted that an acoustic fencing of "at least 3 metres" in height, is to be provided in two locations:
- along the corner of Gays Lane and Green Lane
 - along the northern boundary of Site B
- 10.16 The section along the corner of Gays Lane and Green Lane will measure approximately 140 metres in length and the section along the northern boundary of Site B will measure approximately 155 metres.
- 10.17 This acoustic fencing will clearly be visible above the hedgerows and will have a visual impact on the openness of the Green Belt.
- 10.18 The scheme would result in a visual impact on the openness of the Green Belt.

Permanence (duration of development and remediability)

- 10.19 The Green Belt aims to maintain permanent open land. The evaluation of the development's duration and reversibility must consider restoring the land to its original or improved openness.
- 10.20 The proposed development is not temporary; it is intended to be permanent.

Activity generation

- 10.21 The applicant has provided a Transport Assessment, which focuses on traffic generation with respect to the local road network rather than traffic generation to and from the site itself.
- 10.22 Noting the number (2) of agricultural buildings, which are solely constrained to the south-eastern corner of the site; the traffic generated by the existing site is considered to be low.
- 10.23 The submitted Transport Assessment notes "1 space per 70sqm...is commensurate with the level of parking consented on other similar schemes", based upon the expansion of the Shepperton

Studios Site (parking ratio of 1 space per 76sqm) and the expansion proposals for Pinewood Studios (parking ratio of 1 per 70sqm).

- 10.24 An indication of the level of activity that would be created by this development in relation to the film studios is illustrated to generate approximately 1,686 vehicle movements per day. These comings/goings of vehicular movements are in addition to the general on-site activity associated with the running of a large film studio complex.
- 10.25 It is noted that part of the site currently hosts the annual FiFest (Fifield Festival) during a single day in July (although car parking is hosted overnight, but no longer than 24 hours). This festival has operated for 5 consecutive years; however, the level of activity generated by this event cannot be compared to that of the proposal given FiFest is a temporary once per year event and the proposal is for a permanent development.
- 10.26 It is evident that there will be a significant increase in on-site activity in comparison to the existing use, which will evidently result in harm to the openness of the Green Belt.

Openness of the Green Belt – Conclusion

- 10.27 Taking all of the above factors into account, it is considered that the proposed development would result in **substantial harm** to the openness of the Green Belt.

Harm to the Purposes of the Green Belt

- 10.28 Paragraph 143 of the NPPF identifies five purposes, which the Green Belt serves:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.29 The applicants planning statement provides a breakdown of the purposes of the Green Belt, attempting to find holes in the designation of this site. Ultimately, the site is designated Green Belt and it is therefore crucial to recognise the local context and the carefully considered decisions made during the Local Plan preparation and Green Belt review. The LPA undertook a thorough assessment and determined that only a limited percentage of Green Belt land, specifically 1.5%, could be released to address housing needs and facilitate economic growth, while maintaining the broader Green Belt designation.
- 10.30 The fact that Green Belt designation prevents development and steers it elsewhere secures key strategic placemaking purposes. However, this particular application would clearly undermine and cause detrimental harm.
- 10.31 There is no contention that the application represents inappropriate development within the Green Belt, which constitutes urban sprawl and encroachment. Officers are of the view that the proposal would be read as the unrestricted sprawl of this large built-up area. The proposal would form the irregular and inefficient spread of an urban area as it seeks to create a significant amount of built form in an area in close proximity to the existing urban boundaries, it would be read as sprawl of the built-up area of Maidenhead. The proposal would result in encroachment in the Greenbelt as it comprises the introduction of a substantial amount of development, structures and urbanising features, on what is currently predominantly agricultural land, which is largely free of built development. The proposal would cause substantial harm to the openness of the Green Belt, and conflict with the purposes of the Green Belt.
- 10.32 Paragraph 153 of the NPPF sets out that 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 because of inappropriateness, and any other harm resulting from the proposal, is outweighed by other considerations. The applicant makes a submission for VSC, and this is considered at the end of the report in the planning balance.

ii. Impact on character and appearance of the area/surrounding landscape

- 10.33 Policy QP3 of the BLP expects all new development to contribute to achieving sustainable high-quality design in the Borough by following a number of design principles, including respecting and enhancing the local character of the environment. Policy QP3a of the Adopted Local Plan states *“Where development is proposed on large greenfield sites that lack a relevant development context, the appropriate future height of buildings should be established through the Placemaking SPD or Stakeholder Masterplan process (as relevant)”*.
- 10.34 The Building Heights and Tall Buildings SPD supports Local Plan Policy QP3a by setting out in detail what the Council considers to be appropriate in terms of building height in the Royal Borough. A tall building is defined as an exceptional development that is significantly higher than the buildings in its surrounding context and that notably breaks the skyline.
- 10.35 Principle 5.1 of the SPD (Inappropriate Areas) states, *“Tall buildings must not be located in areas considered inappropriate for them”* further noting two specific constraint examples, which includes Green Belt land.
- 10.36 The SPD sets out that the general approach to building height proposed heights *“should mirror or relate closely to the height of existing buildings to protect the borough’s scale and character”*. It notes that the towns of Maidenhead, Windsor and Ascot are the only places in Royal Borough where building heights increase and that *“The rural context and landscape setting is an important characteristic of the Borough and should be preserved and enhanced”*.
- 10.37 The submitted Landscape Visual Impact Assessment describes the application site as consisting of a *“number of irregular shaped fields...generally small to medium in scale...in agricultural use... bounded by well clipped hedges...and a number of permanent and seasonal ponds are found throughout”*.
- 10.38 The Council’s Landscape Character Assessment (2004) identifies the site as falling within subcategory 8d (Fifield and Oakley Green) of the wider ‘Settled Farm Sands and Clays’ character area. It describes the area as *“essentially rural landscape”* with *“numerous Public Rights of Ways and minor trackways traversing this landscape which is consistent with the landscape type”*.
- 10.39 It is evident that the application site is of a rural character.
- 10.40 Noting that the application site primarily consists of fields and the buildings in the surrounding area are of a domestic height - no taller than two storeys; the proposal is evidently at odds with the Building Heights and Tall Buildings SPD, which is suitably reiterated by the fact it is constrained by Green Belt and is by definition an inappropriate location for tall buildings. The proposal conflicts with policy QP3a of the Local Plan and guidance contained within the Tall Buildings SPD.
- 10.41 The scheme would introduce a large number of tall buildings. In addition to new built form, the proposals include a grass-crete back lot, service roads and areas, expansive areas of parking, including a decked car park and a new entrance/junction from Green Lane. All of which would have an urbanising impact on the rural appearance of the area. The proposal sets out that external lighting would be required in connection with the development and whilst a basic lighting strategy has been provided, this lacks essential details, focusing more on possible mitigation strategies such as discreet and low light levels. Without full details of external lighting, Officers are concerned that there would be harm to the character of the area. Ultimately, the provision of any lighting will inevitably have a greater impact than no lighting at all, regardless of the level.
- 10.42 Approximately 640 metres of hedgerow is proposed to be removed, with the majority (~475m) of this being made-up from ~120m of hedgerow splitting the north of Site A east-west (H6 (~50m) & H7 (~70m)); and a ~350m hedgerow (H14) splitting the east of Site B north-south. Other

substantial hedgerow removal is to occur on H3 (~80m), which borders Forest Green Road and H10 (~70m), which forms the northern-most boundary of Site A.

- 10.43 Whilst the majority of hedgerows are being removed to open-up the internals of the site and additional planting is proposed along the site boundaries, the unification of the fields through hedgerow removal would ultimately have some impact upon the spatial character of the site. The hedgerow along Forest Green Road provides an amenity value, which makes significant contributions to the character and appearance of the countryside. Whilst the landscape strategy shows the hedgerow to be replaced along the new/altere Forest Green Road (either side of the roundabout), and there is to be a significant amount of tree planting behind the hedgerows; the entrance road from the proposed roundabout would provide significant views into the site, which Officers consider would be detrimental from a character perspective and cannot be appropriately mitigated without substantially reducing the built-form proposed.
- 10.44 Considering the existing character of the application site, and its immediate surrounds, it is clear that the site as a whole would experience a distinct alteration in character. The prevailing environment holds a rural character, and the scale of the proposed development would significantly alter this character, introducing an urbanising development, through the creation of a number of large-scale buildings, roads, parking areas, areas for backlot storage, and associated lighting. This would result in detrimental harm to the character of the surrounding landscape and the considerable height of the proposals would also have the potential to detrimentally impact the character of the existing settlements which lie in close proximity to the site.
- 10.45 Whilst it is noted that landscaping is a matter for consideration at reserved matters; without a detailed landscaping mitigation strategy provided at this stage, the visual impact when factoring in new landscaping as mitigation cannot be fully understood. Noting the scale of the development proposed, whilst it is anticipated new planting (over the longer term) could help screen the development, the development would still be visible. The proposed development would result in a change from an established rural landscape to an urbanised character. The scheme conflicts with Policies QP3, QP3a of the Adopted Local Plan advice contained within the Building Heights and Tall Buildings SPD.

iii. Impact on Heritage Assets

- 10.46 The National Planning Policy Framework highlights the importance of conserving and enhancing heritage assets, which range from local historic sites to internationally recognised World Heritage Sites. Paragraph 195 of the NPPF notes their irreplaceable value and calls for their conservation according to their significance.
- 10.47 Designated heritage assets, like Conservation Areas and listed buildings, must be protected and their significance sustained (Paragraph 202 of the NPPF). The impact of development on heritage assets must be carefully considered, giving significant weight to conservation, particularly for assets of higher significance (Paragraphs 205-207 of the NPPF).
- 10.48 Whilst the NPPF only recognises three levels of harm (substantial harm, less than substantial harm and no harm) the case of *R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019]* emphasises the absence of intermediate brackets within the less than substantial and substantial categories, noting that each of these categories will inevitably cover a broad range of harm.
- 10.49 When harm is identified, regardless of how negligible, the Court case judgment clarifies that even this level of harm is sufficient to engage the heritage paragraphs within the NPPF.
- 10.50 Paragraph 208 of the NPPF states that “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use*”.

- 10.51 The Borough Local Plan also prioritises heritage assets with Policy HE1 highlighting the need to conserve and enhance the historic environment, requiring development proposals to preserve or enhance the character and significance of heritage assets.
- 10.52 Policy HE2 of the BLP seeks to ensure that any development that has the potential to affect Windsor Castle can demonstrate that it safeguards the Castle and its setting within the Great Park; protects and enhances public views of the Castle including those from further afield; and enhances the architectural and historical significance, authenticity and integrity of Windsor Castle and its local setting within the Great Park.
- 10.53 Noting the distance (circa 6.5 km) and various infrastructure and vegetation between the application site and Windsor Castle, there are no views of Windsor Castle at ground level from any public vantage points within or surrounding the application site. As such, it is considered that the proposal would not directly conflict with Policy HE2 in this regard.

Impact upon Listed Buildings

- 10.54 Stroud Farm lies ~500m north-east of the proposed built form, which contains several Grade II* and Grade II listed buildings. Stroud Farm falls within the applicant's wider land ownership (identified by the blue line on the location plan), with the curtilage of Stroud Farm lying ~175m north of the application site boundary (identified by the red line on the location plan).
- 10.55 The most prevalent of these listed buildings is Stroud Farm House (Grade II *), which was a hall house (now farmhouse) first constructed in the late 14th Century, with alterations and extensions occurring in the 17th, 18th, 19th and 20th Century's.
- 10.56 The other listed buildings in this area are outbuildings associated to Stroud Farm House. These are:
- Barn at Stroud Farm, approximately 35 Metres East of Stroud Farmhouse (Grade II *)
 - This barn was constructed in the 15th Century.
 - Cattle Shelter at Stroud Farm, approximately 50 Metres North-West of Stroud Farmhouse (Grade II)
 - This cattle shelter was constructed in the 17th Century or earlier and is now implemented as a shed.
 - Granary at Stroud Farm, approximately 15 Metres West of Stroud Farmhouse (Grade II)
 - This granary was likely constructed in the late 17th Century and is now used for general storage.
 - Granary at Stroud Farm, approximately 6 Metres East of Stroud Farmhouse (Grade II)
 - This granary was likely constructed in the late 17th Century and is now used for general storage.
- 10.57 Situated ~385m east of the application site lies a cluster of Listed Buildings, most notably comprising Yew Tree Cottage (Grade II *) and Grove Farmhouse (Grade II). Yew Tree Cottage was a hall house constructed in the early 15th Century with alterations and extensions in the late 16th Century and early 20th Century. Yew Tree Cottage is now used as a dwellinghouse. Grove Farmhouse was a farmhouse constructed in the mid-18th Century, extended in the early 19th Century and altered in the mid-20th Century. Grove Farmhouse is now used as a dwellinghouse.
- 10.58 The other buildings in this area are outbuildings associated to Grove Farm. These are:
- Stables at Grove Farm, approximately 45 Metres North of Grove Farmhouse (Grade II)
 - These stables were constructed in the late 16th Century, with alterations in the 19th Century and late 20th Century. The stables now partly form a cottage and are also partly disused.
 - Barn at Grove Farm, approximately 20 Metres North-East of Grove Farmhouse (Grade II)
 - This barn was constructed in the late 17th Century.
 - Barn at Grove Farm approximately 15 Metres North-West of Grove Farmhouse (Grade II)
 - This barn was constructed in the late 16th Century.

- 10.59 Situated ~65m within the Holyport Conservation Area (~265m north-west of the 'Site 2' (the northern most parcel of land containing built form) lies John Gay's House (Grade II), which is a large house constructed in the early 17th Century, with alterations and extensions in the early 18th, mid-19th and late 20th Century's.
- 10.60 Given the location of Yew Tree Cottage and the listed farm buildings at Stroud Farm and Grove Farm, the proposed development would not have a significant impact on their immediate setting.
- 10.61 The garden boundary of John Gay's House is not continuous and views from the garden setting or from windows inside the property (especially those at upper levels) would likely be able to see the tall studio buildings which have maximum heights of up to 21m. In this regard, it is considered that there would be harm to the setting of John Gay's House (Grade II), and the harm arising would be **less than substantial harm**, albeit sitting between 'moderate' and 'high' within this category.

Impact upon Holyport Conservation Area

- 10.62 The application site is located 100m south-east of the Holyport Conservation Area; although the closest parcel containing built form is 160m south-east (Site 2).
- 10.63 The Conservation Area was designated in 1968 and amended in 1994. The current Holyport Conservation Area Appraisal (HCAA) was adopted in 2016. The Summary of Significance in section 2 of this document states "*the Conservation Area is a settlement preserving a mix of historic buildings*". It also states, there are "*important views along streets, between buildings and across open spaces*" and "*the surrounding landscape of open fields is important in preserving the historic setting of the Conservation Area*".
- 10.64 The Holyport Conservation Area is considered significant because of its organic development and resulting ad hoc settlement pattern; the quality of its architecture, (it includes a number of listed buildings of varied age and construction, and of modest scale) and its attractive traditional streetscape and historic open spaces. As a result of these elements, the village has a well-defined rural quality and its surrounding landscape, which comprises of open fields and spaces, contributes strongly to its setting and character, and hence the significance of the conservation area. The Inspector when considering an outline application for large scale development to the north-east of the conservation area in 2019 (APP/T0355/W/19/3225689) advised that the village of Holyport retained its own character, as did the open agricultural land that separates the village of Holyport from the surrounding developed area. The Inspector also noted the trees and vegetation on the field boundaries in these areas contributed to the spacious rural character of the area. This appeal site is located north-west of the application site, on the other side of Holyport.
- 10.65 The application site is currently undeveloped land of agricultural character with views towards the southern boundary of the conservation area. Whilst the boundary of the conservation area is generally well screened by vegetation, there are some gaps allowing glimpsed views towards and from, the development site. The application site falls within the area of open land that defines the boundary of the Conservation Area and creates a clear buffer between the historic village, the surrounding hamlets, and the village of Fifield.
- 10.66 The submitted parameter plans (distribution – Appendix 2, and height – Appendix 3) identify the built form proposed. These buildings will be numerous, have large footprints and be up to a maximum height of 21m. The taller buildings would be mainly positioned within the northwest part of the site closest to the conservation area. As such, would likely be visible on the skyline from some viewpoints within the Conservation Area and also visible in the gaps in the screening on the southern boundary.
- 10.67 Officers noted that the initial LVIA did not contain viewing points (private or public) from within the Holyport Conservation Area, although the impact on southerly views was mentioned in para 6.51 of the heritage statement. In addition, the initial LVIA only contained summer views with the trees in full leaf, to which Officers raised concern regarding the fact that there will be less coverage in the winter months and a potentially greater impact on views.

- 10.68 An addendum LVIA was provided to cover these matters. The applicant concludes that the winter views do not change the assessment of the LVIA.
- 10.69 The addendum provides 4 photographs from within the Holyport Conservation Area, which have been overlaid with visually verified visualisations (VVM's) of the proposal. Paragraph 4 of the addendum notes "*the VVM's accurately model where the development is located in the views*"; however, it is further noted that this is later caveated with, "*[these] can never be considered as a 100% accurate representation of what would be seen due to the large number of variables affecting the images from the photography to the limitations of the 3D programs*". Ultimately the photos taken from the Conservation Area are from places where the proposal would obviously not be seen due to buildings and/or vegetation being directly in front of the camera's view finder.
- 10.70 In paragraph 3.7.10 of the LVIA it is suggested that the new buildings would appear similar to the modern farm sheds within the area. However, these are structures that are considerably larger than most, if not all agricultural buildings, and there is nothing of comparable scale or massing currently existing within the locality.
- 10.71 In addition to new built form, the proposals include a grass-crete back lot, service roads and areas, expansive areas of parking, including a decked car park and a new entrance/junction from Green Lane. All of which would have an urbanising impact on the rural appearance of the area.
- 10.72 Despite the fact that the site would not directly abut the boundary of the Conservation Area, the proposed development consisting of a cluster of such large buildings and associated infrastructure in currently open green space would have a negative impact on the open setting of the conservation area, and views towards and from the boundary of the designated area. The proposed planting to create a landscaped buffer would not, even with time, be likely to screen such large buildings (fig 2 para 3.8.6 of the LVIA). The clear distinction between the Conservation Area and its rural surroundings would be eroded, and the large scale of the proposed commercial buildings would make them conspicuous and overbearing within the surrounding open agricultural landscape, thus negatively impacting the wider setting of the Conservation Area. The proposed development would result in **less than substantial harm** upon the setting of the Holyport Conservation Area, although Officers consider the harm to sit between 'moderate' and 'high' within this category.

Impact upon Archaeology

- 10.73 Sections 4.7 and 4.8 of the Holyport Conservation Area Appraisal note that the locality has been settled across the millennia, with remains from the prehistoric period, and also the Neolithic, Bronze Age, Roman and Saxon periods being found within the area. It also notes the potential for medieval finds, especially within the boundary of the village and advises that the area has a high potential for surviving below ground archaeology.
- 10.74 There are potential archaeological implications with this proposed development as demonstrated by Berkshire Archaeology's Historic Environment Record. The proposal constitutes a large area of development in open, agricultural, and previously undeveloped land. Although there are no known heritage assets within the planning application area there is sufficient evidence of remains nearby to consider this site to be of archaeological interest. A crop mark complex, identified in the hot and dry summer of 1976, was identified c.130m to the east of the application area, although not investigated.
- 10.75 Several Medieval buildings are known nearby, such as a 16th century farmstead at Grove House c.350m south-east, a 14th century hall house 180m to the north-east and 13th century moated manor at Lynden Manor 300m north. Additionally, evaluation trenches c180m south-east of the site found 12th and 13th century evidence. These, along with several Medieval portable antiquities scheme find spots within the application boundary, suggest there may be Medieval evidence remaining within the area.
- 10.76 During pipeline construction in 2008, archaeological observations north of Forest Green Road and south-east of Coningsby Farm resulted in the identification of the buried remains of a

medieval farmstead. Nearly 1,500 sherds of medieval pottery, dating to the 12th and 13th centuries, was recovered and is a significant addition to the record of medieval pottery within the Royal Borough. Interestingly a small assemblage of Roman ceramic building material was also recovered at this location, suggesting that there was earlier activity somewhere in the vicinity.

- 10.77 The application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. However, a pre-commencement condition could be imposed to secure a written scheme of investigation in order to mitigate this concern.

Impact upon Non-Designated Heritage Assets

- 10.78 It is unlikely that the setting of Primrose Cottage (a non-designated heritage asset) will be negatively impacted given its location and the degree of existing tree screening to the south.

Heritage Conclusion

- 10.79 The application has been accompanied by a Heritage Statement, which concludes that the proposed development would cause a modest level of heritage harm to the Holyport Conservation Area and its setting, through the change of character of part of the wider surroundings of the asset as experienced in dynamic views, and through potential distant and glimpsed visibility of higher buildings from the southern part of the area. The loss of open views from and towards the Conservation Area and the urbanisation of its currently rural setting are key concerns in the identified harm.
- 10.80 The submitted Heritage Statement identifies the harm as very small within paragraph 6.51 and 8.5.
- 10.81 The Council's Conservation Officer has reviewed the proposed scheme and associated documents and identifies the harm as less than substantial.
- 10.82 In this instance, Officers find the level of harm to sit **between 'moderate' and 'high' within the 'less than substantial' category** given the proposal is likely to be visually prominent from sensitive heritage assets, additionally so when viewed from the first-floor windows of John Gay's House and Holyport Conservation Area.
- 10.83 Paragraph 208 of the NPPF states, "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".
- 10.84 This balancing exercise is set out within the planning balance (section xi) of this report.

iv. Climate Change and Sustainability

- 10.85 The Council's Interim Sustainability Position Statement (ISPS) and Policies SP2 and QP3 of the Borough Local Plan require developments to be designed to incorporate measures to adapt to and mitigate climate change. This is reflective of the Council's Climate Change Emergency and Corporate Strategy aims and initiatives.
- 10.86 The proposals are underpinned by an energy and sustainability strategy to ensure that the development will reduce energy consumption as much as, and wherever, possible, ensure energy efficiency throughout and incorporate suitable renewable technologies.
- 10.87 The planning statement sets out that the development would target a BREEAM rating of 'Excellent' (point 30 of paragraph 8.4); however, elsewhere it makes note that the target is 'Very Good' (paragraph 7.91) in line with a pre-assessment from 2018, which demonstrates that 'Very Good' is achievable. That said, the submitted Energy and Sustainability report makes note that the 2018 pre-assessment shows 71.2% as achievable, which would meet the Excellent rating.

- 10.88 Whilst there is a discrepancy in which rating the applicant intends to meet, the Sustainable Design and Construction SPD (June 2009) sets out that non-residential major developments involving of 1,000m² or more gross floorspace are required to meet BREEAM 'Very Good' or above. As such, the proposal is foreseen to meet the required rating; however, the applicant intends for the strategy to be fully implemented at the reserved matters stage.
- 10.89 The applicant has indicated their willingness to enter into a Section 106 legal agreement to ensure an environmental steward is considered and employed in order to maximise best sustainable practices on site (paragraph 5.60 of the submitted Energy & Sustainability Statement).
- 10.90 The Council's Interim Sustainability Position Statement requires all developments (except householder residential extensions and non-residential development with a floorspace of below 100sq.m) should be net-zero carbon unless it is demonstrated this would not be feasible. A legal agreement to be entered into, which would secure net carbon zero, or the payment of a shortfall contribution to an off-set fund in the event that net carbon zero is not met. In the absence of a signed legal agreement, a Policy compliant scheme cannot be guaranteed with regard to climate change and sustainability; and therefore, the proposal fails to comply with Policy SP2 of the Borough Local Plan and the Council's Interim Sustainability Position Statement. A legal agreement would need to be secured at this outline stage to ensure the development would be net carbon zero, or if not a commitment to secure a shortfall contribution to the carbon off-set fund, noting that a contribution (if required) would need to be calculated at a reserved matters stage.

v. Highway considerations, sustainable transport and parking provision

- 10.91 Policy IF2 of the Adopted Local Plan (Sustainable Transport) outlines key principles for development proposals within the Royal Borough. The policy emphasises alignment with the Transport Strategy in the Local Transport Plan, urging developments to support its objectives. Priority is given to the strategic location of new developments near offices, employment centres and local services, accentuating safe and sustainable transport options. Criteria for development proposals includes the improvement of pedestrian and cyclist access, enhanced accessibility by public transport, integration of transport modes, and measures to minimise travel distances and parking demand. The policy also requires adherence to guidelines for parking provision, including considerations for electric vehicle charging points. Transport Assessments and Statements, following Department for Transport guidance, are mandatory for development proposals, and adequate provision for public transport services and infrastructure is essential. Overall, Policy IF2 seeks to foster environmentally conscious, accessible and integrated transport systems within the Borough.

Sustainable Transport

- 10.92 Policy QP3a of the BLP states. *"In general, tall buildings will only be considered appropriate in areas with high public transport accessibility, a mix of uses and an existing or emerging urban character that can successfully assimilate the scale, height and level of activities of the proposed development"*.
- 10.93 The application site lies within the Metropolitan Green Belt, south-east of Holyport. The closest part of the built development within the application site lies ~60min walk from Maidenhead train station (2km as the bird flies/4.2km via Gays Lane, Holyport Road, Windsor Road, and Braywick Road); and ~70min walk – 5.6km – if using the sites proposed roundabout entrance (via Forest Green Road, Moneyrow Green, Ascot Road and Braywick Road).
- 10.94 Generally, short car journeys up to 2km are considered replaceable by walking and are considered appropriate for residents accessing education or employment. For distances up to 5km, cycling also has the potential to substitute for short car trips. However, this general rule of thumb is only true where suitable infrastructure is in place.

- 10.95 There is no footway on Forest Green Road and cycling is mixed with traffic on a road with traffic volumes and speeds both too high for this to be an acceptable provision. It is therefore evident that the site is in an unsustainable location; reliant on the use of the private car and has not been designed to reduce the need to travel or promote alternative means of travel through improving the local road, cycle and pedestrian networks.
- 10.96 Paragraph 4.2.5 of the Transport Assessment notes that an aspect of the proposal involves improving the accessibility of the site by contributing towards enhancing PROW 44 and 30 through a legal agreement. These existing PROWs are expected to serve as a link to the existing bus route (#53, linking Bracknell to Wexham Park Hospital via Maidenhead) on Moneyrow Green. No legal agreement has been drafted, nor has a financial figure agreed. Officers are of the view that any enhancement works to PROWs would be substantial and would require lighting and tarmac, which would inevitably contribute towards the urbanisation of the Green Belt.
- 10.97 The culmination of the assessment, in this case, highlights the inadequacies of the current state of pedestrian and cycle routes. As established by the Pedestrian Environment Review System (PERS) Audit (carried out by David Tucker Associates on behalf of Greystoke Lane) within Appendix B of Technical Note 01 (12 June 2023), shows that the site's surroundings lack the essential attributes of safe, surfaced, level, and illuminated pathways that would facilitate sustainable means of travel.
- 10.98 The importance of public transport provisions in alleviating the reliance on private vehicles is a significant concern. A key solution to reduce the number of car trips would be to improve the existing bus service (which currently stops once per hour), including any associated infrastructure and to provide private shuttle services. The Highway Authority calls for a comprehensive Public Transport Strategy and Travel Plan that defines clear, realistic objectives aimed at reducing vehicular traffic. Whilst a multi-modal table has been provided for the statistics given, in relation to the anticipated number of people arriving via foot and train; given the site location as well as the lack of existing and proposed infrastructure, these figures appear overly optimistic.
- 10.99 As it stands, with no upgrades to pedestrian and cycle routes within the surrounding area all movements associated with the film studios would be solely vehicle movements, which would be contrary to the Councils Local Plan policies IF2, QP3 and QP3a which is supported by the NPPF (Section 9 promoting sustainable transport).

Access

- 10.100 Access is a consideration for this outline stage. The proposal seeks the construction of a roundabout along Forest Green Road, ~20m west of Green Lane, which will provide principal access to the site. The roundabout would have four branches, two leading into the application site and the other two linking Forest Green Road. The north-west branch of the proposed roundabout will be the main site access, whilst the north-east branch will provide an entrance to one of the on-site car parking areas. There will be no vehicle access entering and egressing on Gays Lane, with these two roundabout branches being the only points of access for all vehicles entering and egressing the site, as well as the main points of access for staff, actors, visitors, and the like. Noting the proposal would see significant highway works to Forest Green Road, appropriate notice has been served on the Highways Authority by the applicant (completing certificate B).
- 10.101 The Highway Authority has undertaken an assessment of the proposed development and subsequent review of the additional documents, which were submitted to address initial concerns raised by them.
- 10.102 It is important to note that there were initial concerns relating to several elements, with the applicant agreeing to provide plans detailing these. Furthermore, the applicant initially wanted to deal with some details under a Section 278; however, Officers emphasised that some of these details would be required at this stage. The planning agent agreed to "*prepare the information*

accordingly” on 21st September 2023; however, the details relating to visibility splays, street lighting and existing culverts and their diversions have not been provided.

- 10.103 The original Transport Assessment confirmed that the 85th percentile speeds at the site’s location along the B3024 Forest Green Road were between 45.3mph and 45.6mph, which fall above 40mph road restriction. Visibility splays in accordance with the Design Manual for Roads and Bridges (DMRB) would therefore apply. The proposed visibility splays have not been provided for the roundabout (visibility to the right) nor every approach. Additionally, the vertical visibility plane has not been submitted, to ensure that visibility is not compromised by obstructions such as the crest of a hill, the new roundabout or the verges along both sides. Furthermore, pedestrian visibility splays would need to be demonstrated at each crossing point.
- 10.104 In the absence of the applicant demonstrating that these visibility splays can be provided, the application fails to demonstrate safe access which optimises traffic flows and circulation, and without this information it cannot be demonstrated that the proposal would not have an unacceptable impact on highway safety and that the cumulative impact on the road network would not be severe. Therefore, the application conflicts with Policies QP3 and IF2 of the Borough Local Plan, and paragraphs 114 and 115 of the NPPF.
- 10.105 A 2.5m wide buffer would be provided except for the far south of the roundabout where the carriageway would be immediately adjacent to an existing culvert which runs along the south side of the B3024. As noted, details relating to existing culverts has been requested from the applicant; however, in the absence of this information, the Highways Authority cannot be satisfied that the proposal minimises the likelihood of drivers entering the culvert. As such, Officers conclude that the proposed roundabout cannot be considered ‘safe’ and therefore fails to comply with Policy QP3 of the Borough Local Plan, which seeks proposals deliver easy and safe access and movement (para of NPPF- safely). It is noted that this concern has also been picked up by the Road Safety Auditors for the east arm by Whytehall Cottage.
- 10.106 With regard to street lighting information, these details need to be considered up-front and cannot be left to conditions, as the location of lighting poles, trenching for cable connections etc. may impact ecology or trees, and will likely need to be within highway land.
- 10.107 During the course of this assessment, additional details have been provided for several key points of concern - one of these being a swept path analysis. The additional information includes swept path analysis drawings for a 16.5m long HGV, which indicate manoeuvres for east to west, south to west and east to north. These drawings shows that the manoeuvres would likely result in overhanging or wheels mounting and damaging the kerbs. This concern could possibly be overcome through the provision of a central overrun area or other means, to be mounted by the trailers of an HGV. Given this outline application seeks permission for ‘access’, this is a concern which should be resolved at this stage and therefore the applicant’s failure to explore a suitable method of overcoming this concern, raises conflict with Policy QP3 and IF2 of the BLP, as well as NPPF paragraphs 114, 115, and 116.
- 10.108 The Highway Authority have been expressed several concerns regarding the proposed roundabout. These concerns are in relation to visibility, drainage, and lighting. Additionally, the submitted stage 1 Road Safety Audit (RSA) identifies 9 problems with the proposed roundabout, which reflect these concerns.
- 10.109 The 9 problems identified by the RSA are noted in the following table:

Location	Problem
North side of Forest Green Road	Potential hazard for the occupants of errant vehicles
Forest Green Road eastbound approach	Potential vehicle loss of control
Forest Green Road eastbound approach	Reduced stopping sight distance may lead to vehicle-to-vehicle collisions
Forest Green Road westbound approach	Reduced stopping sight distance may lead to vehicle-to-vehicle collisions
Forest Green Road westbound approach	High approach speed may lead to failure to

	give way type collisions
At the Whytehall Cottage access	Reduced side road visibility may lead to failure to give way type collisions
At the Oak Dene/Rose Bank access	Reduced side road visibility may lead to failure to give way type collisions
Forest Green Road	Hazard for pedestrians
Arm B diverted Green Lane	Horse riders may be vulnerable when attempting to negotiate the roundabout

10.110 Without information to prove otherwise, the application fails to demonstrate that the proposed roundabout is of an adequate design and would not result in harm to highway and pedestrian safety.

Conclusion

10.111 In conclusion, this proposed development, is in an unsustainable location reliant on the use of the private car, it is not in a location, or has been designed, to reduce the need to travel, does not increase the safety of travel, nor does it improve the local road, cycle and pedestrian networks or promote alternative means of travel. The scheme fails to demonstrate how the roundabout access would be permissible at this location to comply with current standards to the satisfaction of the Highway Authority. The concerns identified would all have unacceptable impacts on highway safety, particularly for pedestrians and cyclists, contrary to Local Plan policies IF2 & QP3 which is supported by the NPPF (Dec 2023) 108, 109, 114, 115 and 116.

vi. Public Right of Ways

10.112 Policy IF5 (Rights of Way and Access to the Countryside) of the BLP states that “*Development proposals will be supported provided that they protect and safeguard the existing rights of way network and do not adversely affect the recreational and amenity value of the existing rights of way network*”.

10.113 The proposed development shows three footpaths as closed or partially closed on ‘Access and Circulation Parameter Plan’: Bray Footpath 27 (complete), Bray FP 26 (partial) and Bray FP 28 (partial).

10.114 The proposal only seeks to divert one of these paths and the diversion runs alongside the entrance to the development and the road (Forest Green). The proposal would result in a significant loss of both length and quality of paths, with further harm resulting with regard to the loss of views and open nature of many of the paths in the area.

10.115 The applicant argues that the existing situation has an over provision of routes whereby PROWS cross over each other and are underused (evidenced by the submitted Transport Statement). The submitted Planning Statement also notes that the creation of a new route to the north and the rediverting of a route to the south (to connect route 25 and 47) would “*improve the situation by directly and sensitively re-diverting, consolidating and creating new routes*”.

10.116 Officer’s do not share this viewpoint and believe that footpaths being forced to skirt around the proposed development, with roads on one side and a busy film studio on the other would ultimately spoil the rural character of the footpaths and would adversely affect the recreational and amenity value of these footpaths and therefore fails to improve on the existing situation. Additionally, it is noted some existing paths, which are to be truncated have not been diverted, ultimately leading to dead ends. In addition, the pedestrian footway on the west side of the proposed roundabout, appear to lead to nowhere, given it fails to meet up with the applicants proposed footpath diversion.

10.117 It is also noted that the applicant is willing to provide a financial contribution (unspecified amount) towards improving PROW routes 30 and 44; however, it is not considered that this would mitigate the harm arising from the development identified above.

10.118 The proposals would not protect or safeguard the existing rights of way network and would adversely affect the recreational and amenity value of the existing rights of way network. As such, Officers consider the proposal to be contrary to Policy IF5 of the BL.

vii. Flooding

10.119 Policy NR1 of the BLP provides advice on flood risk. The application site is situated wholly within Flood Zone 1 (low risk flooding) and is at risk from surface water flooding. The sequential test does not apply to applications situated within Flood Zone 1.

10.120 The proposed development has been designed to install surface water flooding mitigation, with the submitted Flood Risk Assessment and Drainage Strategy showing two flood pond beds to be excavated to 25.87 mAODN, north of Site C, which will have a capacity of ~7,000 m³.

10.121 Whilst it is noted that during the Jan-24 floods within the Borough, parts of the site were impacted, the photographs submitted as part of several objections show the situation in the site's current form.

10.122 The Lead Local Flood Authority (LLFA) was consulted and has reviewed a number of documents submitted alongside the application, including:

- Flood Risk Assessment (FRA) and Drainage Statement Parts 1-3
- Response to LLFAs initial consultation comments, prepared by Delta Simmons, dated 27th April 2023
- Surcharge Areas Holyport Studios, prepared by Delta Simmons, dated 20th June 2023

10.123 With the provision of the additional information, the LLFA no longer raise any concerns with the proposal, with the exception of lack of demonstration regarding storage volume due to the absence of established site levels. However, given the large site area the LLFA believe this is sufficient to demonstrate expected volume storage and therefore advise this detail could be secured through the imposing of a pre-commencement planning condition securing details of a surface water drainage scheme.

10.124 The Environment Agency have also reviewed the scheme and find it acceptable subject to a condition to secure details of a scheme for disposal of foul drainage. Noting correspondence with Thames Water contained within the submitted FRA, any off-site works would be undertaken by Thames Water and Thames Water would undertake any required upgrades to the system (as acknowledged in their correspondence).

10.125 The FRA indicates that a pumped connection would be required due to the site being situated at a lower elevation than the road; and storage would be required to accommodate for pump failure.

10.126 A planning condition could be imposed to secure the details of the disposal of foul water drainage, and that a strategy that is agreed with Thames Water.

10.127 Noting the mitigation measures proposed by the Flood Risk Assessment and Drainage Strategy (surface water flood risk through the introduction of drainage attenuation basins, floodplain storage basins, widened drainage ditches, and new wildlife ponds) the development is considered to be appropriately compensated for and therefore is found to be acceptable by the LLFA for the management of surface water runoff.

10.128 Therefore, the proposal is not considered conflict with policy NR1 of the Borough Local Plan or the requirements of the NPPF.

viii. Impact on neighbouring amenity

10.129 Paragraph 135 (f) of the NPPF (Dec-23) and Policy QP3 of the Local Plan states that development works should not cause an unacceptable impact on the amenities of the immediate neighbouring properties.

10.130 There are residential properties located within the proximity of the site to the north and west, mostly within the Holyport settlement, a fairly dense settlement, comprising a mix of detached, semi-detached and terraced houses. Furthermore, there is a cluster of residential properties immediately south-east of the site along Forest Green.

Noise

10.131 The submitted Acoustic Report indicates that noise breakout from workshop activity could exceed the typical background noise levels at certain properties (namely Orchard Cottage and properties along Gays Lane). The initial assessment provides guidance on acoustic mitigation measures to help control noise breakout from workshop activity; these include solid acoustic boundary fencing, orientating large workshop doors away from neighbouring residential properties and the implementation of management protocols particularly provision for workshop doors to be closed during night-time periods.

10.132 As noted within the *pollution* section of this report (further down), the Environmental Protection team note that it has not been sufficiently demonstrated that the proposed mitigation measures in place would ensure that the rating noise level will not exceed the background level at the nearest noise-sensitive premises.

10.133 4.1.1 of the submitted Acoustic Report proposes further acoustic measurements of the local soundscape to be taken, albeit suggesting that these are part of the design development and Reserved Matters process. Officers consider that noise considerations should be dealt with at the earliest opportunity and therefore require additional information to be submitted at this stage and should not be deferred to Reserved Matters. These details include an additional noise survey and more details on the proposed acoustic measures.

10.134 Without this information upfront, Officer's cannot guarantee that it will be possible for the mitigation measures to prevent the noise level from exceeding the background level at the nearest noise-sensitive premises. Given the complexity of the potential noise sources from film studios the proposed approach of a two-stage assessment does add further uncertainty on the prediction of the risk of adverse impacts, therefore in the absence of an updated report at this stage, there is an outstanding concern regarding neighbouring amenity at Orchard Cottage and the properties along Gays Lane.

Traffic/Activity

10.135 As previously noted within paragraph 10.24, the level of activity that would be created by this development is indicated to be approximately 1,686 vehicle movements per day, which is in addition to the general on-site activity associated with the running of a large film studio complex would result in a level of activity that would likely cause harm to the residential amenity of properties in the surrounding area.

ix. Environmental Considerations

10.136 Policy NR2 of the Borough Local Plan seeks to ensure that development proposals will demonstrate how they maintain, protect and enhance the biodiversity of application sites including features of conservation value.

10.137 The site lies within 5km of several designated sites including Windsor Forest and Great Park Special Area of Conservation (SAC) and a number of Site of Special Scientific Interest's (SSSI's); however, the application site is located more than 2km from the closest European site (Windsor Forest & Great Park SAC) and more than 1km from the closest national-level nature conservation.

Statutorily Protected Nature Conservation Sites/Landscapes

10.138 Natural England have reviewed the proposal and confirm that the scheme will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Protected Species

Great Crested Newts

- 10.139 The application has been reviewed by NatureSpace Partnership who are satisfied with the ecological report and agree with its conclusions that a mitigation licence for Great Crested Newts will be required.
- 10.140 There are five ponds on site and a further four ponds off site. Of these, eight ponds were surveyed for GCN's (access to survey pond 9 was not granted). EDNA sampling and/ or further survey was undertaken and six ponds returned a positive result for GCN. Therefore, it is likely that GCN's inhabit the site both in their terrestrial and aquatic phase of their lifecycle. As such works will need to be carried out under a GCN licence from Natural England.
- 10.141 Additional information was submitted to demonstrate that the works can be covered by a Great Crested Newt mitigation licence application to Natural England. NatureSpace Partnership have reviewed this information and are satisfied with the conclusion; however, have not commented on the suitability of the mitigation plan as this is up to the Council's Ecology Officer.
- 10.142 The applicant's ecologist has provided a response to consultation comments on ecology (Bioscan, May 2023) which further details the requirements of the regulations above. These details included the applicants reasoning for why they believe there is an overriding public interest; their assertion that there is no satisfactory alternative; and how the maintenance of the population of GCN at a favourable conservation status in their natural range has been provided. It has been confirmed that all ponds on site will be retained, new wildlife ponds will be created, in order to provide additional breeding habitat, the terrestrial habitat will be enhanced to provide more suitable habitat to support GCN and that connectivity between the breeding ponds is to be maintained with the installation of amphibian tunnels under the access road. A programme of GCN capture and translocation will be undertaken prior to any site works, under a licence from Natural England, which will further detail the mitigation at the reserved matters stage. The report confirms that there is sufficient habitat within the site for any translocation. The report confirms that suitable mitigation can be provided, and that it will ensure that there will not be a detrimental impact to the maintenance of the GCN population at a favourable conservation status in their natural range.
- 10.143 The applicant would require a Natural England licence, the Local Planning Authority as the competent authority needs to consider whether a licence would likely be required, having regard to the following 3 tests:
1. preserving public health or public safety or such other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
 2. ensuring there is no satisfactory alternative; and
 3. ensuring that the action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range (Regulation 53 (9)(b)).
- 10.144 In considering test 1 is for "*imperative reasons of overriding public interest, including those of a social or economic nature*". Noting that this Committee report recommends planning permission be refused based upon several identified harms and conflict with development plan policy; Officers consider that there is no overriding public interest and therefore the application fails to meet the tests required by Regulation 55 of The Conservation of Habitats and Species Regulations 2017.
- 10.145 Officers are of the view that in considering the tests, a licence from Natural England would not likely be granted.

Bats

- 10.146 The submitted ecology report involved recording two agricultural buildings on-site and evaluating five nearby structures, alongside conducting surveys on all trees within the area. Among these,

two buildings situated on the premises were found to pose minimal potential for accommodating roosting bats, consequently negating the requirement for additional survey efforts. Similarly, two of the off-site buildings demonstrated negligible potential to house bat roosts, obviating the necessity for further assessments. In contrast, two buildings were identified as having limited potential to support bat roosts. Significantly, through DNA testing, one of these structures was confirmed to harbour a roost for common pipistrelle bats. In light of this confirmation, additional dawn surveys were executed, yet failed to register any bat activity during emergence or return to the roost.

- 10.147 A further survey did not record any bats emerging or returning to roost. It is understood from the ecology report and development plans provided that the building that hosts a bat roost and the buildings with potential to support bat roosts (all off site) will not be affected by the proposed development and therefore a licence from Natural England is not required with regards to bats.
- 10.148 Although not confirmed, at least one common pipistrelle was likely to be roosting within one tree on site, and having reviewed the appendices to the ecology reports, along with the proposed plans, it is understood that this tree will be retained and protected during and following development. Given this is application is for outline planning permission, the recommendation is put forth to conduct further tree inspection surveys, effectively determining the presence or absence of plausible bat roosts within trees earmarked for modifications at a reserved matters stage, when layout is a consideration.
- 10.149 Given the evident bat activity, including their commuting and foraging habits across the site, in conjunction with the favourable ecological conditions offered by the woodland, trees, and hedgerows, the assessment underscores the critical importance of formulating a comprehensive lighting strategy. This strategy assumes paramount significance in warding off potential adverse impacts of external lighting on bats and their habitats. With no existing lighting infrastructure on the site and considering the diverse array of bat species documented during the survey, the prudent course of action is to furnish the lighting strategy ahead of the application's determination, which reiterates concerns raised by the Highways Officer in paragraph 10.106.

Other Species

- 10.150 No badger setts or evidence of badgers was recorded on the site and no evidence of water vole was recorded during the survey. Given the sub-optimal conditions for dormice, and the absence of local records it was considered highly unlikely that this species is present on site. The ecology report concludes that following species-specific surveys, a reptile population is not present. However, given the sighting of a grass snake on one of the other surveys, a reptile mitigation strategy should be prepared and conditioned in the event permission was granted. In addition, the Priority species brown hare is present as well as several priority bird species, and hedgehog has the potential to be present. Therefore, it is recommended that method statements are prepared (as part of a CEMP: Biodiversity) and conditioned as part of any planning consent in order to ensure that these species are protected during and following development.

Biodiversity

- 10.151 There is an area of priority woodland, trees, hedgerows and ponds on site. It is understood that the priority woodland, wood pasture and parkland and all ponds are to be protected and retained during and following development. Some of the hedgerows are to be lost or partially lost and therefore will need to be replaced on a like for like basis. This has been calculated within the biodiversity net gain calculation for the site.
- 10.152 A Biodiversity Net Gain (BNG) calculation has been provided as part of this application. The on-site baseline habitats and the post development units have been calculated the report demonstrates a net biodiversity gain of 26.43 habitat units (25.36%), a net gain in hedgerow units of 4.89 (10.31%) and a net biodiversity gain in river units of 5.05 (100%). The net gain has been achieved through wildflower meadow and amenity grassland planting; significant new tree planting, new species-rich hedgerows and new ponds and wetland habitat proposed on the northern element of the site (north of Gays Lane). A condition would need to be imposed to ensure this net gain was delivered.

Trees

- 10.153 The Borough Local Plan recognises the significance of trees as essential components of both the natural and built environment. Policy NR3 of the Local Plan notes the multifaceted value of trees, highlighting their environmental, social, and economic benefits, including their role in climate change mitigation, air quality improvement, biodiversity enhancement, and cultural identity. Parts 1-4 of Policy NR3 emphasises the integration of tree preservation, restoration, and enhancement into development proposals, while ensuring the protection of Ancient Woodlands and veteran trees. Parts 5 and 6 of Policy NR3 emphasises comprehensive planning to minimise the impact of development on existing trees, and it requires detailed surveys, protection plans, and ecological assessments for sites with tree presence. In cases where the amenity value of trees surpasses development justification, planning permission may be refused (Part 7 of Policy NR3). Overall, the BLP's approach to trees seeks to strike a balance between development needs and the preservation and enhancement of the Borough's rich natural resources.
- 10.154 There are no TPO trees on-site and it is set out that no mature trees of important amenity value will be lost as result of the development. The tree protection plan does show a number of veteran trees. Whilst these are not proposed for removal, and future Reserved Matters application would need to ensure that the layout is designed to achieve minimum distances from these trees to ensure that they are not impacted by the development.
- 10.155 An Arboricultural Impact Assessment has been submitted, which highlights that the proposed development entails the removal of three individual trees and approximately 640 linear meters of hedgerow. The removal of T6, a low-quality ash tree, is required to establish safe access to the Site. Additionally, the removal of T20 and T21, moderate quality oak trees, is required to accommodate the construction of workshops and internal road networks.
- 10.156 To counterbalance these losses, a comprehensive mitigation plan involves the implementation of diverse and high-quality planting in the designated nature reserve area situated to the east of Gays Lane. The impacts on retained trees during the construction phase are anticipated to be manageable by adhering to recommended practices outlined in the report. These recommendations are noted as:
- **Mitigation Planting:** Implement diverse and high-quality planting in the designated nature reserve area east of Gays Lane to counterbalance tree and hedgerow losses.
 - **Infrastructure Design:** The design of internal roads, drainage systems, and other infrastructure should avoid encroaching upon root protection areas (RPAs) of retained trees.
 - **Operational Space Allocation:** Allocate space within the Site for site compounds, storage areas, and contractor parking, positioning them away from tree canopies and RPAs to prevent impacts on retained trees.
 - **Tree Protection Measures:** Implement tree protection fencing during Site clearance, groundworks, and construction phases to safeguard retained trees, especially ancient and veteran trees and their associated buffers.
 - **Detailed Tree Protection Plan:** Develop a detailed tree protection plan during the detailed design/Reserved Matters planning stage, in line with the guidelines in BS5837:2012.
 - **Enhancement Opportunities:** Consider enhancing the arboricultural resource of the site through appropriate management of ancient and veteran trees, extensive new tree planting, and the creation of suitable semi-natural habitats within retained tree buffers.
- 10.157 As previously mentioned, the village of Holyport has a well-defined rural quality defined by its surrounding landscape, which comprises of open fields and spaces. The trees and vegetation on the field boundaries in these areas contribute to the spacious rural character of the area.
- 10.158 The proposed development, while necessitating the removal of three individual trees and a significant length of hedgerow, demonstrates a comprehensive approach to mitigating the arboricultural impacts. The removals of T6, T20, and T21 are justified for enabling safe access, efficient space utilisation, and necessary construction. The mitigation strategy, involving diverse

planting within the nature reserve area would, in the view of Officers, mitigate for the loss of these trees.

10.159 Whilst a net gain in hedgerow units of 4.89 (10.31%) is noted, the existing hedgerow along Forest Green Road provides an amenity value, making significant contributions to the character and appearance of the countryside. Officers are therefore concerned with the removal of existing hedgerow along Forest Green Road would be harmful to the character of the area, as identified in section (ii) of this report.

x. Other Material Considerations

Loss of Agricultural Land

10.160 Chapter 15 of the NPPF emphasises the importance of protecting and enhancing the natural environment through planning policies and decisions. It outlines various principles and considerations related to biodiversity, habitats, landscape, pollution, and other environmental aspects.

10.161 With regard to the loss of agricultural land, paragraph 180 of the NPPF states that planning decisions should enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

10.162 Policy QP5 of the Adopted Local Plan notes, “*The rural areas in the Royal Borough are defined as land within the Metropolitan Green Belt [and]...within rural areas, proposals should not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a)*”.

10.163 The application site is likely to comprise Grade 3 agricultural land (as identified from the Natural England’s – Agricultural Land Classification map London and the South-East (ALC007)) and the wider land ownership to the north (as indicated by the blue line on the location plan) comprises Grade 1 agricultural land¹. Given the application site is likely Grade 3 agricultural land (although there is potential to comprise Grade 1, given the inaccuracies of a 1:250,000 map), the onus is on the applicant to undertake the surveys to demonstrate whether the land falls into Grade 3a or 3b, however, this survey has not been undertaken. As the LPA does not know which grade of agricultural land, a precautionary approach has been applied and it assumed that the land is grade 3a – ‘good’ quality agriculture – and therefore the Officer’s assessment is based on this. Policy QP5 (2) states, “*Within rural areas, proposals should not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a)*”.

10.164 On this basis, the proposal fails to comply with paragraph 180 (b) of the NPPF and Policy QP5 (Development in Rural Areas and the Green Belt) as it would likely result in the permanent/irreversible loss of the best and most versatile agricultural land.

Economic Benefits

10.165 The BLP aims to provide for a net increase of at least 11,200 new jobs across different types of employment floorspace (Policy ED1, point 2). The Policy makes clear that there is a need to maintain a portfolio of sites to support various economic sectors (point 1) and emphasises the intention to accommodate job growth and enhance the supply of high-quality employment space (Policy ED1, point 3). However, it is noted that the Borough Local Plan does not explicitly mention the film industry, as its specialised nature and potential for large-scale, footloose investments make it challenging to pre-empt its growth within the Borough’s employment needs. The adopted plan primarily focuses on more traditional employment sectors and established sites identified through the BLP process.

¹ This map forms part of a series at 1:250 000 scale derived from the Provisional 1” to one mile ALC maps and is intended for strategic uses. These maps are not sufficiently accurate for use in assessment of individual fields or sites and any enlargement could be misleading. The maps show Grades 1-5, but Grade 3 is not subdivided.

- 10.166 The application site is not allocated within the Borough Local Plan; and therefore, Policy ED3 is a key Policy in assessing the economic benefits of the scheme; however, Policy ED1 does also cater for non-allocated sites by recognising that the diverse needs of the local economy may not be fully met through allocated sites alone. This is noted in point 11, which states, *“In meeting the proforma requirements, flexibility may be applied to allow for material changes in circumstance as a result of the passage of time or to enable alternative solutions that will deliver the same, or preferably, a better planning outcome”*.
- 10.167 Policy ED1 promotes a flexible supply of high-quality employment floorspace, encouraging the intensification, redevelopment, and upgrading of existing sites and premises to meet forecasted demands and modern business requirements. Job creation is supported through a flexible supply of employment floorspace, including new allocations, existing employment areas, and intensification through various means like recycling, refurbishment, and flexible working practices.
- 10.168 The wording within Policy ED1 states that the aim of job creation will be achieved by *“ensuring a flexible supply of high quality employment floorspace making some new allocations, utilising existing employment areas and promoting a more intensive use of these sites through the recycling, refurbishment and regeneration of existing older or vacant stock and promotion of flexible working practices”*.
- 10.169 In the case of the proposed development, the fact that it is not an allocated site and that it is situated within the Green Belt raises conflicts with the objectives of Policy ED1, which seeks for employment proposals to be contained within allocated employment areas unless a shortage is identified, in which case the Council may be required to release additional greenfield land as part of the next plan review. While the economic benefits outlined in the proposal are significant and appear to align with the policy's goals, the policy emphasises the allocation of land for economic needs in specific locations, such as town centres and promotes the intensification and redevelopment of existing sites. Therefore, a proposal for a large employment space outside these designated areas requires a balancing exercise with the need for economic development against the principles of efficient land use and other planning principles such as environmental preservation, the protection of designated Green Belt land, and the ability to provide a suitable level of housing to accommodate the significant level of jobs a proposal of this scale would accommodate.
- 10.170 The Borough Local Plan addresses economic development for non-allocated (other) sites through Policy ED3 and its supporting text. The BLP recognises the importance of maintaining a diverse range of businesses and employment sites to support economic growth while ensuring responsible land use. The plan allows for development proposals on sites currently in employment use and non-employment uses, but emphasises the need for credible evidence when proposing a change from a non-economic use to an economic use and vice versa. Such proposals for employment development on sites currently used for non-employment purposes will be considered on their merits and only in cases where benefits arising from the proposed use would exceed the benefit of retaining the existing use, will development be supported.
- 10.171 The Council's Economic Growth team has reviewed the application and supports the direct impacts from employment and activity within the film industry, also noting that there will be indirect impacts to the broader local economy in the borough including employment and activity supported down the supply chain. Whilst Officers agree that the scheme would promote employment, it is important to note that the Borough only has an unemployment rate of 3%, which therefore means a significant proportion of the jobs created would be filled by persons outside of the Borough.
- 10.172 The supporting material for the application includes the following opportunities to support the local economy within the borough:
- The opportunity to attract significantly more employees and workers within the creative industries sector, growing the comparatively low Berkshire employment base.
 - Potential to foster the creation of a new employment and skills hub to maximise local benefit.
 - Supporting and enhancing the existing Royal Borough film tourism industry.

10.173 Whilst the application supports the Borough's general aspirations to support the creative industries as a growing sector in the region, doing so in this manner through the creation of a large film studio is wholly inconsistent with the Boroughs aspirations and spatial strategy. It is important to consider whether the potential economic gains from the proposed development can be achieved while adhering to the principles of responsible land use and environmental protection. Assessing the balance between economic development and the preservation of the Green Belt's ecological value is crucial. Likewise, it is equally important to assess the balance between economic development and the impact upon the character of open countryside.

10.174 Another article published by The Guardian on 15th September 2023 titled, "*Studios are like ghost towns: how Britain's TV and film industry fell into a hole*" emphasises the difficulties the sector is facing with focus on the strikes in the United States as well as the decline in the UK TV ad market.

10.175 Sky News also published an article on 17th February 2024 titled "*No pension, no career, no future: Grim reality behind the scenes of British TV and film industry*". This article reiterates that the US strikes are having a direct issue in the UK and that there is a general industry slowdown and advertising downturn.

10.176 This is further assessed within the planning balance section of this report.

Pollution

Noise

10.177 The applicant has submitted a Noise Impact Assessment to consider the potential for noise impact from the proposed development from both the construction and operational phase.

10.178 The assessment has identified some 'adverse effects' and included guidance on the necessary measures to mitigate the noise impact on noise-sensitive premises. The conclusion of the assessment is that, through good acoustic design, the risk of adverse effects on the local surrounding community can be suitably controlled and minimised.

Construction phase

10.179 The applicant's assessment concluded that groundworks activities during site enabling works could result in significant noise effects. Noise and vibration impacts from these activities would need to be minimised. A condition requesting a Construction Environmental Management Plan (CEMP) would be required.

Operational phase

10.180 The applicant's assessment has considered the noise generated by site activities and concluded that, overall, the predicted noise levels are below the background level. However, predicted noise levels from noise breakout from workshops and from vehicle movements within the site exceed background noise levels at Orchard Cottage during daytime and night-time periods and at the properties on Gays Lane during night-time periods.

10.181 The assessment provided guidance on acoustic mitigation measures to control noise breakout including, solid acoustic boundary fencing, orientating large workshop doors away from neighbouring residential properties and the implementation of management protocols particularly provision for workshop doors to be closed during night-time periods.

10.182 The potential noise impact from outdoor filming activities within the backlot area has not been quantified. A noise management plan is required to ensure that the risk of adverse impact on noise-sensitive premises is minimised, the plan should include an estimate of the potential impact based on a worst-case impact scenario.

- 10.183 Details of the environmental sound survey are presented in section 4 of the assessment report. Additional monitoring positions have been identified for further measurements of the local soundscape and it is proposed that this will form part of the design development in support of the Reserved Matters process.
- 10.184 Noise considerations should be dealt with at the earliest opportunity and should not be deferred to the Reserved Matters application. The details of the required mitigation measures and the need for a further noise survey as stated in the submitted noise assessment concern Officers regarding insufficient information being available at this time.
- 10.185 Without this information upfront, there is significant doubt that this would be possible and even if it were possible what measures would be required and the likelihood that they (e.g. acoustic barriers) would have an adverse impact on the openness of the Green Belt; the Conservation Area, Listed Buildings and rural character of the countryside. Given the complexity of the potential noise sources from film studios, the proposed approach of a two-stage assessment does add further uncertainty on the prediction of the risk of adverse impacts, and therefore it is concluded that there is the potential for harm to occur, unless sufficiently evidenced. In the absence of this evidence, the application cannot sufficiently comply with planning policies relating to noise pollution and neighbouring amenity.

Air Quality

- 10.186 An Air Quality Assessment was submitted with the application to consider the air quality impacts associated with the proposed development. The proposed development site is not in an Air Quality Management Area; however, the development proposal has the potential to affect local air quality during both the construction and operation phase.
- 10.187 Air Quality Consultants Ltd undertook a detailed air quality assessment, including a dispersion modelling study, of the local air quality conditions and the potential impact from vehicle exhaust emissions. The results of the assessment indicated that predicted annual mean nitrogen dioxide, PM10 and PM2.5 concentrations at existing receptors points are below the respective air quality objectives. The findings and conclusion of the air quality assessment in which it is considered that the overall air quality impacts as a result of traffic generated by the development will not be significant, is acceptable.

xi. Planning Balance

Very Special Circumstances

- 10.188 The applicant has provided a number of reasons for why it is felt this application could potentially be subject to very special circumstances. This section will assess each of these reasons individually, under the same subheadings put forward by the applicant within their submitted statement.
- 10.189 When considering Very Special Circumstances, it must first be identified as to what constitutes VSC. Firstly, the answer to the question is dependent on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker, acting within the "Wednesbury Principles". This stage will often be divided into two steps:
1. to determine whether any individual factor taken by itself outweighs the harm; and
 2. to determine whether some or all of the factors in combination outweigh the harm.
- There is case law that says that a number of factors, none of them "*very special*" when considered in isolation, may when combined together amount to very special circumstances and goes on to say that "*there is no reason why a number or factors ordinary in themselves cannot combine to create something very special*".
- A recent appeal decision in Radlett Hertfordshire (APP/N1920/W/23/3320599) set out a clear assessment of weight to be given when considering economic Very Special Circumstances:

95. I acknowledge NPPF paragraph 85, which states that significant weight should be placed on the need to support economic growth and productivity. But that does not

mean that such economic benefits should always be afforded significant weight in any particular case, despite the Inspectors in the Little Bushey Lane, Clappers Lane and Yatton 22 appeals deciding that they did in those cases.

96. Rather, that very much depends on all the circumstances of the case. To my mind, lesser weight should attach to such benefits where the location of new development is fundamentally contrary to national and local policy, as it is here, because the aim of the plan-led system is to deliver sustainable development.

97. The fact that the spatial strategy in the CS is out-of-date due to the lack of a 5YHLS does not negate its soundness and compliance with the NPPF as a whole. Economic growth and productivity, the economic objective of sustainable development, does not necessarily trump environmental objectives. Whilst 80% of Hertsmere is Green Belt and housing development on some of it may well be inevitable, exactly where such development should occur, and the economic benefits that would attach to it are a matter for the new local plan.

98. For these reasons I attach only limited weight to the economic benefits.

Scale and Magnitude of the impact upon the Green Belt

- 10.190 The Council's Local Plan was adopted in February 2022 and is therefore a very robust and up-to-date plan for the current period and went through a vigorous examination process prior to adoption. This examination required the preparation of a Green Belt review matter statement, which was published in May 2018.
- 10.191 Throughout the process of preparing the Borough Local Plan (BLP), the Council took into account the tension between the great importance that the Government attaches to the protection of the Green Belt and the NPPF requirements to place significant weight on the need to support economic growth (paragraph 85) and to boost significantly the supply of housing.
- 10.192 The applicant argues that the proportion of Green Belt land that this development would impact must be a consideration. The applicant notes that the development site comprises 43ha of land, which equates to 0.27% of the total area of the Green Belt in RBWM, of which the developable area of the Site is 26ha, which equates to 0.16% of RBWM's total Green Belt. As such, the applicant argues that the development would result in 81.87% of the Borough's Green Belt land being maintained (compared to 82% when the application Site is included).
- 10.193 While the applicant emphasises the importance of considering the proportion of Green Belt land impacted, it is crucial to recognise the local context and the carefully considered decisions made during the Local Plan preparation and Green Belt review. The LPA undertook a thorough assessment and determined that only a limited percentage of Green Belt land, specifically 1.5%, could be released to address housing needs and facilitate economic growth, while maintaining the broader Green Belt designation.
- 10.194 This context highlights a critical aspect of the 'Very Special Circumstances' requirement within the NPPF. The requirement acknowledges that, in exceptional cases, there might be circumstances that justify deviating from the established principles of protecting the Green Belt. The LPA's decision to release only a small percentage of Green Belt land, taking into account both housing needs and economic growth, stresses the exceptional nature of the circumstances that would warrant such a release.
- 10.195 However, it is important to consider that this designated 1.5% already represents a careful balance between addressing housing needs, stimulating economic growth, and preserving the Green Belt's integrity. Any further encroachment into the Green Belt, even if seemingly small in percentage terms, needs to meet an even higher threshold of justification for 'Very Special Circumstances.'
- 10.196 Any additional development beyond this designated release would need to present a level of exceptional value to the community that significantly outweighs the further encroachment into the

Green Belt and the supporting text of Policy ED1 (paragraph 8.7.2 of the BLP) makes clear that the Council wishes to seek control over which land is released through appropriate reviews; stating, “*The Council may be required to release additional greenfield land as part of the next plan review to ensure the ED1 objectives are met over the whole plan period*”.

10.197 Officers therefore consider that this argument carries **very limited weight**.

Economic Benefits

10.198 The proposed development showcases a range of economic benefits that are poised to positively impact various levels, from local communities to the national economy. Firstly, the applicant asserts that the proposal is projected to inject approximately £106 million into the Royal Borough of Windsor and Maidenhead's economy, potentially increasing local economic activity by about 1.5% to 2%.

10.199 Moreover, during the construction phase, the development is anticipated to generate approximately 350 full-time equivalent on-site positions, with the potential for further job creation during operational phases. This surge in employment is expected to result in an estimated increase of around £47 million in local wages.

10.200 A committed fund of £5 million is also earmarked for the Community Education and Employment Programme, aiming to address skill gaps and enhance local employment prospects, particularly within the film and television industry. Although some reservations exist, this initiative highlights the commitment to fostering tangible skill enhancement and improving employment outcomes for the local community.

10.201 Collaboration with local art and culture groups is envisaged to enrich the community's cultural fabric, reflecting a concerted effort to leverage the development for broader cultural enrichment. Additionally, the proposed initiatives aim to bridge the significant shortfall of skilled labour within the UK Film & TV Industry, contributing to the broader economy. Endorsed by relevant authorities, these endeavours carry significant weight in addressing both employment needs and broader economic benefits.

10.202 Furthermore, the development seeks to enhance the competitiveness of the UK Film & TV Industry, fortifying its global production position and amplifying the UK's presence in the international sector. The provision of purpose-built studio space addresses a need within the UK, safeguarding the sector's substantial contribution to the economy.

10.203 In terms of economic impact and investment, the operational phase is expected to spur significant production spend, significantly contributing to the UK's Creative Industries and generating direct Gross Value Added (GVA). The proposed activity levels are forecasted to support a substantial number of direct and indirect jobs. Direct wages supported are estimated at approximately £87 million.

10.204 Paragraph 85 of the NPPF, states that significant weight should be placed on the need to support economic growth and productivity, but that does not mean that such economic benefits should always be afforded significant weight. Rather, the amount of weight is very much dependent on all the circumstances of the case and lesser weight should be attached to such benefits where the location of new development is fundamentally contrary to national and local policy, as it is here, because the aim of the plan-led system is to deliver sustainable development.

10.205 Economic growth and productivity, the economic objective of sustainable development, does not necessarily trump environmental objectives. Whilst a significant proportion of the Royal Borough is made-up of Green Belt land and development on some of it may well be inevitable, exactly where such development should occur, and the economic benefits that would attach to it are a matter for the new local plan.

10.206 The fundamental purpose of the planning system is to pursue sustainable development, and economic objectives should not be pursued in isolation where they clearly undermine and cause harm in respect of the social and environmental objectives of sustainable development, or indeed

where they are so fundamentally at odds with the aspirations which shaped the spatial vision and development plan for the area. The proposed development holds potential for economic advancement, offering an array of benefits that stand to enrich local communities and contribute to the broader economic landscape. There is, however, an up-to-date Local Plan which appropriately addresses the need for and aspirations for economic growth in the Borough. This proposal is simply not needed and if it were, the Local Plan would have made this clear. Officers attach only **limited weight** to the economic benefits.

10.207 The potential economic benefits are further in doubt based upon the recently reported struggles of the industry within (paragraphs 10.174 – 10.175), where by recent news articles report the research findings of an industry slowdown for the film and TV sector.

Environmental Benefits

Provision of a Nature Park

10.208 The proposals encompass the establishment of a c.16.9-acre (6.84 ha) ecologically enhancing nature park accessible to the public. The park's creation is intended to deliver hydrological and biodiversity benefits while promoting health and well-being for park users. A legal agreement would be needed to ensure public access to secure the benefit.

10.209 Whilst the proposed nature park would provide benefits; noting the unsustainable location of the site, it is clear that the majority of users would require some form of transportation to utilise the nature park, else it will only be an amenity for immediate neighbours.

10.210 Even if a carpark were to be proposed, this would further exacerbate the harms previously identified. Furthermore, the activity generation of a nature park attraction would also carry harm, albeit not of the scale as the proposed structures and hardstanding.

10.211 The nature park element of the proposed scheme is a means to ensure the proposal complies with biodiversity policy; however, given biodiversity net gain is now a national requirement of any proposal of this scale **no weight** is given to this benefit as it is not 'special'.

Enhanced Habitats and Wetland Creation

10.212 The proposal involves planting new woodlands, species-rich scrub, and overseeding retained grasslands with locally-appropriate wildflower mixes. Additionally, the introduction of new drainage basins, floodplain storage basins, widened drainage ditches, and wildlife ponds aims to improve wetland habitats, enhancing the ecological value of the site for local wildlife.

10.213 Likewise, these elements are all part of the nature park, and a proposal of these scale is required to provide Sustainable Urban Drainage Systems to mitigate any increase of flood risk. Whilst this may have ecological benefits, it is not 'special' as it is a requirement of national policy. Officers are therefore of the opinion that this carries **no weight**.

Biodiversity Net Gain

10.214 The improved habitats are projected to achieve a Biodiversity Net Gain (BNG) of over 10%, with the potential to exceed this to 20-30% as part of a detailed landscape strategy. This proactive approach aligns with the forthcoming requirement of the Environment Act for a minimum BNG of 10%.

10.215 Noting the above, the nature park, SuDS and planting, are all required to ensure compliance with national policy. A scheme of this scale is required to provide a biodiversity net gain and therefore this cannot be seen as 'special'. The only credit this can take is that it has the potential to exceed the minimum of 10% with a net gain of 20-30%; however, this is to come about through a detailed landscape strategy, which has not been provided at this stage. Therefore, in the absence of this detail, no weight can be given to the potential of exceeding the minimum and as such, Officers are of the opinion that a Policy compliant BNG provision carries **no weight**.

Sustainable Development

- 10.216 The proposals aspire to be one of the leading sustainable purpose-built film studios in the UK. The focus includes energy credentials such as BREEAM Excellent and LEED Platinum, demonstrating a commitment to sustainability throughout the lifecycle of the development.
- 10.217 Fundamentally the development is located within an unsustainable location and pursues an economic objective at the costs of harm to social and environmental objectives, which have been outlined throughout this report. By definition the development cannot be considered 'sustainable', and therefore Officers are of the opinion that this benefit carries **no weight**.

Highway Improvements

New Pedestrian and Cycle Access Routes

- 10.218 The proposals include the incorporation of new and redirected pedestrian and cycle routes. These routes will encourage sustainable, healthy, and safe modes of travel in the locality, connecting various key routes and effectively promoting cycling and pedestrian movement within the area.
- 10.219 Noting the consultation comments received from Highway Officers, it is considered that with no upgrades to the surrounding area all movements associated with the film studios would be solely vehicle movements, which would be contrary to the Councils Local Plan policies IF2 and QP3 which is supported by the NPPF (Section 9 promoting sustainable transport). As such **no weight** is given to this.

Flooding Reduction

Improve Surface Water Flood Risk

- 10.220 The proposals address surface water flood risk through the introduction of drainage attenuation basins, floodplain storage basins, widened drainage ditches, and new wildlife ponds. These features collectively aim to reduce flood risk and enhance wetland habitats.
- 10.221 The LLFA consider the site to be large enough to sufficiently demonstrate expected volume storage and therefore advise this detail could be secured through the imposing of a pre-commencement planning condition securing details of a surface water drainage scheme. Given the lack of information regarding a surface water drainage system, at this stage Officers are of the opinion that this benefit carries **very limited weight**.

Heritage Balance

- 10.222 Paragraph 208 of the NPPF states, "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".
- 10.223 Holyport has a well-defined rural quality and its surrounding landscape, which comprises of open fields and spaces, contributes strongly to its setting and character, and hence the significance of the conservation area. This character and setting of the Conservation Area has been emphasised by an Inspector within a 2019 appeal (APP/T0355/W/19/3225689).
- 10.224 Despite the fact that the site would not directly abut the boundary of the Conservation Area, the proposed development consisting of a cluster of such large buildings and associated infrastructure in currently open green space would have a negative impact on the open setting of the Conservation Area, and views towards and from the boundary of the designated area.

Additionally, harm has been identified upon the setting of a Grade II Listed Building – John Gay’s House (Grade II).

10.225 Officers consider that there is no overriding public interest, which would outweigh the less than substantial harm to the setting of designated heritage assets.

Planning Balance and overall conclusion

10.226 Paragraph 153 of the NPPF states, *“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”*.

10.227 The proposed development is inappropriate development within the Green Belt which is harmful by definition. The proposed development would have a substantial adverse effect on Green Belt openness, which would be a physical manifestation of its inappropriateness. The scheme is found to conflict with two of the Green Belt purposes a) - to check the unrestricted sprawl of large built-up areas; and c) - to assist in safeguarding the countryside from encroachment. The harm to the Green Belt is afforded substantial weight.

10.228 Added to the Green Belt harm, the proposal would have an adverse impact on the rural character of the area.

10.229 The proposed development would have less than substantial harm upon John Gays House (Grade II) as well as the Holyport Conservation Area. It is emphasised that this harm, whilst falling within the ‘less than substantial’ category, is identified as being ‘moderate’ to ‘high’ within this category.

10.230 There are highway concerns, as being in an unsustainable location reliant on the use of the private car. The application site is not in a location, or has been designed, to reduce the need to travel; does not increase the safety of travel, nor does it improve the local road, cycle and pedestrian networks or promote alternative means of travel. The scheme would result in danger to highway and pedestrian safety. Additionally, the proposals would not protect or safeguard the existing rights of way network and would adversely affect the recreational and amenity value of the existing rights of way network.

10.231 It is not considered that the scheme would pass the derogation tests required by Regulation 55 of The Conservation of Habitats and Species Regulations 2017, as there is not considered to be overriding public interest in granting a licence for Great Crested Newts.

10.232 The application fails to demonstrate that the development would not result in the irreversible loss of best and most versatile agricultural land.

10.233 The Council’s Interim Sustainability Position Statement requires all developments (except householder residential extensions and non-residential development with a floorspace of below 100sq.m) should be net-zero carbon unless it is demonstrated this would not be feasible. In the absence of a legal agreement securing this, or a financial contribution in lieu of a shortfall: Officers identify a diversion from the Local Plan, which cannot be supported.

10.234 In the absence of sufficient information and details regarding noise, there is potential for significant harm to arise, which could detrimentally impact the amenity of neighbouring properties (notably Orchard Cottage and those located along Gays Lane). The potential negative impact of noise resulting from the development on the neighbouring residential amenity cannot be conditioned as it is fundamental to the principal of development. Therefore, the development would have the potential to seriously harm neighbouring residential amenity contrary to the policies of the development Plan.

10.235 It is acknowledged that there are benefits that would arise from the scheme, albeit minor, and therefore limited weight is afforded to the economic benefits. The environmental perks (provision

of a nature park, habitat creation and a biodiversity net gain); however, are not considered to be 'benefits', given they are requirements of other policies and are therefore not 'special' for the purpose of balancing harm to the Green Belt. Furthermore, the harm associated with these environmental elements – such as activity generation resulting from the nature park – has a lack of consideration, as no provision has been proposed to allow the public ease of access to such an attraction in an unsustainable location.

10.236 Very limited weight is given to the improvement of surface water flood risk.

10.237 Having regard to the few and minor benefits, these are not considered to be considerations that individually or cumulatively amount to Very Special Circumstances that would clearly outweigh the harm to the Green Belt which is afforded substantial weight, and the adverse impacts upon landscape character; heritage; transport considerations; Great Crested Newts; and likely loss of the best and most versatile agricultural land.

10.238 The application is therefore recommended for refusal.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 The development is a type of development where CIL would not be chargeable.

12 CONCLUSION

12.1 A significant number of harms have been identified during the planning assessment, namely in relation to Green Belt, character, heritage, highways, public rights of way, neighbouring amenity, ecology and loss of agricultural land.

12.2 Officer's conclusions with regard to the weighting scale of the benefits are set out above. Whilst these are of course a matter of judgement, it should be noted that Officer's believe that even if greater weight was to be attributed to some of these benefits, the totality of these other considerations would still not clearly outweigh the overall harm that the development would cause.

12.3 Consequently, the Very Special Circumstances necessary to justify the proposed development do not exist. In making this judgement Officers are aware that the benefits, either individually or in total do not need to be 'very special' or even 'special'; but they do in total need to clearly outweigh the overall harm, which they do not in this case.

12.4 As such, it is recommended that planning permission be refused.

13. APPENDICES TO THIS REPORT

- Appendix 1 – Site location plan and wider overview
- Appendix 2 – Layout parameter plan
- Appendix 3 – Height parameter plan
- Appendix 4 – Proposed Roundabout
- Appendix 5 – Proposed Break-Out Area

14. REASONS FOR REFUSAL RECOMMENDED

1 The proposal would represent inappropriate development within the Green Belt and there are no very special circumstances, which would outweigh harm to the Green Belt and the other harms identified.

2 The development would harm the character of the area, failing to comply with Policies QP3 and QP3a of the Borough Local Plan as well as the Building Heights and Tall Buildings Supplementary Planning Document.

3 The proposed development will amount to less than substantial harm upon Holyport Conservation

Area and the setting of John Gay's House (Grade II Listed). The proposal fails to comply with Policies HE1 of the Borough Local Plan; Section 66 (1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; as well as paragraphs 195 and 208 of the NPPF (December 2023).

- 4 The proposed development would have a detrimental impact upon highway safety - particularly pedestrians and cyclists - and fails to demonstrate how the proposed roundabout access would be permissible at this location to comply with current standards. The location of the scheme is wholly unsustainable and there are no provisions in place to improve this. The proposed development would therefore have an unacceptable impact on highway safety, particularly for pedestrians and cyclists, contrary to Local Plan policies IF2 & QP3 which is supported by the paragraphs 108, 109, 114, 115 and 116 of the NPPF (December 2023).
- 5 The proposed development would see a significant change to the existing Public Right of Way network in this area, with three paths being closed/partially closed and only one path being diverted to a significantly lesser quality route. The resulting loss of amenity and value of the affected paths conflicts with Policy IF5 of the Borough Local Plan.
- 6 In the absence of overriding public interest, the application fails to meet the tests required by Regulation 55 of The Conservation of Habitats and Species Regulations 2017 and Policy NR2 of the Borough Local Plan.
- 7 The proposed development would result in the permanent/irreversible loss of the best and most versatile agricultural land (likely Grade 3a) and therefore fails to comply with paragraph 180 (b) of the NPPF and Policy QP5 of the Borough Local Plan.
- 8 In the absence of a legal agreement to secure sustainability measures in line with the Councils Interim Sustainability Position Statement, the proposal fails to meet Policies QP1 and SP2 of the Borough Local Plan.