

## DELEGATED REPORT

### APPLICATION NO.

16/03200/FUL

### LOCATION

Land At Hawley Common Minley Road Blackwater Camberley Surrey

### PROPOSAL

APPLICATION FOR TEMPORARY PLANNING PERMISSION FOR USE OF LAND FOR FILMING AND ASSOCIATED ACCESS, PARKING AND STORAGE

### APPLICANT

Mr N Oliver

### CONSULTATIONS EXPIRY

9 January 2017

### APPLICATION EXPIRY

2 February 2017

### RECOMMENDATION

**Grant**

### CONSULTEES RESPONSES

#### Highways

The applicant has stated that no blockage of public right of way will take place, which is adequate.

Traffic generation will not impact meaningfully on the wider network.

No highway objection.

#### Environmental Health (Internal)

Thank-you for inviting this department to comment.

This Department would raise NO objections

#### Blackwater And Hawley Town Council

No objection subject to the concerns raised by Natural England being satisfactorily addressed.

#### Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

As submitted the application would:

- . have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA).
- . damage or destroy the interest features for which Castle Bottom to Yateley and Hawley Commons Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, mitigation measures are required, which could be secured by condition.

## **NEIGHBOUR COMMENTS**

No comments received.

## **CONSIDERATIONS**

### **Hart District Council Local Plan (Replacement) 1996 – 2006**

- |       |   |
|-------|---|
| GEN1  | - General policy for development          |
| RUR1  | - Definition of areas covered             |
| RUR2  | - Devl. in open countryside General       |
| RUR13 | - Business in open countryside Exceptions |
| CON1  | - Nature Conserv European Designations    |
| CON2  | - Nature Conserv Designations             |
| CON6  | - Heathlands                              |

## **THE SITE**

The application site lies within Hawley Common, to the south west of Blackwater. The land at Hawley Common forms part of the MoD estate and is used as a military training area. The site is accessed off Minley Road to the west, and utilises existing MoD tracks across the Common. The three areas of land which makes up the application site are located in the middle of the Castle Bottom to Yateley and Hawley Commons SSSI, which forms part of the Thames Basin Heaths SPA. The area is known as the Hawley Bear Pit.

There are substantial exposed areas of open land that do not contain any vegetation, these will be used for the primary set build, filming and support areas, including parking and unit base. The surrounding area is mostly coniferous woodland with a number of public rights of way, both footpaths and bridleways. The nearest public right of way is approximately 200m from the application site.

## **PROPOSAL**

This application is for temporary planning permission for a change of use to allow the area to be used as a film set along with associated facilities. Specifically the open land will be used for parking of vehicles during the construction and filming period. A 'Welfare Base' will be positioned next to the Unit Base, this will also comprise portacabins/container stores. The applicants have indicated that other temporary support structures may be required subject to need. The filming itself will take place on the areas of existing hardstanding. There will be set building and set dressings, used in combination with 'green screens'.

Preparation works will commence on site on Monday 6th February 2017 until Monday 17th April 2017 (between the hours of 0700 - 1800 hrs). Filming activity will take place on working days between Tuesday 18th April 2017 - Tuesday 2nd May 2017 (excluding weekends and bank holiday) (between the hours of 0800 - 0000 hrs). The strike period will occur between the 3rd May and 26th May 2017 (between the hours of 0700 - 1800 hrs), which includes withdrawal from site and full site restoration works.

During the preparation and strike periods, approximately 50 crewmembers will be present on site. Filming activity will require a cast and crew of 100 -150 persons.

The applicant confirms that "the site has been used in the past for filming purposes, which has included a recent 'Jonny English' and 'Avengers' film, amongst other high-profile feature films. The Unit Base area is also used on a regular basis for events and recreational purposes. Accordingly the principle of 'non- military' use of the land has already been established".

## CONSIDERATIONS

### Principles

The application site lies within open countryside where saved Local Plan policies RUR2 and RUR3 restrict development unless the proposed development is supported by other plan policies and it can be demonstrated that the proposal would not have a significant detrimental effect on the character and setting of the countryside. Local Plan policy RUR13 Business in open countryside states that business development may be acceptable subject to the following:

- (i) The site already includes buildings from a previous use; and
- (ii) The proposal is well related in location and design to the surrounding countryside and has no detrimental effects on landscape, ecology or historical features;
- (iii) The proposal will not cause serious harm to the character and amenities of the area;
- (iv) The site is well contained by clear boundaries;
- (v) The scale of development, either on its own or cumulatively with other proposals in the area, would not result in an imbalance between work force and jobs in the parish, leading to net in-commuting to a rural area.

In this case, the application site is managed by the MoD (Ministry of Defence), and forms part of their military training area. The site (and wider site) has also been used a number of times for filming. The applicant has confirmed that the boundaries of the site will be clearly defined on site. Given the site's existing use and management,

and the history of filming on site, it is considered that the proposed temporary use would comply in principle with RUR13, subject to criterion (ii to v).

#### Effect on Countryside

The site, whilst being relatively remote, is accessible to the public by foot and therefore the proposed use of the site and the associated temporary structures/equipment would be visible but only for a relatively short period of time. Given remoteness and the temporary use, the proposal would have a minimal impact on the character of the area.

The site benefits from extensive areas of hardstanding which provides a base for the parking of vehicles and equipment associated with filming activities. The applicants have confirmed that filming activity will largely be confined to the areas of hardstanding and this area will be clearly marked out and there would be no impact on surrounding trees or vegetation. Any disturbance to the grounds as a result of filming activity would be fully restored immediately after the filming activity ceased. It is considered that the proposal would comply with saved Local Plan policies RUR2, RUR3 and CON8.

#### Effect on the amenities of adjoining occupiers

Saved Policy GEN1 emphasises that proposals should not result in any material loss of amenity to adjoining neighbours, among other considerations. Policy GEN 6 concerns noisy/un-neighbourly developments and states that proposals that create, intensify or expand noisy or noxious uses or which would generate volumes or types of traffic unsuited to the local area will only be permitted where:

- (i) The site is not located where the proposal would have a serious adverse effect on the amenities of existing housing and other sensitive uses such as schools, or the recreational amenity of quiet areas of countryside; or
- (ii) The proposal incorporates adequate noise abatement measures to alleviate any material loss in amenity.

The applicant has stated that cast and crew numbers will vary during the preparation, filming and strike periods, however hours of activity will be fixed. During the preparation and strike periods, typical maximum hours of operation would be between 07:00 and 18:00. Filming would typically take place between 20:00 and 00:00 (midnight). It is reasonable to anticipate noise levels that may be generated whilst general filming activity takes place on site. The applicant has confirmed that anticipated levels will not be detrimental to the surrounding area, as "there are no residential properties close to the site therefore there will be no harm to amenity."

The nearest residential properties are in Shaftesbury Mount, approximately 150 metres, and Woodside, approximately 160 metres from the application sites. Given the separation distances, intervening landscaping and temporary nature of the proposal, it is considered that the temporary proposed use would not cause any significant impact in terms of noise disturbance.

The applicant has confirmed that the majority of the use will occur between 0700 and 1800 and therefore can take place without the requirement for additional lighting.

There may however be the requirement for artificial lighting on site to aid with lighting levels. It is acknowledged by the applicants that there may be some light spill/glare resulting from the use of artificial lighting. Given the separation distance to the nearest residential properties and the temporary nature of the lighting, any loss of amenity by way of light pollution should be minimal.

The Council's Environmental Health Officer has reviewed the application and has no objections in principle.

It is considered that the proposal would not have a significant impact on neighbour amenity and would comply with Saved Policy GEN1 and GEN6.

### Access

The site is located in an isolated setting with limited access to public transport. The site however has good links to the road network, being located in close proximity to the M3 (junction 4A) and the A30. The access would be via an established junction with the Minley Road, and then through army tracks. The Local Highway Authority confirms that given the amount of traffic, it is considered that this would be acceptable.

There would be provision for limited car parking on site. There is a private car park within walking distance of the site and this could provide additional car parking without resulting in overspill parking on the highway.

While the paths are used by the public for recreation and dog walking and there would be some limited disturbance from traffic gaining access to/from the site, it is considered that most people would find the provision of a film set "interesting" which would, for a short period, enhance their recreation rather than detract from it.

Whilst the site is located in an unsustainable location, as the use is temporary, in this instance, the use of the site and associated trip generation is considered acceptable and would not result in an imbalance leading to a net in-commuting to this rural site. Given the potential parking capacity of the wider area, it is considered that the proposal is therefore acceptable in terms of vehicle parking provision and highway safety.

### Ecology

Saved Local Plan policies CON1 and CON2 deal with ecological matters. Policies CON1 deal with the effect of development on the Thames Basin Heaths SPA and CON2 SSSIs generally.

The site is within a SSSI, which forms part of the SPA. The applicant has provided an Ecology Report, which confirms that the proposed activity will not cause undue harm, and where necessary precautionary measures deemed appropriate can be taken. The applicants confirmed that Natural England have already been engaged prior to the submission of this application to ensure collaboration over the appropriate mitigation measures required, detailed within the submitted Ecology Report.

Natural England have confirmed no objections subject to the provision of a condition to limit the impact of the filming activity. The proposal therefore complies with Local Plan policies CON1 and CON2.

## **CONCLUSION**

The proposed temporary filming use would result in a temporary and superficial use that would not alter the character or appearance of the open countryside. The proposed use would have no detrimental effects on landscape or ecology features nor would it cause any serious harm to the character and residential amenities of the area. Whilst it is acknowledged that there might be a large number of people on site at any one time, this influx would be temporary. It is therefore considered that the proposed temporary use complies with Saved Policies GEN1, GEN6, RUR2, RUR3, CON1, CON2 and CON8. The application is recommended for approval.

## **CONDITIONS**

- 1 The use hereby permitted shall be discontinued and the site restored to its former condition by 27 May 2017.

### **Reason**

To accord with the terms of the submitted application and in order that the structures hereby permitted will not become a permanent feature of the area and to satisfy saved policies GEN1, CON1 and CON2 of the Hart District Local Plan.

- 2 The development hereby approved shall be carried out in accordance with the following plan nos. and documents:

### **Site Location Plan**

Application Supporting Statement (Including Design and Access and Heritage Statement)

Land Management Strategy

### **Reason**

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

- 3 Activities of this nature within the SPA/SSSI could cause pollution, dust, disturbance and other impacts upon the site. The following measures must be assured to ensure the impact is minimised:
  - o All those involved with filming should be informed of the status and legal obligations attached to the designation and where the boundary of the protected area is.
  - o Materials, machinery and work should be contained to this area of hardstanding within the SPA/SSSI, and should not encroach off this assigned area either before, during or after filming and associated activities or ongoing use.
  - o No pollution from filming and associated activities must adversely affect the SPA/SSSI and a Method Statement demonstrating how best practise will be

used to minimise noise/dust/spills etc. must be submitted to, and approved in writing by the Local Planning Authority. All works must then proceed in accordance with the approved statement with any amendments agreed in writing.

o A regular check should be employed to ensure that all of the stated controls are being maintained. Should any impacts be identified, works must halt immediately until such a time as the threat is remedied. In addition to this, a contingency plan should be devised to ensure that, should any impacts occur, they can be controlled.

o Upon completion of the works, all materials and equipment must be removed from the site, and a site walk over should be undertaken to ensure that the mitigation principles adopted worked as expected. Should any issues be identified at this stage, then contingency measures must be applied and the issues rectified. This should be in consultation with the Natural England SSSI RO.

Reason

To to satisfy saved policies GEN1, CON1, CON2 and CON6 of the Hart District Local Plan.

- 4 The recommendations of the Land Management Strategy shall be adhered to at all times throughout all periods of filming activity.

Reason

To ensure that the development would not adversely impact on ecology and to satisfy saved policy GEN1 of the Hart District Local Plan.

## **INFORMATIVES**

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:

The applicant was advised of the necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.

