



## Strategic Sites Committee 16/03/2023 Update

---

<b>Application Number:</b>	22/07549/FUL
<b>Proposal:</b>	Creation of new film and TV studios incorporating the retention of 1 x existing sound stage, construction of further new production facilities including 7 x sound stages, 10 x workshops, 4 x production facility buildings, 1 x rehearsal building, ancillary offices, cafe and amenity space, parking, landscaping and new vehicular access off Marlow Road
<b>Site Location:</b>	Land At South Corner Wycombe Air Park Clay Lane Booker Buckinghamshire
<b>Applicant:</b>	Wycombe Film Studios Ltd
<b>Case Officer:</b>	Emma Crotty/Lucy Bellinger
<b>Ward(s) affected:</b>	Chiltern Villages
<b>Parish-Town Council:</b>	Great Marlow Parish Council
<b>Date valid application received:</b>	20th September 2022
<b>Statutory determination date:</b>	20th December 2022. Extended to 31 <sup>st</sup> March 2023.

### Background

The Highway Authority accepts the latest access arrangements as shown in drawing 215958/PD01 Revision A. A detailed junction design is required (this is currently secured by condition 4 set out in the report). The access arrangements can be achieved with the current speed limit in place. A speed limit review is however required to be carried out by the applicants, and the findings implemented to complement the access arrangements (paragraphs 4.16 – 4.21 of the report refer).

As part of the Traffic Regulation Order making process a speed survey would need to be undertaken on Marlow Road in the vicinity of the site access and there would need to be consultation of the Traffic Regulation Order, including with the Police.

There is currently uncertainty over whether any tree removals that may be required to facilitate the junction works have bat roosting potential. This is considered to be a matter that cannot be postponed for resolution by planning condition.

Bats are a European Protected Species (EPS). A survey of the trees affected by the junction works would therefore need to take place to establish if bats are or could be present. There are a number of criminal offences relating to EPS including its an offence to damage or destroy an EPS breeding site or resting place.

If an offence is likely to be committed, Natural England (NE) may grant a licence for works only if three derogation tests can be met. These are:

1. Is the development needed for:
  - public health or public safety, or
  - other imperative reasons of overriding public interest including those of a social or economic nature, or
  - preventing serious damage to property
2. Is there a satisfactory alternative?
3. Is there adequate compensation being provided to maintain the favourable conservation status of the population of the species?

Policy DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance) states that:

“1. The highest level of protection will be given to sites and species of international and national importance; development affecting them will not normally be permitted.”

2. Development proposals which would harm directly or indirectly other designated sites of nature conservation or geological interest or protected species including those shown on the Policies Map will only be permitted where it has been demonstrated that:

- a. there is no suitable alternative site for the proposed development, and
- b. the impact can be mitigated or compensated to achieve a net overall gain in biodiversity or geodiversity, and
- c. it has been clearly demonstrated that the benefits of the development outweigh the harm to the biodiversity or geological conservation interests.....”

## **Amendment to recommendation**

### Recommendation

7.1 The recommendation is that the application be delegated and deferred to the Service Director of Planning and Environment for APPROVAL subject to:

- A The applicant submitting a detailed junction design of the site access onto Marlow Road and a bat survey to demonstrate whether bat roosts would be affected by the junction works:
  - 1) The access design shall include:
    - a) Appropriate highway signage.
    - b) Carriageway resurfacing to include high friction surfacing.
    - c) Speed reducing road markings.
    - d) Widening of the Marlow Road carriageway to include the provision of a ghost island right turn lane.
    - e) Visibility splays

- B The Service Director of Planning and Environment considering the results of the bat survey and whether bats are affected. If so, to consider whether a criminal offence is likely to occur and if so whether the derogation tests would be met.
- C The Service Director of Planning and Environment to consider whether there is any conflict with policy DM13 and DM34 and if so, whether the planning balance indicates that permission should be granted.

Subject to points A to C being resolved to the satisfaction of the Service Director of Planning and Environment, the satisfactory completion of a legal agreement or Memorandum of Understanding (if the Council own the site at the time of completion of the agreement) to secure:

- A travel plan (including monitoring payments)
- Shuttle bus provision
- Traffic Regulation Order speed survey
- If the speed survey recommends that there be a change to the speed limit the funding and implementation of a Traffic Regulation Order on Marlow Road
- Biodiversity offsetting scheme to deliver a 10% biodiversity net gain

Or if this is not achieved then the application be refused for such reasons as the Service Director of Planning and Environment considers appropriate.

It is anticipated that any permission would be subject to the following conditions:

Conditions as set out in the report with the following amendments:

**Revised conditions:**

Amend condition 2 to delete “2667 – PL-304B phasing plan” as this is strictly not a phasing plan but instead a plan that summarises the various temporary and permanent applications to develop the site.

Amend condition 4 to say:

- 4 The approved access onto Marlow Road as identified on drawing 215958/PD01 Revision A, including all works to be secured under a section 278 agreement (including appropriate highway signage, visibility splays, carriageway resurfacing to include high friction surfacing, widening of the Marlow Road carriageway to include the provision of a ghost island right turn lane) shall be constructed, laid out and implemented in full prior to first use of the development hereby approved.

Reason.

In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

Amend condition 18

- 18 Delete point (a) additional surveying and assessment of species which are potentially impacted by the new vehicle entrance and road widening to Marlow Road. This must include surveying for bat potential in trees impacted along Marlow Road.