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NOTICE OF MEETING



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

will meet on

WEDNESDAY, 6TH JANUARY, 2016

At 7.00 pm

in the

COUNCIL CHAMBER - GUILDHALL,

TO: MEMBERS OF THE WINDSOR URBAN DEVELOPMENT CONTROL PANEL

COUNCILLORS PHILLIP BICKNELL (CHAIRMAN), MALCOLM ALEXANDER (VICE-CHAIRMAN), MICHAEL AIREY, JOHN BOWDEN, JOHN COLLINS, GARY MUIR, SAMANTHA RAYNER AND SHAMSUL SHELIM

SUBSTITUTE MEMBERS

COUNCILLORS NATASHA AIREY, HASHIM BHATTI, JESSE GREY, NICOLA PRYER, EILEEN QUICK, JACK RANKIN, WESLEY RICHARDS AND EDWARD WILSON

Karen Shepherd - Democratic Services Manager - Issued: 21 December 2015

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Wendy Binmore** 01628 796251

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Congregate in the Town Hall Car Park, Park Street, Maidenhead (immediately adjacent to the Town Hall) and do not re-enter the building until told to do so by a member of staff.

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	3 - 4
3.	<u>MINUTES</u> To confirm the minutes of the previous meeting.	5 - 10
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning & Property/Development Control Manager's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/web/dc_public_apps.htm or from Democratic Services on 01628 796310 or democratic.services@rbwm.gov.uk	11 - 124
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	125 - 128

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Agenda Item 3

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

WEDNESDAY, 9 DECEMBER 2015

PRESENT: Councillors Phillip Bicknell (Chairman), Malcolm Alexander (Vice-Chairman), Michael Airey, John Bowden, John Collins, Gary Muir and Shamsul Shelim

Also in attendance: Councillor Jack Rankin.

Officers: Wendy Binmore, Melvin Andrews, Sarah.L.Smith, Chris Nash, Jenifer Jackson, Laurel Isaacs and Janette Brettell.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Samantha Rayner.

DECLARATIONS OF INTEREST

Cllr Bicknell: Declared a personal interest in items two and three as his fellow ward councillor, Natasha Airey had called the applications in. however, he had not spoken to her about the items and had come to panel with an open mind.

Cllr M. Airey: Declared a personal interest in items three and four as the applications were called in by his wife, Councillor Natasha Airey. He confirmed he had not discussed the applications with his wife and had come to panel with an open mind.

Cllr Bowden: Declared a disclosable pecuniary interest in item four as he has a residence within 100 yards of the application site. Cllr Bowden left the room and did not take part in the discussion or the vote on this item.

Cllr Shelim: Declared a personal interest in item four as his fellow ward Councillor, Jack Rankin called in the item to panel and he has a business opposite the application site and also a property in St Leonards Road. He stated he had come to panel with an open mind. He also declared a personal interest in item five as his fellow ward councillor, Jack Rankin had called in the item to panel but Cllr Shelim had not discussed the item with Cllr Rankin and he had come to panel with an open mind.

MINUTES

RESOLVED: That the minutes of the meeting of the Panel held on 11 November 2015 be approved subject to the following amendment:

Janette Brettell, Environmental Protection Officer should also be listed as in attendance.

PLANNING APPLICATIONS (DECISION)

The Panel considered the Director of Development and Regeneration's report on planning applications received and received updates in relation to a number of applications, following the publication of the agenda.

N.B.: Updates were received in relation to planning applications marked with an asterisk

Application

Applicant and Proposed Development

15/02292*

Mr Elawadi - The Flaming Cow: Amendments to fenestration/ventilation at Flaming Cow Unit A Windsor Bridge Court 75 High Street Eton Windsor SL4 6BT – **THE PANEL VOTED to APPROVE the application and grant planning permission with the conditions listed in Section 9 of the main report and with the amended conditions listed in Section 3 of the Panel Update Report as stated below:**

- i. The window serving the restaurant (annotated to be fixed shut on the plans hereby approved) shall be fixed shut, and shall remain unaltered and fixed shut for the lifetime of the development. Reason: To ensure the internal extraction system to control odour works effectively in conjunction with the louvres in the window. In the interest of residential amenity – Local Plan Policy NAP3.
- ii. The proposed ventilation louvres on window WG03 (which are for the air-condition unit) will be permanently open however they must be connected to the condenser unit via sealed ductwork so that there is no air escape. The louvres on WG02 must be permanently closed. The following measures shall be adhered to for the lifetime of the development:
 - a. No air should be taken from inside the restaurant during this process.
 - b. The louvres are not designed to be opened and closed manually or other.
Reason: to protect the residential amenities of the area. Relevant Policy Local Plan NAP3.

Seven Councillors voted in favour of the motion (Cllrs M. Airey, Bowden, Collins, Grey, Muir, Shelim and Bicknell), and one Councillor voted against (Cllr Alexander).

(The Panel was addressed by Robert Edwards and Ros Rivas in objection, Eton Town Councillor Malcolm Leach in objection and, and Richard Clark, barrister, on behalf of the applicant).

15/02762*

Mr and Mrs Knowles: Erection of a detached dwelling and garage following demolition of existing dwelling and garage at 31 Bolton Avenue, Windsor SL4 3JE – **The Panel VOTED UNANIMOUSLY to APPROVE the application and grant planning permission with the conditions listed in Section 9 of the Main Report and also with the additional condition in Section 3 of the Panel Update Report as listed below:**

- i. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations. The approved tree protection measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work,

and all equipment, machinery and surplus materials have been permanently removed from the site. Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies – Local Plan DG1, N6.

(The Panel were addressed by Claire Milne in objection and Peter Knowles, the applicant in favour).

15/02897

Mr Azam: No 48. Construction of two storey side extension following demolition of existing garage. No 50. Construction of two storey side extension following demolition of existing garage and conservatory. Land between No 48 and 50. Construction of new detached dwelling at 48 and 50 and Land Between 48 and 50 Illingworth, Windsor - **THE PANEL VOTED to APPROVE THE APPLICATION against the Director or Development and Regenerations recommendations for the reasons as listed below:**

- i. The building has an acceptable size, and design and the amended plans have reduced the scale of the building. Whilst the plot is not the same size as those in the area, it is not considered to be harmful to the character and appearance of the area. The proposal complies with Policies DG1, H10, H11, T5, P5, N6 of the Local Plan.
- ii. Conditions are delegated to officers.

Five Councillors voted in favour of the motion (Cllrs Collins, Grey, Muir, Shelim and Bicknell) and three Councillors voted against the motion (Cllrs M. Airey, Alexander and Bowden).

(The Panel were addressed Steve Hessey, the agent in favour).

15/03161*

East Berkshire College: Three storey rear extension with associated amendments to car park layout at East Berkshire College, St Leonards Road, Windsor, SL4 3AZ - **THE PANEL VOTED to APPROVE THE APPLICATION and grant planning permission with conditions as listed in Section 9 of the Main Report.**

Six Councillors voted in favour of the motion (Cllrs M. Airey, Alexander, Collins, Grey, Muir and Bicknell) and one Councillor voted against the motion (Cllr Shelim), Cllr Bowden left the room and did not take part in the vote.

15/03452*

McLaren Vale Ltd: Replacement building to provide 4 no. 2 bedroom apartments including penthouse, parking and associated landscaping works following demolition of existing building at The Mill House, Barry Avenue, Windsor - **THE PANEL VOTED that the application be DEFERRED and DELEGATED. The application was approved subject to conditions listed in Section 9 of the Main Report and additional conditions in Section 3 of the Panel Update Report (listed below), subject to:**

1. The satisfactory completion of a mechanism /

undertaking to secure provision and future maintenance of the landscaped area adjacent to the building, in the grounds of the bowls club.

- 2. The receipt of a section 106 Unilateral Undertaking to prevent future occupiers obtaining parking permits and to secure the provision of a one-way sign.**

Additional Conditions listed in Section 3 of the Panel Update Report:

- i. The finished floor levels of the ground floor apartment shall be set at or above 20.97 metres AOD. The development shall incorporate the flood resistance and flood resilience measures set out in the Flood Risk Assessment submitted with this application. There shall be no raising of existing ground levels on the site. Reason: To ensure that the ground floor flat is not inundated with flood water during a time of flooding. To prevent the increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity, Relevant Policies – Local Plan F1.
- ii. Prior to any equipment, machinery or materials being brought onto the site, a full Arboricultural Method Statement with details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies – Local Plan DG1, N6.

Seven Councillors voted in favour of the motion (Cllrs M. Airey, Alexander, Bowden, Collins, Grey, Muir and Bicknell) and one Councillor voted against the motion (Cllr Shelim).

(The Panel were addressed Dido Milne, the agent in favour).

ESSENTIAL MONITORING REPORTS (MONITORING)

Details of Planning Appeal Decision Report were noted.

The meeting, which began at 7.00 pm, finished at 8.50 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

6th January 2016

INDEX

APP = Approval
CLU = Certificate of Lawful Use
DD = Defer and Delegate
DLA = Defer Legal Agreement
PERM = Permit
PNR = Prior Approval Not Required
REF = Refusal
WA = Would Have Approved
WR = Would Have Refused

Item No.	1	Application No.	15/02004/FULL	Recommendation	DLA	Page No.	13
Location:	Hotel Legoland Windsor Resort Winkfield Road Ascot Windsor SL4 4AY						
Proposal:	Erection of a 61 bedroom themed hotel extension with covered link walkway, restaurant extension to the existing Legoland Windsor Hotel with associated landscaping and alterations to the existing SUDs scheme, following demolition of existing Dino Safari ride and toilet block						
Applicant:	Legoland Windsor Park Ltd	Member Call-in:	N/A	Expiry Date:	29 September 2015		

Item No.	2	Application No.	15/02656/VAR	Recommendation	DLA	Page No.	67
Location:	Former Windsor Ex Services Club 107 St Leonards Road Windsor SL4 3BZ						
Proposal:	Demolition of the existing services club and construction of the proposed development of 6 x 3 storey town houses and a new services club as approved under planning permission 13/00832 without complying with conditions 12 (construction management plan) condition 16 (protection of trees) and condition 17 (landscaping) so that the conditions may be discharged after the commencement of works						
Applicant:	SG Managements	Member Call-in:	N/A	Expiry Date:	27 October 2015		

Item No.	3	Application No.	15/03438/VAR	Recommendation	REF	Page No.	83
Location:	Land To Rear of 250 To 284 Horton Road Datchet Slough						
Proposal:	Storage, repair and recycling of pallets (retrospective) as approved under planning permission 12/00830 without complying with condition 2 (storage and repair of pallets) to increase storage height to 4m.						
Applicant:	Mr Loveridge	Member Call-in:	Cllr Muir	Expiry Date:	25 December 2015		

Item No.	4	Application No.	15/03704/FULL	Recommendation	REF	Page No.	93
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Location: Castle PC 63 St Leonards Road Windsor SL4 3BX

Proposal: Installation of front door to double fronted shop

Applicant: Mr. Thomson - Apollo Home Ent Ltd
Member Call-in: Cllr Rankin

Expiry Date: 2 December 2015

Item No. 5 **Application No.** 15/03742/VAR **Recommendation** DLA **Page No.** 100

Location: Royal Berkshire Fire And Rescue Service Windsor Fire Station St Marks Road Windsor SL4 3BE

Proposal: Erection of 5 x 4 bedroom town houses, a block of 9 x 2 bedroom apartments with access, parking, landscaping and associated works, following demolition of existing fire station as approved under planning permission 15/01889/FULL without complying with condition 26 (Approved Plans) to substitute approved plan 5236-103C with 5236-103D

Applicant: The Royal Berks Fire And Rescue Service
And Vanderbilt Homes
Member Call-in: N/A

Expiry Date: 11 February 2016

**Appeal Decision Report
Planning Appeals Received**

**Page No. 125
Page No. 128**

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

6 January 2016

Item: 1

Application No.:	15/02004/FULL
Location:	Hotel Legoland Windsor Resort Winkfield Road Ascot Windsor SL4 4AY
Proposal:	Erection of a 61 bedroom themed hotel extension with covered link walkway, restaurant extension to the existing Legoland Windsor Hotel with associated landscaping and alterations to the existing SUDs scheme, following demolition of existing Dino Safari ride and toilet block
Applicant:	Legoland Windsor Park Ltd
Agent:	Miss Rachel Hill - Nathaniel Lichfield And Partners
Parish/Ward:	Park Ward

If you have a question about this report, please contact: Sarah L Smith on 01628 796070 or at sarah.l.smith@rbwm.gov.uk

1. SUMMARY

- 1.1 The planning application seeks planning permission for a 3 storey, 'castle' themed, extension to the existing Legoland Hotel to create 61 new bedrooms (the total net additional bedrooms is 59 as 2 bedrooms are rooms to be lost in the existing hotel). The proposed extension comprises 3,515 sqm (GEA) and has a footprint of 1,255 sqm (GEA). The maximum height of the proposed building would be 11.95m, measuring 59.1m wide, 28.8m deep. The applicants advise that the proposed extension will offer "premium" bedrooms, enhancing the range of accommodation LLW is able to offer its guests.
- 1.2 The extension is in a separate building from the existing hotel and includes a lobby/reception, ancillary toilets, kitchen accommodation, store and plant rooms and a restaurant/bar seating area. The southern elevation of the hotel extension (facing into the Resort) would be heavily themed, as a castle. The southern elevation includes grey 'castle' style bricks with blue tops to the proposed castellations. The northern elevation, facing towards the boundary of the Park is proposed as a more neutral façade with very little theming.
- 1.3 To provide suitable facilities for the additional bedrooms, alterations are proposed to the existing Hotel (these proposed changes are listed for completeness, but not all require planning permission as they comprise internal reconfiguration works), including:
 - 1 Two new lifts;
 - 2 Relocation of the existing shop in the entrance/lobby area;
 - 3 Creation of a viewing gallery to the pool area; and
 - 4 Extension of the hotel restaurant along the western elevation with a single storey Lego themed extension (within the park) by 340 sqm (GEA) - facing the lake - to provide for an additional 200 covers (i.e. to serve the additional bedrooms/guests in the proposed extension block).
 5. A covered way between the existing and proposed hotel buildings, this is a free standing structure, not attached to either building.
- 1.4 The application includes alterations to the existing sustainable urban drainage (SUDs) scheme. This is located to the north east of the application site in the landscaped 'buffer zone' which is between the access road and Legoland boundary to the north. It is proposed to enlarge an existing SUDs pond and add another smaller pond. New woodland planting is proposed in this area.

- 1.5 The site is located in a defined Major Developed Site (MDS) within the Green Belt. The proposed alterations to the existing hotel and the hotel walkway are considered to comply with the NPPF and Policies GB1, GB2 and GB9 of the Local Plan. The proposed alterations to the existing SUDS scheme are considered to be appropriate development in the Green Belt and no objections are raised.
- 1.6 It is considered that the proposed hotel extension does not comply with Policy GB9 of the Local Plan or paragraph 89 of the NPPF as it is not limited infilling. Furthermore the proposal is not considered to be located in a small gap between existing buildings. The proposal is therefore considered to be, by definition, inappropriate development that causes harm to the openness of the Green Belt. As such it is for the applicant to make a case for very special circumstances to overcome the in principle harm and any other harm.
- 1.7 The applicant has demonstrated through the Hotel guest surveys undertaken in June 2015 that compared to day guests at the Resort, hotel guests are more likely to visit other attractions in the local area. 48% of the hotel guests surveyed indicated that they also planned on visiting Windsor town centre, 30% to visit Windsor Castle, 14% to visit Windsor Riverside and 5% to visit Eton. It is therefore accepted that the proposed extensions should encourage visitors to stay longer and increase visits to local attractions and the surveys of existing guests to the hotel support this benefit. The applicants set out that as this is a premium offer higher income households will visit the report and boost visitor spending in the area, taking a balanced view of this it is not considered that it can be assumed that most visitors will be higher income households, when their survey demonstrate that only 27% of visitors are AB professional grade, although it is accepted that there would very likely be an increase in visitor spending in the area, which would benefit the local economy.
- 1.8 The NPPF at paragraph 18 seeks to support sustainable economic growth at local and regional level and to allow for inward investment. It is considered that the case that the applicant has made, specifically the economic benefits that would derive as a result of employment opportunities together with increased visitor spend in the area, and the sustainability credentials of the site together with the need for the hotel, for a significant part of a case for very special circumstances to allow the development in the Green Belt.
- 1.9 The sustainability credentials of the original hotel building were considered to form part of the case for very special circumstances as 14% of renewable energy was provided on site. In this case the hotel will reach a BREEAM 'very good' rating and provide 20.4% of the energy demand through renewable energy which is well in excess of the 10% required in the Councils SPD, and this is welcomed as part of the case for very special circumstances.
- 1.10 Furthermore Legoland is a major traffic generator in Windsor and the surrounds and the site does not currently benefit from a site wide Travel Plan and it is acknowledged by the applicant that Legoland as a destination impacts upon the local highway network. A site wide Travel Plan is proposed, which is welcomed as there is not currently a site wide Travel Plan for the site, this will potentially have a benefit on the highway network. The only Travel Plan for the site is one for the hotel staff secured under the permission for the hotel. As discussed in the highways section below at paragraphs 6.86-6.123 the proposed extension is not considered to have a harmful impact upon highway safety. In this context the significant concerns of local residents in respect of the traffic associated with the site is acknowledged and the proposed Travel Plan together with the other traffic measures proposed, are considered to also comprise part of the case for very special circumstances that goes towards a case for allowing this development. It is the case for very special circumstances set out above that are considered together to over come the in principle objections to this development in the Green Belt.
- 1.11 A full and thorough examination of alternative sites within 5km of the site and within the site has been carried out. It is considered that it has been demonstrated that this is the most sequentially preferable site for the proposed hotel and leisure uses. The case set out by the applicant also demonstrates why an on site location is required for the hotel extension.
- 1.12 The Applicant has demonstrated that there would be no harmful impact upon ecological designations or trees protected by Tree Preservation Order as a result of the application.

- 1.13 It is considered unlikely that the proposal would have any harmful impact upon the amenities of nearby residents, and there is no objection under Policy NAP3 of the Local Plan.
- 1.14 A satisfactory surface water drainage strategy has been provided and no objections are raised, subject to conditions, which are set out in the conditions section at the end of this report at no 14.
- 1.15 The guidance in the NPPF at paragraph 32 is clear that each application must be assessed in itself and that for an objection on highway grounds to be sustained development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is reinforced by the appeal decision on the Haunted House application (14/01251) at this site, which allowed the appeal on the basis that the impact of any traffic associated with this development would not be severe.
- 1.16 A Transport Assessment (TA) dated June 2015 and a site wide Travel Plan dated 24 June 2015 have been submitted with the planning application.
- 1.17 In summary it is the view of the Borough Highway Officer that:
- The existing Hotel/Park & Ride car park has sufficient spare capacity to accommodate the likely demand for parking space generated by those guests staying in the extended hotel and choosing to travel by private car.
 - A net reduction in vehicle movements is predicted as a result of the new hotel extension. This is on the basis that guests who may usually stay at other hotels in the area would have the choice to stay at Legoland in its extended hotel accommodation.
 - Notwithstanding, whether or not the level of net reduction as anticipated is achieved, the likely impact of vehicle trips (as a result of the development), if all trips were considered to be new to the network, would be minimal - with 29 daily trips (0.17% increase) south and 14 daily trips (0.08% increase) north of the site access.
 - Visitors staying as guests at the Legoland hotel accommodation are more likely to arrive and depart outside the local and strategic highway network's peak traffic periods.
 - A site wide Travel Plan proposed now for visitors as well as staff should be welcomed and would give the Council the opportunity to work with Legoland to better manage car journeys in particular to and from the Windsor Resort.
- 1.18. Against this background, it is recommended that no objection be raised to the proposed hotel extension from the highways aspect but the site wide Travel Plan should be legally secured by way of a s106 agreement.
- 1.19 The applicants have submitted a Energy Statement which sets out that 20.4% of the energy demand will be met by on site renewable – heat pumps and that the building will meet BREEAM 'very good'. This on site renewable percentage is well in excess of the 10% sought in the SPD on Sustainable Design and Construction and this is welcomed.
- 1.20 The application has been screened under the Environmental Impact Regulations 2011 and is not considered to be development that requires an Environmental Impact Assessment.
- 1.21 Overall the application is considered to comply with all relevant local and national planning policies and is recommended for approval.

It is recommended the application is referred to the Secretary of State for Communities and Local Government and subject to it not being call-in for determination that the Panel authorises the Borough Planning Manager:

1.	To grant planning permission on the satisfactory completion of an undertaking to secure a site wide Travel Plan with the conditions listed in Section 10 of this report.
2	To refuse planning permission if an undertaking to secure the site wide Travel Plan has not been satisfactorily completed by 31st January 2016 for the reason that the proposed development would not be accompanied by associated infrastructure improvements.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Jones for the reason: “I have been approached by residents to regarding the question if whether this would go to panel as there are concerns regarding traffic and green belt that they would like to put to panel if necessary. If it is not scheduled to be considered at the development panel as a substantive application then please accept this email as a call in request should the officers recommendation be for approval”.
- The Council’s Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

Overview of the general area

- 3.1 Legoland Windsor occupies a sloping site of approximately 60 hectares located approximately two miles to the southwest of Windsor town centre. Access to the site is from the Winkfield Road. It is divided into the inner and outer ‘parks’. The inner park contains the main theme park, incorporating water and land based entertainment and leisure facilities, and is developed with a number of buildings and hard landscaped features.
- 3.1 Within the inner park there is an extensive range of built structures including rides, marquees, storage facilities, WC facilities, retail outlets and cafes. There are also several large buildings in addition to the rides within the park. For example, St Leonard’s Mansion, a three storey building located to the north of the park contains offices and conference facilities; an Operations Building, located in the south east of the park; and The Creation Centre, located at the visitor entrance.
- 3.2 The boundary of the inner park is delineated by a service road. The outer park comprises the car parks/coach parks, the access road and a “landscape buffer” between the access road and the residential properties on St Leonard’s Hill. The guest car parks are located to the west of the inner park.
- 3.3 The majority of the inner site comprising the buildings and rides are within the area designated as a “Major Development Site” (MDS) in the Green Belt under saved Policy GB9 of the Local Plan. The site is extensively covered with trees and there are three Area Tree Preservation Orders on the site.
- 3.4 Legoland is located on the edge of the built-up area of Windsor. It lies within, and is surrounded to the north (in part), the south, the east and the west, by Green Belt land. Windsor Forest and the Great Park lie to the south, and to the northeast the site abuts residential properties in St Leonard's Hill. The site is also designated in the Local Plan as an Area of Special Landscape Importance and there are SSSI’s to the east and south of the site. Part of the southern boundary of the site abuts the boundary with Bracknell Forest Borough Council, who have been consulted on the application.
- 3.5 The site is served by public transport, including bus services to Reading, Bracknell, Slough and London. The site already provides a Park & Ride service in an informally arranged parking area accommodating around 300 cars. The site also has access to the strategic road network including the M3, M4, M25, M40, A404 (M) and A308 (M).

Description of application site itself

- 3.6 The application site comprises 4.7ha and is located in the northern part of the park, largely within the MDS boundary (the existing SUDs area is included in the application boundary and this is located outside the MDS boundary). The application site includes the existing 'Dino Safari' ride, part of the existing Hotel and the existing SUDs area
- 3.7 The site for the proposed hotel extension element of the proposal is located to the north west of the existing Hotel and is currently occupied by the 'Dino Safari' ride and a toilet block. Immediately to the west of the hotel extension site is 'Atlantis' and to the south is the lake. The site is bound to the north by the existing service road.
- 3.8 The existing 'Dino Safari' ride on the site comprises a covered entrance portal and queue line, a ride operator's cabin and a ride track set in concrete with 'safari' themed ride cars. The site is landscaped with "themed" (exotic) planting and LEGO sculptures which reflect the 'dinosaur safari' theme of the ride.
- 3.9 The area of the site which comprises the ride track is relatively flat but the northern portion of the site comprises a steep mound. The site generally falls in a south easterly direction with the lowest point in the south east; there is a level difference of approximately 7m across the proposed hotel extension site. Between 'Atlantis' and the application site there is a tarmac access road which connects to the service road to the north of the site.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 There is a significant planning history for the site, the history since the granting of the hotel in 2009 is set out below.

Ref.	Description	Decision and Date
09/01184	Outline application for the erection of a 150 bedroom hotel with landscaping, sustainable drainage, alterations to internal access road and parking to provide 321 spaces and associated works. All matters reserved	Approved 7.10.09
09/02094/ FULL	Replacement storage building	Approved 9.11.09
09/02647/ VAR	Erection of a 150 bedroom hotel with landscaping, drainage, alterations to internal access road and parking as permitted by Outline application 09/01184 without complying with condition 4 of that permission relating to total floor space not to exceed 9000sqm gross external floor space, to allow the total floor space not to exceed 9450 sqm gross external floor space.	Approved 9.2.10
10/000064	Erection of a covered terraced area to the west of pirate falls ride.	Approved 22.2.10
10/00106	Proposed paid parking exit system comprising four parking barriers, a ticket kiosk and works to realign/widen and internal road.	Approved 1.3.10
10/00565	Certificate of lawfulness to determine whether a proposed extension to an existing photo stall is lawful	Approved 7.5.10
10/01122	Erection of an indoor sealife attraction building, including canopy, terrace and associated landscaping	Approved 8.7.10
10/01492	Certificate of lawfulness to determine whether a proposed games booth is lawful	Approved 16.8.10
10/02402	Non-material amendment to planning permission 09/01184 and reserved matters application 01/00155 for	Approved 19.10.10

	the bedroom windows moved from south-east elevation to north-east elevation and windows to stairwells omitted.	
10/02813	Extension to the Adventure land toilets and boardwalk	Approved 4.1.11
10/03024	Non material amendment to planning permission 10/00155/FULL to include a lobby off the restaurant area	Approved 21.2.11
11/00109	Details required by part of condition 3 (access road lighting) and 4 (landscaping) of planning permission 10/00155 for Reserved matters pursuant to outline planning permission 09/01184/OUT for the construction of a 150 bedroom hotel with landscaping, sustainable drainage, alterations to internal access road and parking to provide 321 spaces and associated works.	Part approval part refusal 21.2.11
11/00406	Details required by part of condition 3 (access road lighting) and 4 (landscaping) of planning permission 10/00155 for Reserved matters pursuant to outline planning permission 09/01184/OUT for the construction of a 150 bedroom hotel with landscaping, sustainable drainage, alterations to internal access road and parking to provide 321 spaces and associated works.	Approved 4.3.11
11/00526	Installation of a timber canopy of the Dino Dipper ride.	Approved 4.4.11
11/00542	Certificate of Lawfulness to determine whether a proposed Dino Dipper ride with ride platform, cars and control hut are lawful.	Approved 16.3.11
11/00802	Installation of new show seating at the Johnny Thunder Adventures' Show	Approved 3.5.11
11/01039	Non-material amendment application to planning permission 10/00155/FULL to allow a pitched dormer to the hipped roof at the rear of the building	Approved 3.5.11
11/01080	Details required by conditions 3 (external lighting) of planning permission 10/00155 Reserved matters pursuant to outline planning permission 09/01184/OUT for the construction of a 150 bedroom hotel with landscaping, sustainable drainage, alterations to internal access road and parking to provide 321 spaces and associated works.	Approved 25.2.11
11/02271	Details required by condition 1 (sample of materials) of planning permission 10/00155 Reserved matters pursuant to outline planning permission 09/01184/OUT for the construction of a 150 bedroom hotel with landscaping, sustainable drainage, alterations to internal access road and parking to provide 321 spaces and associated works	Approved 25.8.11
11/03390	Details required by conditions 2 (sample of finishing materials) and 3 (external lighting) of permission 10/00155 Reserved matters pursuant to outline planning permission 09/01184/OUT for the construction of a 150 bedroom hotel with landscaping, sustainable drainage, alterations to internal access road and parking to provide 321 spaces and associated works.	Approved 21.12.11
12/02314	Demolition of existing buildings and the creation of Duploland through re theming of an existing area of the park including the installation of 'rainforest'; 'duploville' and 'splash zoo' with changing / toilets and	Approved 24.9.12

	plant/chemical store, lifeguard/first aid kiosk and enlargement of the existing 'Duplo theatre' seating area along with associated landscaping.	
12/03329	Construction of a new traffic games kiosk style fairground unit	Approved 7.1.13
13/00043	Construction of a new plant enclosure within the Duploland area of the park	Approved 11.2.13
13/00190	Construction of a new traffic games style fairground unit	Approved 11.3.13
13/01168	Erection of a timber food and beverage kiosk	Approved 10.7.13
13/02393	Redevelopment of an existing area of the Park to create a new and extended 'Pirate Training Camp' including demolition of existing structures and the installation of 'Pirates Rigging', '	Approved 06.12.2013
14/00284	Details required by conditions 3 (tree protection), 4 (foundations), 5 (landscaping), 6 (tree replacement) and 7 (ground protection) of planning permission 13/02393 for a Redevelopment of an existing area of the Park to create a new and extended 'Pirate Training Camp' including demolition of existing structures and the installation of 'Pirates Rigging', '	Approved 28.02.2014
14/01251	Installation of a new attraction including a haunted house building, queue line area, landscaping and alterations to an existing pathway within the resort	Refused 20.8.14 and appeal allowed.
15/02105	Installation of a new attraction including a haunted house building, queue line area, landscaping and alterations to an existing pathway within the resort	Declined to determine

- 4.2 The planning application seeks planning permission for a 3 storey, 'castle' themed, extension to the existing Legoland Hotel to create 61 new bedrooms (the total net additional bedrooms is 59 as 2 bedrooms are rooms to be lost in the existing hotel). The proposed extension comprises 3,515 sqm (GEA) and has a footprint of 1,255 sqm (GEA). The maximum height of the proposed building would be 11.95m, measuring 59.1m wide, 28.8m deep. The applicants advise that the proposed extension will offer "premium" bedrooms, enhancing the range of accommodation LLW is able to offer its guests.
- 4.3 The extension is in a separate building from the existing hotel and includes a lobby/reception, ancillary toilets, kitchen accommodation, store and plant rooms and a restaurant/bar seating area. The application explains that it is anticipated that the restaurant space will have the ability to serve breakfast and drinks and snacks to the hotel extension guests throughout the day. However, it will not have the ability to do a full dinner service for these guests. The restaurant is at ground level. The bedrooms are situated across the ground, first and second levels along with ancillary laundry/housekeeping space.
- 4.4 The southern elevation of the hotel extension (facing into the Resort) would be heavily themed, as a castle. The southern elevation includes grey 'castle' style bricks with blue tops to the proposed castellations. The northern elevation, facing towards the boundary of the Park is proposed as a more neutral façade with very little theming.
- 4.5 To provide suitable facilities for the additional bedrooms, alterations are proposed to the existing Hotel (these proposed changes are listed for completeness, but not all require planning permission as they comprise internal reconfiguration works), including:
- 1 Two new lifts;
 - 2 Relocation of the existing shop in the entrance/lobby area;
 - 3 Creation of a viewing gallery to the pool area; and

4 Extension of the hotel restaurant along the western elevation with a single storey Lego themed extension (within the park) by 340 sqm (GEA) - facing the lake - to provide for an additional 200 covers (i.e. to serve the additional bedrooms/guests in the proposed extension block).

5. A covered way between the existing and proposed hotel buildings, this is a free standing structure, not attached to either building.

4.6 The application includes alterations to the existing sustainable urban drainage (SUDs) scheme. This is located to the north east of the application site in the landscaped 'buffer zone' which is between the access road and Legoland boundary to the north. It is proposed to enlarge an existing SUDs pond and add another smaller pond. New woodland planting is proposed in this area.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Section 2, Ensuring the vitality of town centres, Section 7, Requiring good design, Section 9 Protecting Green Belt land, Section 11, conserving and Enhancing the Natural Environment.

Royal Borough Local Plan

5.2 The main strategic planning considerations applying to the site and the associated policies are:

	Green Belt	Protected Trees	Transport	Noise	Tourism
	✓	✓	✓	✓	✓
Local Plan	GB1, GB2, GB9	N6	P4, T5	NAP3	TM7

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Planning Obligations and Developer Contributions
- Interpretation of Policy R2 to R6 - Public Open Space provision

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Strategic Flood Risk Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Visitor Management Strategy - view at: http://rbwm.gov.uk/web/meetings_080522_agenda_cabinet.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- whether the proposal amounts to appropriate development in the Green Belt, and if not whether there are any very special circumstances that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness, and any other harm caused by the proposal;
- the appropriateness of a hotel in this location;

- iii the impact on trees, the nearby SSSI's and biodiversity, the Area of Special Landscape Importance and the setting of Windsor Great Park
- iv the impact on the amenities of nearby residents
- v the impact on drainage and flooding interests in the area;
- vi the adequacy of car parking and the impact on highway safety in the area; and
- vii sustainable design and construction
- viii any other material considerations

Whether the proposal amounts to appropriate development in the Green Belt, and if not whether there are any very special circumstances that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness, and any other harm caused by the proposal

- 6.2 The site is within the Green Belt and, as such, the proposal should be considered against the Policies set out in the National Planning Policy Framework (NPPF) and the Adopted Local Plan. The relevant Local Plan Policies are GB1, GB2 and GB9.
- 6.3 In terms of Policy GB2 the Inspector when considering the appeal for the haunted house application on this site concluded that "The wording of this policy does not sit comfortably with Green Belt policy in the Framework. Part A) addresses the effect of the proposed development on openness and the purposes of including land in the Green Belt. However, Part B) goes beyond the normal scope of Green Belt policy and is more applicable to development control considerations concerning the effect on the character of the countryside. ...The phraseology used in Part A) is almost identical to that of the Framework and, whether intentional or otherwise, it is directly relevant to the issue of whether the proposal would be inappropriate development in the Green Belt". It is considered reasonable to follow this approach in respect of this application on the same site.

NPPF

- 6.4 Para 89 of the NPPF states that the local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
- buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Adopted Local Plan

- 6.5 Policy GB1 of the Adopted Local Plan indicates that (4) Limited infilling or partial or full redevelopment of designated major developed sites in the Green Belt in accordance with Policy GB9 is considered as appropriate development in the Green Belt. Policy GB9 of the Adopted Local Plan lists six designated major developed sites (MDS): Legoland Windsor is listed as one of these sites. This Policy is considered to be in accordance with the NPPF which allows for limited infilling of previously developed sites.

6.6 Policy GB2 seeks to limit the impact on the potential harm caused on the openness and purposes of the Green Belt. Within Policy GB9 and Appendix 13 of the Adopted Local Plan sets out the policy for development of identified major developed sites.

6.7 Policy GB9 of the WMLP sets out the scope for “appropriate” development within the MDS. This sets out the policy for limited infilling and states:

“Within these designated sites, planning permission will be granted where such development is in accordance with the following:

A) Proposals for limited infilling at major developed sites, for the continuing use within these sites should:

1. Demonstrate that additional buildings and/or extensions will have no greater impact on the purposes of including land in the Green Belt than the existing development;
2. Not lead to a major increase in the developed proportion of the site;
3. Only take place within small gaps between existing built development;

The policy goes on to say;

C) Infilling or complete or partial redevelopment of the designated major developed sites should also:

1. Not exceed the height of existing buildings;
2. Demonstrate that any new building does not materially extend the defined development envelope of the site;
3. Proposals should be in accordance with individual site policies contained in Appendix 13.”

6.8 The supporting text to GB9 states at para 2.1.47 that:

“Within the boundary, future development may be regarded as being not inappropriate development within the Green Belt, subject to meeting all other criteria.”

6.9 Appendix 13 of the Local Plan deals specifically with development at Legoland. In relation to future intentions for the site's development it states that:

“It is anticipated that Legoland Windsor will continue to concentrate activities at the site to ensure that it retains its status as one of the country's most popular theme parks. The intention is, in the main, to provide a mixed range and type of rides that are contemporary and that continue to meet the needs of customers to the Park”.

6.10 Appendix 13 contains policies, (a) - (e) inclusive, for development at Legoland. The policies seek to ensure that all new development, under the control of the local planning authority, is restricted to a maximum height of the tallest building in the Park and should be sensitive to specific locations within the site depending on factors such as topography, tree cover and wildlife habitats.

6.11 The proposal seeks to carry out some extensions to the existing hotel and to erect the hotel extension and is considered against Points 1 to 3 of Part A and Part C of Policy GB9:

Part A: Is the development ‘limited infilling’?

Proposed Hotel extension

6.12 The proposed hotel building is a large structure measuring 59.1m wide, 28.8m deep and having a height of just under 12m at 11.95m. It is proposed to be located between the recently constructed hotel and Atlantis, a indoor ride. It is considered that by reason of the size and scale of the building, between two existing large buildings that have only recently been constructed that the proposal would result in a large bulky building that would occupy almost the entire gap between these two relatively new buildings. For these reasons the proposal is not considered to be ‘limited infilling’ and therefore does not fall within Part A of Policy GB9 and does not comply with paragraph 89 of the NPPF. As such the proposal is considered to be inappropriate development for which very special circumstances are required.

6.13 The applicants have made a case that the proposal is limited in filling given the overall context of the site. When looking at the context of the site overall (60 hectares) there is an argument that it is 'limited' within the context of the existing floor space and footprint figures. Nonetheless it is the context of the location of the proposal that needs to be considered and for the reasons set out the proposal is not infilling and therefore it is inappropriate development.

Extension to existing hotel and proposed walkway

6.14 The proposed single storey rear extension is to the rear of the existing hotel building and is a relatively modest addition. The walkway is low key and open in design and is very limited development. These elements of the scheme are considered to be limited infilling.

Point 1: Impact on purposes of including land in the Green Belt

6.15 There are five purposes of including land within the Green Belt:

The NPPF confirms the five Green Belt purposes:

- _ to check the unrestricted sprawl of large built-up areas;
- _ to prevent neighbouring towns merging into one another;
- _ to assist in safeguarding the countryside from encroachment;
- _ to preserve the setting and special character of historic towns; and
- _ to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.16 The proposed hotel extension and other works, including the extension to the existing building and the covered walkway is within the confines of the park and as such will not impact on the sprawl of large built up areas or result in towns merging. The site for the hotel is within the Major Development Site boundary and as such will safeguard encroachment into the countryside. There is no impact on the setting or character of historic towns.

6.17 The applicants have made a case that as it is an extension to an existing hotel on the park it cannot be located elsewhere beyond the park boundary. This is accepted and as such it is accepted that urban locations are not a realistic alternative for this site.

6.18 Whilst failing to comprise 'limited infilling' as allowed for under the Policy it does not impact on the purposes of including land within the Green Belt. .

Point 2: Not lead to a major increase in the developed portion of the site

6.19 An assessment has been undertaken of the proportion of the Resort which is currently developed and the proportion of development the proposed hotel extension would comprise. The applicant's Planning Statement provides figures in Table 7.1 to indicate a small percentage increase in the developed portion of the site.

Area	Area (ha)	Proportion of Total Site Area
Total site area	71	
Developed area (rides, attractions, buildings and areas for hard standing)	14	20%
Car parking and roads	14	20%
Total developed area	28	39%
Hotel extension area	0.23	0.3%

6.20 This is however only part of the consideration and note that the hotel extension will of itself cover 0.23ha. Looking at the percentages it is considered that a further 0.3% of the site is to be developed is a low figure. The existing ride on the site is the Dino Safari ride, which is a low key rail track surrounded by trees and dinosaur style lego figures and is very open in character, although it does have buildings comprising the ride entrance and operations building.

6.21 The ride also comprises a newly created open 'gap' between the hotel and Atlantis ride, which has been created by the construction of these buildings.

- 6.22 There is some concern that the visual effect of the infilling of this gap is greater because of the rides either side, thereby potentially increased the developed portion of this part of the site. However the Policy requires an assessment as to whether there is a major increase in the developed portion of the site and as such, on balance, it is considered that it would be difficult to raise an objection in this perspective mindful of the small size of the extension having regard to the proposal of the total site area and the small nature of the extension to the existing hotel and the size and nature of the walkway proposed.

Point 3: only take place within small gaps between existing built development

- 6.23 Each Major Developed Site (MDS), despite being by their very nature, large, are quite different in terms of site coverage and developed portion. 'Gaps' need to be viewed within their context. The Dino Safari ride has been developed either side by the erection of the hotel and Atlantis ride. Previous to this the Dino Safari would have had a ride on either side, a roller coaster in the location of the hotel and a fairground ride in the location of Atlantis. This part of the site has historically been developed, but with open rides, rather than the now enclosed structures of the Atlantis ride and hotel. The Dino Safari ride is a developed proportion of the site, albeit one that is relatively open and low key in appearance and visual impact. The site remains mainly covered with trees and vegetation and the 'gap' between Atlantis and the hotel building has only recently been created and is only described as a 'gap' because the existing ride is open, rather than enclosed. The site is, in the main, an area of land with a soft verdant appearance, which has only been minimally developed with the entrance structure and station platform for the ride along with a train track that weaves around vegetation and some Lego figures. This site is sandwiched between two large, relatively bulky buildings and creates a soft buffer between these buildings that visually breaks up the dominance of buildings on the edge of the MDS boundary. It is not considered that the proposed hotel extension is taking place in a small gap and the proposal does not comply with this part of the policy.

- 6.24 The proposed covered walkway and extension of the existing building are considered to comply with this element of the policy due to their relatively small scale nature in the context of the site.

- 6.25 The proposal is then assessed against Part C points 1 – 3 of Policy GB9

Point 1: not exceeding the height of existing buildings

- 6.26 Having regard to the long distance photos into the site that have been provided and the application plans it is considered that the ridge height of the proposed extension is below the height of the existing hotel and other buildings on site. There are changing ground levels on the site and the ridge of the existing hotel is 12.0m and the highest part of the Atlantis building is 9.5m. The proposed building would have a ridge height of 11.9m. Long range views have been provided which show that the existing hotel ridge is 63.34 above Ordnance datum (OD) point and the proposed hotel extension turret, the highest part of the building, is 63.32OD.

- 6.27 The extension to the existing hotel and the covered walkway comply with the element of the policy being lower in height than the existing buildings.

Point 2: Not materially extend the defined development envelope

- 6.28 The hotel and the alterations to the existing hotel, along with the walkway are within the defined development envelope of the major developed site. The associated with SUDs and landscaping are outside this boundary. The proposed hotel extension does not materially extend the defined development envelope albeit that it would result in a pattern of development which could be described as a cluster of buildings on the boundary of the MDS. However, mindful of the policy requirements whilst the cluster of buildings on the boundary is not desirable it does not lead to a conflict with this part of the policy.

Point 3: be in accordance with individual site policies contained within Appendix 13 of the Plan

- 6.29 a) Height: The proposed extension would not exceed the height of the tallest building. Topography assists in screening the proposed building in relation to long distance views into the site from the ASLI.
b) ASLI: The viewpoint analysis demonstrates that there would be limited visual impact within the ASLI

c) Trees and d) Tree survey/landscape/parkland survey: No objections are raised in this respect. This is discussed in full below.

e) Enhanced Public Transport/cycling pedestrian facilities: This is discussed in full below.

Policy GB2

- 6.30 Policy GB2 of the Local Plan aims to safeguard the open and rural character of the Green Belt. The hotel is located so that visually it is seen in the context of the existing hotel adjacent.
- 6.31 An analysis of alternative locations for the hotel extension within the site has been carried out. Five locations within Legoland were considered for the proposed extension in the north/ north eastern part of the site. Four of these sites were discounted because they were inappropriate or considered not to be feasible.
- 6.32 The selected site was chosen by the applicants due to its proximity to the existing hotel, service road, existing services, acceptable impact on trees and the visual impact outside the park along with consideration of the Major developed Site boundary; the visual and functional impact on the existing hotel; amenity space; and site levels.
- 6.33 The southern elevation of the hotel extension (facing into the Resort) would be heavily themed, as a castle. The southern elevation includes grey 'castle' style bricks with blue tops to the proposed castellations. The northern elevation, facing towards the boundary of the Park is proposed as a more neutral façade with very little theming. There are no objections per se to the design, form, bulk, mass and siting of the extension and its impact upon the openness of the site, subject to its compliance with the other Green Belt policies.

Conclusion

- 6.34 The proposed alterations to the existing hotel and the hotel walkway are considered to comply with the NPPF and Policies GB1, GB2 and GB9 of the Local Plan.
- 6.35 The proposed alterations to the existing SUDS scheme involve regrading of the land to increase the capacity of the ponds. These works are outside the MDS. The works are considered to be appropriate development in the Green Belt that involve the regrading of the land and will maintain the openness of the Green Belt and no objections are raised.
- 6.36 However in light of the above assessment it is considered that the proposed hotel extension does not comply with Policy GB9 of the Local Plan or paragraph 89 of the NPPF as it is not limited infilling. Furthermore the proposal is not considered to be located in a small gap between existing buildings. The as part of the proposal is inappropriate development, the whole scheme is, the proposal is therefore considered to be, by definition, inappropriate development that causes harm to the openness of the Green Belt and it is on this basis that the scheme is considered. As such it is for the applicant to make a case for very special circumstances to overcome the in principle harm and any other harm.
- 6.37 The applicant considers that the proposal is appropriate development in the Green Belt, however mindful that an alternative view could be reached has included in the Planning Statement a case for very special circumstances. This includes the need for the hotel extension; lack of alternative sites and other reasons.
- 6.38 Very Special Circumstances as set out by the applicant

This section of the report is a summary of the applicants case.

The applicants have carried out the assessment utilising the following headings:

- 1 The Need for the Hotel Extension;
- 2 A Lack of Alternative Sites; and
- 3 That Other 'Special' Reasons also exist (including the benefits that would result from the proposed development).

Success of the Existing LEGOLAND Windsor Hotel

The current LEGOLAND Windsor Hotel has proved successful since opening in March 2012, with 143 days in 2013 where the hotel had occupancy in excess of 95%. Average occupancy of the hotel in 2014 was 76%. This has been commercially very successful through the increased Resort yield and dwell time of guests. The occupancy level at LLW is high when 'benchmarked' against hotels generally in the South East of 69% (Tourism South East, South East Serviced Accommodation Occupancy 2014 (Source: England Occupancy Survey, VisitEngland)).

The existing hotel has a strong Trip Advisor score of 4.1 out of 5. Guest satisfaction for the hotel is at 95%+ since opening, which is in comparison to the general Windsor hotel market guest satisfaction of 82%. Therefore, the hotel has successfully contributed to a quality offering to support Windsor as a tourist destination.

Merlin's Resort Strategy

As set out as part of the original planning application for the existing hotel in 2009, hotels were becoming an increasingly common element of European theme parks to meet the needs of their guests, e.g. Disneyland Paris. Since granting of the outline planning permission for the LEGOLAND Windsor Resort Hotel in October 2009, the presence of hotels on UK theme parks has significantly increased.

Table 8.1 above highlights the progress of Merlin's Resort strategy which seeks to increase their short-breaks market share, thus ensuring the 'Resorts' achieve two or more visits from the same guest. It is evident from the above that theme park on-site accommodation is popular and successful as both Chessington World of Adventures Resort and Alton Towers Resort have extended their accommodation offer recently. The Chessington World of Adventures Resort example is most relevant to this planning application as the Park - also in the Green Belt - appeals to a similar age range as LEGOLAND Windsor and the original hotel has the same number of bedrooms as the LEGOLAND Windsor Resort hotel.

Extending the LEGOLAND Windsor Hotel will increase short breaks at the Resort. As set out in the accompanying Economic Statement, visitor surveys undertaken in June 2015 identified that LEGOLAND Hotel guests are much more likely to visit other attractions, compared to day visitors to the Park. Hotel guests also spend significantly more in the Park compared to day guests (76% of hotel guests indicated they spent more than £100 at LEGOLAND compared to 26% of the day visitors). Therefore, expanding the number of short breaks at the Resort will increase the guest dwell time to create additional spending both at the Resort and in the local area.

Merlin's Resort strategy is aligned to the growth of the short breaks market in the UK. In 2014, 26.5 million short breaks of 1-3 nights were taken which accounts for almost two-thirds of English holidays by volume, and just over half the market value (£5.3 million). Average spend per night is considerably higher (£103) in short breaks compared to 4+ night holidays (£56) (Great Britain Tourism Survey, Domestic Tourism Overview 2014). Therefore, significant economic benefits can be realised by supporting the short breaks market. This is recognised by RBWM tourism policies (including RBWM's 'Our Vision for 2012 and beyond').

Market Demand for More Accommodation

The Windsor Visitor Survey 2014, was commissioned by RBWM to understand the origin, profile, behaviour and visitor satisfaction of visitors to Windsor. The survey identifies that there are an increasing number of families with children visiting the Borough (16% in 2009 growing to 24% in 2014). The survey also shows that the main purpose of the visit was for leisure / holiday (86% in 2014 vs 80% in 2009). The proposed hotel extension will ensure that this growing market is transformed into longer dwell time, which is aligned to the RBWM visitor strategy.

There is a growing trend of families incorporating the Park visit with a short break holiday in the area. 33.4% of the LLW visitors are staying overnight which is a 10% increase since 2011. Therefore, more on-site accommodation will support this trend.

The proposed hotel extension will comprise a premium offer and experience for guests. This will encourage Annual Pass holders to embrace the Resort experience by providing a premium treat for local loyalty members (who would otherwise not choose to stay at the Resort). The additional accommodation will diversify the choice of on-site family accommodation available at the Resort which will appeal to a wide range of people and different income levels. The proposed premium product is fully aligned with

RBWM aspirations which seek to create, “a **top end of the market short stay destination for the domestic market living within a two-hour drive.**” (NLP emphasis added in bold).

The creation of a premium product is important for LEGOLAND Windsor Resort but also enhances the mix of accommodation in the Borough. With nearly 2 million tourism led bed nights in Windsor (‘Our Vision for 2012 and beyond’, page 13) the hotel extension at LEGOLAND Windsor Resort will not have an adverse effect on overall levels of activity but will diversify the supply; helping LEGOLAND to appeal to a wider market.

Proposed Number of Bedrooms

The proposed hotel extension comprises 61 bedrooms (a net increase compared to the existing hotel of 59 bedrooms as two bedrooms in the existing hotel will be lost as a result of internal works e.g. installation of an additional lift). The size of the hotel has been driven by commercial viability as building fewer rooms and a smaller extension would not be financially viable for LLW. Therefore, in order to provide additional hotel accommodation and increase visitor dwell time both at the Resort and in Windsor, to support Windsor’s Visitor Strategy, 61 bedrooms is required to create a financially viable scheme.

A ‘viability study’ has been submitted which sets out that there is a 20% investment hurdle rate which must be met and this has driven the need for 61 bedrooms, as this results in a viable scheme. The capital outlay for the project is unique due to the LEGO theming, which will be particularly important in what is proposed to be a premium accommodation offering. Achieving a viable number of bedrooms has been carefully balanced against scale/massing constraints to deliver a building which we consider is appropriate in size for its site. The application site means that the scale and massing of the building can be minimised due to the close link with the existing Hotel. Even if we applied a sensitivity test, assuming the figures used in the analysis above are say 10 or 15% too high, the development would still need over 50 rooms. It will be recognised that a reduction of say 6-9 rooms would have no real impact on the massing/footprint of the building. At most, it would have a slightly reduced third floor.

Lack of Alternative Sites

There is a requirement for a LEGOLAND hotel to be located on-site for it to satisfy the requirements to create a unique resort destination. This is the same case made as part of the original hotel outline planning application (ref. 09/01184/OUT). This is even more pertinent in the case of this application which proposes an extension to the existing LEGOLAND Windsor Hotel. Given this essential link to an existing hotel, the proposed hotel extension is not “footloose” and cannot, in this specific circumstance, reasonably be considered a ‘main town centre use’, nor located there.

Notwithstanding the debate as to whether the hotel extension should be assessed as though it could be located in an urban area because it is a ‘main town centre use’ or not, in accordance with the requirements of the NPPF and for completeness, a Sequential Assessment has been prepared which examines whether there are any suitable, available or achievable alternative sites.

On Site/Off Site

An off-site location – if one existed – for an extension to the existing LEGOLAND Windsor Hotel is not considered to represent a realistic alternative as the link to the existing hotel and the theme park would be lost. An extended LEGOLAND hotel or new LEGOLAND hotel located off-site would not be able to create the ‘LEGOLAND experience’. This would also not be attractive for guests when there is already a LEGOLAND hotel on-site which would be a visitor’s preference given the ‘LEGOLAND experience’ that is available and an intrinsic part of the visit. Furthermore, there are many ‘off park’ hotels or B&Bs for LLW guests, which they do stay in. The proposed development will complement and provide more family accommodation choices for guests wanting to visit LEGOLAND Windsor and the surrounding area (as set out in the accompanying Economic Statement, survey data from existing Hotel guests demonstrates that a large proportion will visit local attractions as part of their stay at the LEGOLAND Windsor Resort Hotel).

The link between accommodation and the Park was accepted by RBWM in granting the outline planning permission for the existing hotel. The committee report for the outline planning permission states, “It is also considered that given the foregoing analysis about the proposed hotel meeting needs generated on-site at Legoland, it is unlikely that alternative sites elsewhere could be said to be “suitable”” (para. 6.40).

As per the existing hotel, an on-site location is also important for the success of the proposed theming. At LEGOLAND Windsor, the theming works to make the hotel an integral part of the theme park, encouraging guests to consider the hotel extension as another part of the LEGOLAND Windsor experience and as an integral part of and linked to the existing hotel.

The appraisal of sequentially preferable sites demonstrates that there are no reasonable, alternative, sequentially preferable sites available that could accommodate a development that could serve LEGOLAND Windsor.

Within the LEGOLAND Windsor Site

As set out in the accompanying Design and Access Statement, a full assessment of alternative sites within the Resort was undertaken to establish the most suitable site for the location of the proposed hotel extension.

The chosen location for the proposed hotel extension is the most appropriate site within the Resort for the following reasons:

- 1 The extension will be contained within the MDS boundary;
- 2 The site comprises an already developed area of land within the Park as it contains the 'Dino Safari' ride;
- 3 The topography and levels of the site mean that any building can be well concealed leading to no material visual impact outside the Park. The extension will be no higher than the existing hotel;
- 4 The site is located next to the existing hotel in a way which allows; i) good connections to the hotel so that the leisure facilities can be shared, e.g. the restaurant and swimming pool which means that the required floorspace for the extension is less than it would otherwise be, and ii) the layout of the existing hotel not to be compromised e.g. loss of bedrooms; and
- 5 Parking can be accommodated in the existing hotel/park & ride car park.

24. The alternative sites assessment within the Resort also considered how the requirements for the extension would change if it was not located adjacent to the existing hotel. The floorspace would increase as additional restaurant and leisure facilities etc. would need to be provided as guests would not have the connection to the existing hotel. As a result, the new buildings would need to increase in size by up to 40% compared to the floorspace proposed as part of this planning application. Additional infrastructure would also be required including new roads, footpaths and drainage.

The third part of a VSC case relates to whether there are other benefits/special reasons. In the case of this hotel extension there are several benefits.

Benefits – Economic, Social and Environmental

The proposed hotel extension will generate a number of important benefits which have an impact for the whole Windsor community, both socially and economically. The hotel extension represents a significant amount of investment at the Resort which is important to ensure LEGOLAND retains its position as a leading visitor attraction in the south east.

The Windsor Neighbourhood Plan Survey (undertaken in November-December 2014) asked what is needed in the local area for young people. This identified, "*Not enough jobs for young people – Saturday jobs, etc. and More part-time jobs available.*" The hotel extension will create more local jobs in the area for young people. LEGOLAND Windsor is currently a driving force in creating apprentice schemes, working with organisations like the Princes Trust and Ways into Work alongside East Berkshire College and the Berkshire College of Agriculture to create roles across types of jobs/skills at LLW.

The hotel extension itself will generate additional employment opportunities:

- 1 10 additional full time, permanent roles. A proportion of existing seasonal roles will also be able to convert to permanent roles.

2 Temporary construction jobs:

115 direct temporary construction jobs per year of construction which equates to 10 FTE direct construction jobs

175 indirect jobs supported per year of construction (i.e. via the supply chain and wage expenditure of construction workers)

During the construction period the proposed development will result in £824,600 direct GVA per year and £1.16 million indirect GVA per year (a total GVA of £2 million per year during construction).

LLW currently pays £1.7million in business rates and the company anticipates that the proposed hotel extension will increase the valuation of the current hotel.

The proposed hotel extension will be a premium offering and this should encourage families with higher disposable income/expectation to stay overnight rather than only have a one day Park experience. From the RBWM 2014 Visitor Survey, ABC1 visitors have increased from 71% in 2011 to 80% in 2014. Of these visitors, 27% are AB professional grade. Surveys undertaken of both Hotel and Park guests in June 2015 demonstrate that Hotel guests expend larger amounts both within LEGOLAND Windsor Resort and if they visit local attractions in conjunction with their visit to LEGOLAND. Within the Resort, 73% of surveyed Hotel guests spent more than £100 at LEGOLAND (excluding accommodation, car parking and park entry costs), which is much higher than 26% of the surveyed day visit guests.

LLW has designed and developed a Castle themed hotel extension which has potential synergies to develop a family oriented stay to the Resort and Windsor Castle.

Furthermore, by offering a variety of hotel room options, LEGOLAND Windsor is servicing the demand across the full social demographic and is supporting RBWM's strategy to increase dwell time within the local area, thus benefiting local restaurants and visitor attractions. A key challenge for the local visitor economy in RBWM is to reverse the recent trends of declining spend per visitor figures, with the local spend per visitor figure in RBWM decreasing by around 22.4% between 2006 and 2011. Within this context, the proposed development of a unique, premium accommodation product at LEGOLAND Hotel will help to attract higher income households to the Resort, as well as the local area, which can be assumed to boost visitor spending in the area on a per visitor basis. The project will also assist RBWM implement its vision for the visitor experience in the Royal Borough (i.e. 'Our Vision for 2012 and beyond').

Taking the average occupancy rate at the existing LEGOLAND Hotel for 2014 of 76%, it is possible to assume that the new bed nights that would be created by the hotel extension could accommodate a further 16,370 occupied room nights at LEGOLAND each year. Given the relatively unique nature of the Resort as a 'themed' accommodation option focussed on families with children, it is likely that these additional sold bed nights related to the hotel extension will have limited effects on the existing local hotel trade, especially taking into account the overall number of bed nights spent in accommodation in RBWM.

Relevant to this application, it is also important to note that LEGOLAND Windsor currently has a significant economic footprint at the local and regional levels. There are clear benefits to supporting investment at the Resort, such as the proposed hotel extension, to enable its continued contribution (as set out below) to the community.

Employment Effects

- 1 80% of staff live locally highlighting that local people benefit from continued job opportunities at the Resort.
- 2 295 permanent jobs
- 3 Over 1,800 seasonal employment opportunities (temporary jobs). Around 60% of seasonal staff are aged between 18-25 years old – a group struggling for employment and experience of work.
- 4 100 temporary construction jobs are supported by capital investment into the Resort each year.

Operational Expenditure

- 5 Annual wage bill - £16.4million per annum
- 6 Supplier expenditure - £31million per annum
- 7 Capital expenditure - £8.8million per annum
- 8 Annual Business Rates - £1.7million
- 9 Indirect and induced expenditure - £10million operational expenditure recycled each year within the region to produce other forms of income.

Visitor Expenditure

- 10 112,000 room nights in hotels across the local area each year, which is equivalent to approximately 8% of all serviced room nights sold within RBWM in 2013. This leads to additional spending by visitors in hotels, shops and services each year by visitors to the Resort who stay overnight.

Community Impacts

- 11 10,000 free tickets donated to Windsor school children in 2014
- 12 4,000 free charity tickets, including RBWM initiatives in 2014
- 13 360 free annual passes donated to the RBWM foster care programme.
- 14 LLW has a charity partnership with Alexander Devine, Berkshire's first children's hospice.

Sustainability

The proposed development is sustainable and will exceed the requirements of the RBWM Sustainable Design and Construction SPD. The hotel extension will achieve a BREEAM 2014 'Very Good' rating and 20.4% of the energy demand can be met via renewable/low carbon energy (air source heat pumps).

Extending the LEGOLAND Windsor Resort Hotel will enhance sustainable tourism at the site by creating more longer stays, increasing the propensity for 'linked trips' which can have a positive impact on the local economy. The Hotel guest surveys undertaken in June 2015 identified that compared to day guests at the Resort, hotel guests are more likely to visit other attractions in the local area. 48% of the hotel guests surveyed indicated that they also planned on visiting Windsor town centre, 30% to visit Windsor Castle, 14% to visit Windsor Riverside and 5% to visit Eton.

The proposed hotel extension will also have a neutral, and potentially, a positive impact on managing visitor numbers to the Resort as a larger proportion will be staying longer on-site and therefore, the dwell time in Windsor increases. Each hotel guest has two visits to the Park per stay. This immediately reduces daily car movements to/from the Resort, but increases revenue per guest. This impact is aligned to the Windsor tourism strategy which is seeking to increase visitor expenditure by encouraging visitors to stay longer.

The application is accompanied by a site wide Travel Plan for staff and guests which identifies measures to manage arrivals and departures from the Resort.

Measures to overcome traffic harm as a result of LEGOLAND

The accompanying Transport Assessment concludes that there will no be adverse traffic impact as a result of the proposed hotel extension – the proposal will actually result in a negligible decrease in vehicle trips to and from the Resort. Therefore, providing additional accommodation at the Resort is a positive measure in itself which helps to manage LEGOLAND traffic. As set out in the Transport Assessment, hotel accommodation also helps to stagger the arrival/departure profile of visitors to the Park; car park surveys identified that hotel guests predominantly leave the Resort before the evening peak period on the local highway network and before the majority of day visitors to the Resort leave.

This concludes the summary on the applicant's case.

Has a case for 'very special circumstances' been made

- 6.39 It is considered that it has been satisfactorily demonstrated that there is a need to increase the hotel accommodation at this site. The applicants have been asked to demonstrate why a building of this size is needed and have provided a 'viability assessment' that sets out that for the development to reach a 20% investment hurdle a 61 bedroom hotel is needed. If this hurdle was considered to be too high then a reduction of 6-9 rooms to reach a 15% hurdle would have limited impact upon the size of the hotel.
- 6.40 The applicant has looked at alternative locations to provide the hotel, following a town centre sequential approach and an assessment of alternative sites within the site and have demonstrated that there is no other town centre site suitable for the use, these are discussed in more detail below, at paragraphs 6.46-6.52. It is accepted that an extension to the hotel would need to be within Legoland. The reasons for discounting alternative sites within the park are reasonable.
- 6.41 The applicant has comprehensibly examined the economic benefit of the proposed hotel extension. It has been set out that the investment in the park by the construction of a hotel would enable Legoland to retain its position as a leading visitor attraction. There would be the generation of employment opportunities through both the construction of the hotel and an increase in the a number of full time roles.

- 6.42 The applicant has demonstrated through the Hotel guest surveys undertaken in June 2015 that compared to day guests at the Resort, hotel guests are more likely to visit other attractions in the local area. 48% of the hotel guests surveyed indicated that they also planned on visiting Windsor town centre, 30% to visit Windsor Castle, 14% to visit Windsor Riverside and 5% to visit Eton. It is therefore accepted that the proposed extensions should encourage visitors to stay longer and increase visits to local attractions and the surveys of existing guests to the hotel support this benefit. The applicants set out that as this is a premium offer higher income households will visit the report and boost visitor spending in the area, taking a balanced view of this it is not considered that it can be assumed that most visitors will be higher income households, when their survey demonstrate that only 27% of visitors are AB professional grade, although it is accepted that there would very likely be an increase in visitor spending in the area, which would benefit the local economy.
- 6.43 The NPPF at paragraph 18 seeks to support sustainable economic growth at local and regional level and to allow for inward investment. It is considered that the case that the applicant has made, specifically the economic benefits that would derive as a result of employment opportunities together with increased visitor spend in the area, and the sustainability credentials of the site together with the need for the hotel, constitutes Very Special Circumstances to allow the development, in principle, in the Green Belt.
- 6.44 The sustainability credentials of the original hotel building were considered to previously form part of the case for Very Special Circumstances as 14% of renewable energy was provided on site. In this case the hotel will reach a BREEAM 'very good' rating and provide 20.4% of the energy demand through renewable energy which is well in excess of the 10% required in the Councils SPD, and this is welcomed as part of the case for Very Special Circumstances.
- 6.45 Furthermore Legoland is a major traffic generator in Windsor and the surrounds. The site does not currently benefit from a site wide Travel Plan and it is acknowledged by the applicant that Legoland as a destination impacts upon the local highway network. A site wide Travel Plan is proposed, this will potentially have a benefit on the highway network. The only Travel Plan for the site is one for the hotel staff secured under the permission for the hotel. As discussed in the highways section below at paragraphs 6.86-6.123 the proposed extension is not considered to have a harmful impact upon highway safety. In this context the significant concerns of local residents in respect of the traffic associated with the site is acknowledged and the proposed Travel Plan together with the other traffic measures proposed, are considered to also comprise part of the case for Very Special Circumstances that goes towards a case for allowing this development. It is the case for very special circumstances set out above that are considered together to over come the in principle objections to this development in the Green Belt. An assessment as to whether there is any other harm which needs to be outweighed by those Very Special Circumstances will be provided at the end of this report.

Town Centre First Sequential Approach

- 6.46 The NPPF advises that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 6.47 When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

- 6.48 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.
- 6.49 The applicant has set out that it is important for an on site location for the hotel extension. The applicants advise that there is a requirement for a Legoland hotel to be located on-site for it to satisfy the requirements to create a unique resort destination. This is the same case made as part of the original hotel outline planning application (ref. 09/01184/OUT). This application proposes an extension to the existing Legoland Windsor Hotel. Given this essential link to an existing hotel, the proposed hotel extension is not “footloose” and cannot, in this specific circumstance, reasonably be considered a ‘main town centre use’, nor located there.
- 6.50 Notwithstanding this the applicant has carried out a sequential test with a catchment of 5km. The search considered whether there might be a sequentially preferable site within Windsor, Eton and Old Windsor Town Centres, and then, edge of centre locations that extend 300m from the defined town centre boundary of these centres.
- 6.51 The applicant has defined certain essential characteristic in order to realistically operate and accommodate the proposed extension. If it was off site it would need to be a standalone hotel which would increase the size of the building by up to 40% as it would need to included additional facilities, such as a larger kitchen and restaurant, leisure facilities etc., car parking, landscaping and circulation space. A site size threshold of 0.4ha was adopted as a minimum, which seems realistic. However a larger site would realistically be required as a larger hotel of at least 150 bedrooms would be needed to make the scheme viable. A total of 28 sites have been consider and discounted, for a number of reasons, including that they are identified in the Councils Strategic Housing Land Availability Assessment, others were in an area liable to flood, in historic settings or, in out of centre locations.
- 6.52 A full and thorough examination of alternative sites within 5km of the site and within the site has been carried out. It is considered that it has been demonstrated that this is the most sequentially preferable site for the proposed hotel and leisure uses. The case set out by the applicant also demonstrates why an on site location is required for the hotel extension.

The impact on trees, the nearby SSSI’s and biodiversity, the Area of Special Landscape Importance and the setting of Windsor Great Park

Trees

- 6.53 There are Tree Preservation Orders affecting the site, 3 of 1963 and 3 of 1961. The proposed hotel would result in the loss of some trees, however, these tend to be of low quality and there is no objection to their loss. The site is already partially degraded due to its previous use.
- 6.54 Further information was sought and has subsequently been provided by the applicant. If the scheme is to be approved then conditions will need to be applied to the effect that works shall be carried out in accordance with the arboricultural method statement and Ian Keen Ltd Arboricultural Technical Note 001, Tree Protection Plan dwg. 8532/02/Rev E, Boardwalk link proposal dwg. 13131-60P, SUDs Prop 591-25-LS6. In addition the standard full landscaping scheme condition will also need to be applied. See conditions 4 and 5 of section 10 this report.

Ecology

Designated Sites

- 6.55 This application is in close proximity to the Windsor Forest & Great Park Site of Special Scientific Interest (SSSI). This SSSI forms part of the Windsor Forest & Great Park Special Area of Conservation (SAC). It is also within 1km of Hemwood Dell Local Wildlife Site. However, given the nature of the proposed development and as long as the works are undertaken in accordance

with the details submitted, the proposed development is unlikely to have a significant effect on the interest features of the designated sites. See condition 15 in section 10.

Bats

- 6.56 All bats and their roosts are afforded strict protection under the Wildlife and Countryside Act 1981(as amended), and the Conservation of Habitats and Species Regulations 2010 (as amended) and are a material consideration under the National Planning Policy Framework (NPPF).
- 6.57 During the Phase 1 survey, none of the buildings within the proposed development site were recorded as having potential to support roosting bats and no trees within the ride area had significant potential for bat roosting. There was a moderate level of bat activity around the proposed development site during bat activity surveys. No further mitigation is required with regards to bats.

Amphibians

- 6.58 Common toads are listed as a Species of Principal Importance, which makes it a conservation priority under Section 41 of the NERC Act 2006. The NPPF 2012 states that “*Planning policies should promote the protection and recovery of priority species*”.
- 6.59 Amphibian surveys were undertaken in 2014 in seven ponds within the wider Legoland site. No great crested newts were recorded, although smooth newts and common toad were recorded within the ponds at the site. Construction works will remove the Dino Safari pond and its surrounding terrestrial habitat, and could have an adverse impact on the amphibian species present through habitat loss or mortality.
- 6.60 The applicant’s ecologist has walked the area of the SUDS, which is regularly mown and has concluded that it does not provide suitable habitat for great crested newts. In addition, there are no records of great crested newts within 1km of the development site.
- 6.61 The applicant’s ecologist makes recommendations for the protection and translocation of amphibians during pond destruction and site clearance. This is incorporated into a suitably worded condition. See condition 6 in section 10 of this report.

Breeding Birds

- 6.62 Breeding birds, their eggs and active nests are protected under the Wildlife and Countryside Act 1981, as amended. Habitat within the proposed development site, including the trees and scrub, were found to have the potential to support breeding birds. The applicant’s ecology report makes recommendations for undertaking vegetation clearance outside the breeding bird season (which spans from March to August inclusive) or else undertaking vegetation clearance immediately subsequent to checks by an experienced ecologist. This advice will be incorporated into an Informative Note on the decision notice

Other Mammals

- 6.63 All mammals receive some protection under the Wild Mammals (Protection) Act 1996. This makes it an offence to intentionally cause this species unnecessary suffering by certain methods, including crushing and asphyxiation.
- 6.64 A number of rabbit burrows were recorded within the application site during the ecology survey. A suitably worded Informative Note regarding the protection of mammals during construction would be included on the decision notice, see informative 2.

Biodiversity Enhancements

- 6.65 Paragraph 109 of the NPPF states that: “*The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*”. In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 states that “*Every public authority must, in exercising its*

function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

- 6.66 This application presents opportunities to incorporate features into the design which are beneficial to wildlife. A suitably worded planning condition is included requiring the applicant to submit detailed ecological enhancement proposals prior to the start of construction. This is at condition 7 of section 10.

Area of Special Landscape Importance

- 6.67 The site is covered by a local designation as an Area of Special Landscape Importance. In view of the sites primary use as a theme park, the location of the site and the significant screening that can be provided it is considered that the development would not have a harmful impact upon this designation.

Windsor Great Park

- 6.68 When considering the application for the hotel the impact of the new hotel in view of the recreational pressure and hydrology on the features of the SSSI and SAC it was considered necessary to screen the development under the Habitats Regulations. It is the responsibility of the Local Planning Authority before giving permission for any plan or project which is likely to have a significant effect on a European Site (either alone or in combination with other plans or projects) to make an appropriate assessment of the implications for the site in view of the site's conservation objectives. Section 48(5) requires that in the light of the conclusions of the assessment and subject to regulation 49, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.
- 6.69 Windsor Forest and Great Park SAC has the largest number of veteran oaks in Britain identified as part of potential international importance for its saproxylic (deadwood) fauna, and thought to support the largest of the known populations of violet click beetle in the UK.
- 6.70 Therefore proposals that might increase visitor pressure and hydrological pressures could be damaging. Natural England has raised no objections to this proposal
- 6.71 When considering the planning application for the current hotel it was considered that the main purpose of the proposed hotel is to make Legoland a destination resort so that visitors stay overnight and then enjoy the other attractions that Windsor has to offer. A proportion of these visitors may decide to visit Windsor Great Park as a supplement to their visit, visiting the portions of the Great Park that are protected by these designations. However it was considered unlikely that there would be a high number of visitors. It was further considered, due to the location, design, theme and overall purpose of this hotel that visitors would not use this hotel to exclusively visit the protected areas of the Great Park, the closest public access to which is Queen Anne's Gate some 2 miles away. If the hotel were to result in an increased number of visitors to these designated areas it would not be to such a level that a significant effect would occur. As such under the Habitat Regulations an appropriate assessment was not considered to be required. This application seeks to extend this hotel and the same considerations as for the original hotel are relevant. It remains the opinion that an appropriate assessment is not required.

The impact on the amenities of nearby residents and the environment

- 6.72 The main residential properties that could be affected by this development are those on St Leonards Hill and the surrounding roads that adjoin the boundary of the park.
- 6.73 The location of the hotel is in the location of the current Dino Safari outdoor ride. The proposed hotel building is within the Major Developed Site boundary and is separated from the closest residential property by vegetation and the internal access roads. It is considered that the distances between the hotel extension and other alterations and the nearest residential property are such that there would be no adverse impact by way of bulk, mass or impact on light. Any use of the hotel and associated noise, such as functions would be negligible due to the distance of the hotel from these properties. Any nuisance can be dealt with by Environmental Protection Legislation.

- 6.74 A Noise Assessment for industrial noise has been submitted with the application, the conclusion that noise emanating from the plant will not exceed the background level (day and night) when measured at the nearest residential property, is considered acceptable by the Environmental Protection Officer.
- 6.75 No Air Quality assessment (AQ) has been undertaken, the Transport Assessment predicted a decrease in trip generation resulting from the proposed Hotel extension. On that basis there are no grounds to request an AQ assessment because there will likely be a decrease of vehicular trips per day as a result of the extension.
- 6.76 When the application for the original hotel was considered the impact of lighting was considered, both operational and construction. Lighting for the hotel can be controlled by condition and details of any lighting during construction can be controlled by a construction management plan. Please see conditions 8 and 9
- 6.77 Any noise during construction can be dealt with via a construction management plan, which can be secured by condition, see condition 9.
- 6.78 It is considered unlikely that the proposal would have any harmful impact upon the amenities of nearby residents, and there is no objection under Policy NAP3 of the Local Plan.

The impact on drainage and flooding interests in the area

- 6.79 As the application is a major development the Local Lead Flood Authority has commented on the application and has advised that the site is in flood zone 1 and is an area of less than 1 hectare. The Environment Agency Risk of Flooding from Surface Water indicates the presence of an overland flow path between the existing hotel and proposed extension. An overland flow route is also shown along the existing service road to the north and east of the proposed hotel extension. The risk associated with these flow paths is indicated to be low, equating to an annual chance of flooding between 1% and 0.1% (i.e. between 1 in 100 and 1 in 1000 year event).
- 6.80 The Flood Risk Assessment (FRA) states that existing flows are directed and contained by existing kerbs and drained by existing gullies. Surface water on the footpath is also drained by an existing channel drain. The surface water flow paths direct water away from the proposed hotel extension. The FRA states that overland flow routes will need to be kept operational and any level changes associated with the proposed development must take account of these routes.
- 6.81 The FRA states that groundwater monitoring undertaken at the site as part of the site investigation in January 2015, found groundwater at depths between 0.6m and 1.52m below ground level. This is considered to represent superficial water perched over the relatively impermeable London Clay stratum.
- 6.82 The FRA states that the risk of flooding to the site from sea flooding and artificial sources of flooding, including reservoir flooding is negligible.
- 6.83 The proposed surface water drainage strategy for the site states that due to the ground conditions at the site (comprising of mainly silty sandy clay above weather London Clay) infiltration will not be a viable form of discharge for surface water runoff. It is therefore, proposed to discharge surface water runoff from the development into the existing drainage ditch to the east of the proposed hotel extension via the existing SUDS balancing ponds, which are currently used to discharge the surface water runoff from the existing hotel.
- 6.84 Surface water discharge from the proposed development during a 1 in 100 year plus climate change will be restricted to 1.1l/s, which will not exceed the current maximum discharge rate of 1.2l/s.
- 6.85 A number of concerns were raised with the proposed surface water drainage strategy and the applicant was contacted. The additional information required has been provided and no objections are raised, subject to conditions, which are set out in the conditions section at the end of this report at no 14.

The adequacy of car parking and the impact on highway safety in the area

- 6.86 The guidance in the NPPF at paragraph 32 is clear that each application must be assessed in itself and that for an objection on highway grounds to be sustained development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.87 A Transport Assessment (TA) dated June 2015 and a site wide Travel Plan dated 24 June 2015 have been submitted with the planning application.
- 6.88 In summary it is the view of the Borough Highway Officer that:
- The existing Hotel/Park & Ride car park has sufficient spare capacity to accommodate the likely demand for parking space generated by those guests staying in the extended hotel and choosing to travel by private car.
 - A net reduction in vehicle movements is predicted as a result of the new hotel extension. This is on the basis that guests who may usually stay at other hotels in the area would have the choice to stay at Legoland in its extended hotel accommodation.
 - Notwithstanding, whether or not the level of net reduction as anticipated is achieved, the likely impact of vehicle trips (as a result of the development), if all trips were considered to be new to the network, would be minimal - with 29 daily trips (0.17% increase) south and 14 daily trips (0.08% increase) north of the site access.
 - Visitors staying as guests at the Legoland hotel accommodation are more likely to arrive and depart outside the local and strategic highway network's peak traffic periods.
 - A site wide Travel Plan proposed now for visitors as well as staff should be welcomed and would give the Council the opportunity to work with Legoland to better manage car journeys in particular to and from the Windsor Resort.
- 6.89 Against this background, it is recommended that no objection be raised to the proposed hotel extension from the highways aspect but the site wide Travel Plan should be legally secured by way of a s106 agreement.
- 6.90 Discussions over the fine details of the draft site wide Travel Plan are ongoing, however there is a clear undertaking to provide the Travel Plan. The final details of this will be reported in an update report to Panel. This is discussed in greater detail below at paragraph 6.112-6.114.
- 6.91 The B3022 Winkfield Road provides access to both the local and strategic highway network. To the north access to the strategic network is via the use of local roads and the A332 road to junction 6 of the M4 motorway. To the west this provides access to/from Oxford and the Midlands via the A404(M) & M40 motorway, South Wales over the Severn Crossings (M4 & M48) and to the Midlands & North-West and also the West Country via the M5 motorway. The M4 provides a link to the London Orbital M25 motorway (& London itself) to the east which also enables access to the North & North-East via the M1 motorway & A1 (M) and to the East of England via the M11 motorway.
- 6.92 Additionally, to the east the A308 provides a connection to Junction 13 of the M25 motorway but this involves using local trafficked roads in Windsor, Datchet, Wraysbury, Old Windsor and Staines. There is also access to the strategic highway network to the south of the site via the A322 to junction 3 of the M3 motorway at Lightwater providing a link to/from destinations to the South & South Coast and to the north joining the M25 at junction 15 (junction 2 of the M3) as well as providing an alternative route to/from South London via the A316 Chertsey Road.
- 6.93 It is noted from the TA and on-site that Legoland through signage, travel directions sent prior to arrival and other means of communication, has started to encourage visitors to refrain from using local roads.

- 6.94 Winkfield Road is subject to a local 40mph speed restriction. The internal roads are privately owned, managed and maintained on behalf of Merlin Attractions Operations Ltd (the owners of the Legoland site). Access to the proposed development is to be derived by the main access road located off the existing roundabout junction with the B3022 Winkfield Road where visibility would remain unchanged.
- 6.95 The Transport Assessment (TA) indicates that there are currently 4,543 visitor parking spaces located within the Legoland Windsor Resort. This comprises 3,143 marked out spaces (including 54 spaces for vehicles used by people with disabilities) and a further 1,400 spaces within a grassed overflow parking area.
- 6.96 Parking for the existing Hotel and Park & Ride is provided to the eastern boundary of the site and provides 321 spaces adjacent to the existing hotel. Staff parking is provided adjacent to the service building (22 spaces including 2 spaces for vehicles used by people with disabilities) and the Mansion House (67 spaces including 1 space for disabled drivers). In addition, further (but unmarked) staff parking is provided on land just to the south of the service building, with space for circa 300 cars.
- 6.97 According, to the Council's parking standards a hotel extension of this scale (59 net additional bedrooms) would ordinarily require between 30 to 59 additional spaces depending upon its accessibility, particularly in relation to other travel modes and major transport interchanges such as a railway station.
- 6.98 However, in order to specifically identify parking demand for the proposed extension, independent traffic surveys were commissioned on behalf of the applicants' at two staff car parks adjacent to the service building and also at the hotel/park & ride car park. Surveys took place from Monday 13 April 2015 to 26 April 2015 inclusive (covering one week of the school spring holiday period and one week where the school term had recommenced).

Table 3.1 – Car Park Surveys (extract from TA dated June 2015)

Car Park	Total Number of Spaces	Maximum Occupancy	Maximum Percentage Occupancy
Staff Parking Strip	21	16	76.2%
Staff Car Park	302	287	95.0%
Hotel Car Park	321	224	69.8%

- 6.99 The results demonstrate that there is sufficient spare capacity particularly in the existing hotel/park & ride car park to accommodate the likely demand for parking space arising from additional guests staying at the extended hotel.
- 6.100 Legoland currently provides 52 cycle spaces for staff located adjacent to the service building and the Mansion with a further 20 cycle spaces for customers adjacent to the main visitor entrance. At present, the hotel provides 12 secure cycle parking spaces and in connection with the new extension, a further 3 spaces are proposed. There are existing shared pedestrian cycle paths along Winkfield Road, either side of the main entrance, which provide satisfactory cycle access into the site from Winkfield Road.
- 6.101 The new extension is also to be provided with additional waste storage facilities and it is understood that these will form part of the overall refuse collection arrangements for the Legoland Windsor Resort.

Buses

- 6.102 There are two bus stops within the Legoland site. One to the south-west adjacent to the Legoland visitor entrance with a further stop located at the eastern edge of the resort site adjacent to the staff entrance. A number of bus services operate within the vicinity of the site. Route 191 (Slough-Windsor-Cranbourne-Ascot-Bracknell) with a 30 minute frequency Mondays – Saturdays (between the hours of 10:10 to 18:10) and Route 700/701/702 (Great Hollands-Ascot-Bracknell-Windsor-Hammersmith-Hyde Park-London Victoria Coach Station) with a 30 minutes

frequency Mondays to Sundays including most Public Holidays operate throughout the year. In addition Route 200 (Windsor Station/Town Centre) provides the Legoland Shuttle service to/from Windsor when the park is open with a 30 minute frequency between the hours of 10:20 to 19:25 Mondays to Saturdays and 09:50 to 19:25 hours on Sundays & Public Holidays.

- 6.103 It should be noted that the bus operator for these routes First Berkshire announced improved services to Legoland with effect from 23 May 2015 adding more journeys and making adjustments to improve running times. Changes to Routes 191 and 200 mean they now serve St. Leonards Road as opposed to the stops in Frances Road. Subject to Legoland extending its opening hours, there would be two extra later journeys to London for Routes 700/701/702.
- 6.104 However, First Berkshire announced the closure of its bus depot at Bracknell with effect from 29 August 2015. Whilst this means an enhanced service between Legoland and Windsor for Route 200, the services to London 700/701 will no longer stop at all in Bracknell from the end of the summer season. First subsequently agreed to amend the 702 service to operate between London, Slough, Windsor and Bracknell, calling at LEGOLAND. This is operating an hourly, 7-day service through the winter period. A further service Route 600 (operated by Courtney Buses) currently provides a 30 minute frequency service operating every Saturday and Sunday from 04 April to 01 November 2015 and all school holidays. Courtney also operates the 192 service, which provides an early morning from Bracknell to Windsor and a late evening service for the return journey - all buses call at LEGOLAND. It should be noted that the route does not operate on Bank Holidays and there is no service on the Bracknell to Windsor leg on Sundays.
- 6.105 Windsor has the benefit of two railway stations. The Windsor & Eton Central station is accessible via the shuttle bus service 200 and provides train services every 20 minutes to Slough with onward connections to London Paddington to the east and Maidenhead, Reading, South Wales & South-West England via the First Great Western Mainline. Further to the north is the Windsor and Eton Riverside station which is accessible by bus route 600 and provides train services every 30 minutes to Staines and Central London destinations including London Waterloo.

Vehicle Movements / per day:

- 6.106 It is acknowledged in the TA that the majority of the person trips arising from the hotel extension would be made by car (either as a driver or passenger). As most of the visitors to the resort are likely to be families with young children, a car occupancy of 3.6 persons per car has been assumed in the TA analysis. It is anticipated that some 212 guests would stay at the hotel extension if all 59 additional bedrooms were fully occupied.
- 6.107 On this basis it is estimated that 86% of person trips would be by car and this would equate to 53 vehicles movements per day by potential guests. Based on information from surveys undertaken by Legoland in June 2015, the current average stay of visitors is reported to be approximately 1.4 nights. 79.2% of guests spend 2 days at Legoland, 7.5% 1 day and 13.2% for 3 days.
- 6.108 The TA makes various vehicle trip comparisons for such stays by guests staying at the hotel, together with associated potential visits made (by those guests) to other nearby destinations, journeys made by additional staff and guests previously likely to stay elsewhere but now on site. It anticipates that there would be a net reduction of some 46 two-way vehicle movements on the local highway network over a typical day during the summer season, as a result of the proposed development (see table overleaf for the predicted split of those trips on the immediate network)

Table 7.5 – Traffic Impact on Winkfield Road (extract from TA dated June 2015)

	24 Hour Two-Way Traffic Flows (vehicles)	Two-Way Development Traffic Flows (vehicles)	Percentage Change
Winkfield Road South of Site Access	17361	-25	-0.14%
Winkfield Road West of Site	17221	-21	-0.12%

Access			
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NB: It is considered that reference to West of Site Access above actually refers to North.

- 6.109 Taking a balanced view, whilst there is no guarantee that guests currently staying at other local hotels would necessarily transfer to any extended hotel at Legoland, it is recognised that guests actually staying overnight in accommodation at Legoland are more likely to arrive and depart outside of peak traffic periods. Also with enhanced bus services to/from Windsor Town Centre, guests wishing to visit Windsor Castle, the Town Centre, Riverside and Eton have the choice to travel to these destinations by bus rather than incur additional mileage and parking costs associated with individual private vehicle trips.
- 6.110 With visitors currently staying overnight elsewhere and spending two days or more in the resort, it is reasonable to assume that there could well be some net reduction in vehicle trips if those visitors chose to stay at the extended Legoland Hotel. Time will tell as to whether the anticipated level of net reduction in vehicle movements will be achieved.
- 6.111 However, even if the daily vehicle trips associated with the hotel extension were all taken as being new to the network (53 vehicle movements is predicted in the TA which equates to 29 trips on Winkfield Road South of the Site Access & 14 trips on Winkfield Road North of the Site Access) the impact on the immediate local network and further dispersed on the wider strategic highway network would be minimal and therefore, cannot be described as being severe, which is the relevant test in the NPPF.

Travel Plan

- 6.112 The site only currently benefits from a Travel Plan for the existing hotel and a site wide Travel Plan is now proposed. This is considered to be a significant benefit, which mindful of the comments made in respect of the impact of the traffic generated by the proposed hotel and the appeal Inspector on the Haunted House appeal, see paragraph 6.117-6.122 is not considered necessary to make the development acceptable in highway terms. However mindful of the Green Belt considerations it is considered that this site wide Travel Plan should be secured as part of the package of very special circumstances to allow a development that would otherwise be considered to be inappropriate development in the Green Belt.
- 6.113 The Travel Plan would make provision for future travel mode surveys and associated monitoring of travel choices following the introduction of additional measures and incentives to better manage journeys to and from the Legoland Windsor Resort. Details for a site wide Travel Plan dated 24 June 2015 for both staff and visitors have been submitted as part of this planning application. The new Travel Plan is intended to replace the 2012 version (which was previously in respect of the existing hotel only).
- 6.114 The Travel Plan meets the Council's requirements in most respects. The only outstanding issue that remains in relation to the Travel Plan is:
- some form of monitoring of how all visitors (not just hotel guests) travel to the site. Otherwise, LEGOLAND and RBWM have no way of knowing the effectiveness (or otherwise) the travel plan measures aimed at visitors.

An update on this will be provided to the Panel.

- 6.115 The Transport Assessment sets out 'Cost Effective Transport Measures promoted by Legoland'. This outlines the measures already implemented by Legoland in order to help minimise traffic impact of this major tourist attraction. A number of additional measures are also outlined:
- Implementation of Wi-Fi to allow live social media updates and 'push notifications' on the LEGOLAND mobile application;
 - Improved marketing communications for all our short-break guests, which accounts for 40% of all LEGOLAND visitors;
 - Additional permanent full-time employees to update and manage all social media channels;
 - Formalisation of the 'left turn filter' into LEGOLAND from the Winkfield Road (Ascot direction);

- Re-painting of the yellow box grid at the LEGOLAND entrance;
- Additional local road signage to highlight alternative routes;
- Temporary traffic lights with additional external support for peak holidays;
- Trial re-routing local buses around the service road network at LEGOLAND Resort to enable the local services to run to timetable;
- Investigate a business case for a shuttle bus service from Windsor Hotels to LEGOLAND during peak holidays to reduce the number of cars on the local road network;
- LEGOLAND will trial a peak pricing model to reduce visitor demand in August; and,
- LEGOLAND will repeat its promotion in The Sun newspaper that enables the attraction to allocate dated tickets outside of peak holidays to guests.

6.116 Since this report some of these measures have been implemented and some may need to be changed. As set out in the Green Belt section at paragraphs 6.2-6.45 it is considered necessary to secure transport measures as part of the case for very special circumstances to justify the development in the Green Belt. Mindful of the minimal impact of the development upon highways, as expressed by the Highway's Officers it is not considered that these measures can be secured to make the development acceptable on highway grounds. However it is accepted by all parties that Legoland has an existing impact on the flow of traffic in the area and these measures could assist in alleviating this, and securing the measures offered by the applicant is considered necessary as part of the case for very special circumstances to allow the development in the Green Belt. Any traffic measures need to be secured holistically with all of the relevant parties, as such a condition that would secure the continuation of the existing voluntary multi-agency working group and agreement on a proposal for transport measures is proposed, see condition 12 of section 10.

Recent appeal decision on Haunted House application

- 6.117 The appeal against the Haunted House application was issued on the 27th November 2015. This application was partly refused because it was considered that the proposal would harm highway safety. This appeal was allowed, the conclusion of the appeal was that the correct approach is to consider whether the impact of the development would be severe in its own right. It is not appropriate to take a cumulative approach. The Inspector concluded that it would not have a severe effect in its own right. As such, the test set out in paragraph 32 of the Framework is not met and therefore there would be no justification to dismiss the appeal on highway grounds and no material conflict with Policy DG1 of the LP as calibrated by more up-to-date national policy.
- 6.118 Examining the decision in more detail it is noted in Paragraph 26 of that decision, the Inspector effectively notes the extensive marketing undertaken by LEGOLAND and believes this serves to highlight that there are a number of factors influencing the popularity of the Park. The view is taken that the pricing policy and the availability of offers and discounts on entry tickets have a very significant impact on the number of visitors on any particular day.
- 6.119 Paragraph 28 refers to attendance figures as published by the Themed Entertainment Association (TEA) and the Economics practice at AECOM which confirms visitor attendance at LEGOLAND rose from around 1.9 million in 2011 to 2.2 million in 2014, roughly equating to a 5% increase per annum over this period.
- 6.120 There is also specific reference to the existing LEGOLAND Resort Hotel in paragraph 30 of the decision letter and this is quoted as follows: *'I am also mindful of the fact that the LEGOLAND Hotel opened at the start of the 2012 season. This signalled a change in business strategy towards short stay leisure breaks and the repositioning of LEGOLAND Windsor as a "resort". In my view, the rises in visitor numbers identified above (i.e. in paragraph 28) are likely to have been influenced by this significant development. This is a key factor identified by TEA/AECOM in their Global Attractions Attendance Report. Guests to the hotel are under less time pressure and may choose to travel outside of peak times. The introduction of overnight stay accommodation therefore has the potential to support additional visits without having any significant detrimental impact upon the local highway network.'*
- 6.121 In allowing appeal the Inspector concludes on highway matters in Paragraph 56. This states: *'Indeed, there is no compelling evidence to support the Council's view that the development would generate additional traffic. However, I have considered the worst case scenario presented*

by the appellant and have concluded that, in the context of the existing highway situation and in particular the daily and seasonal variations in traffic flows, the proposal would not be materially harmful to the operation of the local highway network. I therefore find no conflict with Policy DG1 of the LP.'

- 6.122 Whilst the Haunted House appeal and this application are different applications and each must be assessed on its own merits this decision reconfirms that the traffic generation impact of the current proposal is minimal and, as such, in compliance with the NPPF.
- 6.123 It is noted that residents have pointed out evidence submitted during this public inquiry in relation to an increase in visitor numbers since the hotel was built and have made the case that that it is the hotel that was the cause and there therefore must be an increase in traffic movements as there is an increase in visitors. The evidence submitted may demonstrate a correlation between these changes but not the cause of the changes. Significant weight should be given to the information submitted with the application which demonstrated that there is a negligible increase in traffic as a result of the proposal.

Sustainable Design and Construction

- 6.124 The applicants have submitted a Energy Statement which sets out that 20.4% of the energy demand will be met by on site renewable – heat pumps and that the building will meet BREEAM ‘very good’. This on site renewable percentage is well in excess of the 10% sought in the SPD on Sustainable Design and construction and this is welcomed. This is secured via condition 12 in section 10.

Conclusion

- 6.125 The development proposed when taken as a whole represents inappropriate development within the Green Belt contrary to policy. The applicants has made a case for Very Special Circumstances which, for the reasons set out above, are considered to constitute Very Special Circumstances. These outweigh the harm cause by reason of inappropriateness. The only other harm that has been identified is the loss of low quality trees which is also considered is outweighed by the Very Special Circumstances case. As set out in the above report all other relevant national and local policies have been addressed and are satisfied and there are no material consideration that would weight against a grant of planning permission.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 There are no developer contributions sought that are reasonably necessary to make the development acceptable that would comply with the CIL Regulations. However a site wide Travel Plan and an ability to monitor it is to be secured via a S106 agreement.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

400 occupiers were notified directly of the application.
 The application was advertised in the Maidenhead & Windsor Advertiser 9th July 2015
 The planning officer posted a statutory notice advertising the application at the site on 9th July 2015

216 letters were received supporting the application. The majority of these letters are similar and are from employees of Legoland, with the majority of the letters saying they are local residents. They are summarised as:

Comment	Where in the report this is
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		considered
1	It is clear there is an anti Legoland campaign going on	Noted
2	I sit in traffic when Legoland is closed	Noted
3	Will help with employment	Noted
4	I am proud to be an employee	Noted
5	Objective is to increase yield, not visitor numbers	Noted
6	Management team have been working with RBWM to address traffic issues	Noted, see condition 10
7	It will create more jobs	Noted
8	Objectors have been told telling others that they control commuter traffic or new homes being built but they can control Legoland from getting planning permission every again.	Noted
9	People should consider the benefits that Legoland brings to the local area and the local economy.	Noted
10	It will bring more visitors to the town	Noted

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

Comment		Where in the report this is considered
1	Oppose any application that will increase traffic to the site. The existing traffic problems must be resolved before any further development is allowed. Our roads can not cope with more traffic	6.86-6.123
2	Legoland submitted evidence at the Public Inquiry for the Haunted house that showed a significant increase in visitors since the opening of the hotel in 2012. An increase in visitors must result in an increase in traffic. Legoland said that the hotel would reduce traffic and the opposite happened. The proposed extension will have a significant impact.	The appeal was allowed as the proposal complied with the NPPF.
3	Please take into account the submissions made in respect of the public inquiry for the haunted house	The appeal decision has been taken account of.
4	It is the in the Green Belt and we will loose more valuable space, it is inappropriate development in the Green Belt	6.2-6.45
5	Overdevelopment of the site	6.2-6.45
6	Loss of trees	6.53-5.54
7	The size and scale of the buildings, it will be visible especially in Winter	6.33
8	The castle theme on the elevations not facing into the park will make it look cheap and tatty	6.33
9	The applicants seem to have far more flexibility because of the major developed sites designation than any householder and business and this needs to be addressed in the forthcoming local plan.	Noted
10	Residents are entitled to clean air	6.75
11	The site is already a noise pollutant	6.76
12	When the site was opened it was a small park it is now nothing more than a profit centred theme park	Noted.

13	Do not believe it will have a reduction in traffic. It was said that the existing hotel would reduce traffic and it has not.	6.86-6.123
14	There are many hotels in Windsor that would benefit from increase occupancy why can't Legoland work with them	See applicants case for very special circumstances
15	A new entry that connects the M4/M404 should be provided by Legoland	Noted.
16	Hotel traffic will increase by 40%	6.86-6.123
17	They want to increase visitors, which means more traffic	6.86-6.123
18	Attempts to mitigate the traffic in the summer did not work	Noted
19	This is a new hotel	4.3
20	Hotel not necessary for Legolands contend success	Noted
21	They park more cars than their report says	6.86-6.123
22	People who supported the scheme from the community consultation may not have known the details of the scheme and their feed back from was biased.	Noted
23	Please stop and think of the residents	Noted. Applications should be determined in accordance with relevant planning policies and any other material considerations
24	Permitting Legoland to grown whilst ignoring the social and economic costs to Windsor is not acceptable	Noted
25	Hotel guests will park in the car park thereby freeing up car park space in the day car parks for further guests	6.86-6.123
26	Legoland do not do the measures they say they will do.	Noted
27	Legoland don't consult meaningfully with local residents	Noted, this can not be considered as part of this application
28	There is the removal of a toilet block, will there be enough toilets	Noted, this can not be considered as part of this application
29	The cumulative effect of these development has reached a peak that can not be acceptably exceeded.	6.124
30	Unacceptable impact upon the local community	6.124
31	Reduction in the park and ride facility	6.86-6.123
32	How will hotel delegates be accommodated?	There is not conference facilities in the proposed hotel

		extension
33	The St Leonards Road and Imperial Road junction is now an AQMA	Noted
34	Legoland deals discourage visitors from visiting Windsor	Noted
35	Winkfield Road should be 30mph and improve access to the bus stops	Noted

Statutory consultees

Consultee	Comment	Where in the report this is considered
Natural England	No objections	
Historic England	Should be determined in accordance with local policies	
Environment Agency	No objections	
Local Lead Flood Authority	No objections, subject to conditions, see condition 14	

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Borough Highway Officer	<p>The existing Hotel/Park & Ride car park has sufficient spare capacity to accommodate the likely demand for parking space generated by those guests staying in the extended hotel and choosing to travel by private car.</p> <p>In the TA a net reduction in vehicle movements is predicted as a result of the new hotel extension. This is on the basis that guests who may usually stay at other hotels in the area would have the choice to stay at Legoland in its extended hotel accommodation.</p> <p>Notwithstanding, whether or not the level of net reduction as anticipated is achieved, the likely impact of vehicle trips (as a result of the development), if all trips were considered to be new to the network, would be minimal - with 29 daily trips (0.17% increase) south and 14 daily trips (0.08% increase) north of the site access.</p> <p>Visitors staying as guests at the Legoland hotel accommodation are more likely to arrive and depart outside the local and strategic highway network's peak traffic periods.</p> <p>A site wide Travel Plan proposed now for visitors as well as staff should be welcomed and would give the Council the opportunity to work with Legoland to better manage car journeys in particular to and from the Windsor Resort.</p> <p>Against this background, it is recommended that no</p>	6.86-6.123

	objection be raised to the proposed hotel extension from the highways aspect but it is essential the amended Travel Plan is legally secured by way of a s106 agreement and that this fully meets with the Council's requirements.	
Borough Travel Plan Officer	The travel plan meets the council's requirements in many respects. However, some amendments must be made in order to secure approval:	6.86-6.123
Boroughs Ecologist	No objections. This application presents opportunities to incorporate features into the design which are beneficial to wildlife. Should the Local Planning Authority be minded to grant planning permission, it is recommended that a suitably worded planning condition is included requiring the applicant to submit detailed ecological enhancement proposals prior to the start of construction	6.55-6.71
Planning Policy Manager	<p><u>Scope of Policy Comments</u></p> <p>The comments set out below specifically relate to Green Belt and in particular:</p> <ol style="list-style-type: none"> 1) Whether the proposal conforms to the NPPF 2) Whether the proposal conforms to Policy GB1; GB2 and GB9 of the Adopted Local Plan. <p>I note the applicant has submitted a Planning Statement with the application and I am basing my comments on the material contained within this. In addition I note the concerns that were raised by the Local Planning Authority at pre-app.</p> <p><u>1 NPPF</u></p> <p>Para 89 of the NPPF indicates that <i>limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.</i></p> <p>The proposal is not considered by the Local Planning Authority as 'limited infilling' and therefore fails the test of paragraph 89.</p> <p><u>2 Adopted Local Plan</u></p> <p>Policy GB1 of the Adopted Local Plan indicates that (4) Limited infilling or partial or full redevelopment of designated major developed sites in the Green Belt in accordance with Policy GB9 is considered as appropriate development in the Green Belt.</p> <p>Policy GB9 of the Adopted Local Plan lists six designated major developed sites: Legoland Windsor is listed as one of these sites.</p> <p>In addition to the test laid out in Policy GB1 and GB9, Policy GB2 seeks to limit the impact on the potential harm caused on the openness and purposes of the</p>	

	<p>Green Belt and harm to the character of the countryside.</p> <p>Returning to GB9, the policy is specific in relation to the boundaries of the defined development envelope. Within the defined development envelope, limited infilling is acceptable subject to a number of criteria (no impact on openness and purposes of including land in the Green Belt; not lead to a major increase in the developed portion of the site; only take place within small gaps between existing built development. A further test for infilling or complete or partial redevelopment relates to not exceeding the height of existing buildings; not materially extend the defined development envelope; and be in accordance with individual site policies contained within Appendix 13 of the Plan.)</p> <p>Given the nature of the proposal in the proposed location, and as indicated earlier, I do not consider that it fits within the definition of ‘limited infilling’ development within the policy per se. However, in looking at the context of the site overall (60 hectares) I can see an argument that it is ‘limited’ within the context of the existing floorspace and footprint figures. Each of the above tests is considered in turn below:</p> <p><u>Impact on purposes of the Green Belt</u> I have looked at the tests of whether the application meets the test of no impact on the purposes of including land in the Green Belt. I have concluded that it will not have a detrimental impact on the purposes of the Green Belt.</p> <p><u>not lead to a major increase in the developed portion of the site</u></p> <p>The applicant’s Planning Statement provides figures in Table 7.1 to indicate a small percentage increase in the developed portion of the site. This is however only part of the consideration and I note that the hotel extension will of itself cover 0.23ha. I note the redevelopment of the application site for the hotel to replace the existing Dino Ride. Therefore, in applying this test, I agree that the percentages that have been provided are low, and whilst the character of the exiting area is open, on balance, I do not wish to raise an objection in relation to this criterion.</p> <p><u>only take place within small gaps between existing built development</u></p> <p>Each major developed site, despite being by their very nature, large, are quite different in terms of site coverage and developed portion. ‘Gaps’ need to be viewed within their context, and in this instance I would not agree with the applicant that the proposal will be taking place in an existing small gap between the existing hotel and Atlantis. Accordingly, in my view, the proposal does not meet this test of the policy.</p> <p><u>not exceeding the height of existing buildings</u></p>	
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I note the long distance photos into the Legoland Windsor site and the application site. I have also looked at the application plans and conclude that the ridge height of the proposed extension is below the height of the existing hotel and other buildings on site.

not materially extend the defined development envelope

I note that part of the application falls predominantly within the defined development envelope of the major developed site (notably the proposed building itself but not amendments to works associated with SUDs and landscaping). I would therefore not wish to raise an objection in relation to this criterion given that the proposal does not materially extend the defined development envelope albeit that it would result in a pattern of development which could be described as a cluster of bulky buildings on the boundary of the MDS.

be in accordance with individual site policies contained within Appendix 13 of the Plan

a) Height: As indicated above, I agree that the proposed extension would not exceed the height of the tallest building. Topography assists in screening the proposed building in relation to long distance views into the site from the ASLI.

b) ASLI: The viewpoint analysis appears to point to limited visual impact within the ASLI

c) Trees: At the time of writing this policy observation, I have not had sight of the comments from the Council's Tree Team, I am therefore unable to make any further comment on this issue.

d) Tree survey/landscape/parkland survey: I am unable to comment in detail on this matter in light of the above.

e) Enhanced Public Transport/cycling pedestrian facilities: I note that the Council's HDC and do not intend to comment any further on this matter.

In light of the above assessment, I conclude that the proposal is contrary to Policy GB9 of the Adopted Local Plan. It is therefore inappropriate development. The applicant has included in the Planning Statement a case for very special circumstances. This includes the need for the hotel extension; lack of alternative sites and other reasons (benefits including economic, social and environmental).

In relation to Merlin's business model, I would agree that the natural progression would be to improve the accommodation offer within the themed approach. Whilst I am not convinced that 61 bed model is the optimal approach in terms of viability – ie no evidence is included at page 34 regarding financial viability of the 61 bed scenario. In relation to limiting the harm by reason of inappropriateness, I would have expected to see evidence as to why a 45 bed scheme, for example, would not work. That said, this issue was not raised by the LPA at pre-application stage.

	<p><u>Assessment of Alternative sites</u></p> <p>A pragmatic approach should be taken in relation to alternative sites, and I therefore continue to support the link between accommodation in the Park. There appear to be no reasonable alternatives off site and the logic is to locate the hotel next to existing provision, thereby sharing facilities and the need for additional floorspace elsewhere in the Park.</p> <p>The Planning Statement refers to the job multiplier effect of the Park; improving the destination offer and length of stay of visitors. Whilst I do not accept the arguments under 'sustainability' and the benefits of BREEAM given that this is a requirement of all relevant proposals, I do consider on balance that the applicant has made a case for very special circumstances. I would have liked to have seen submitted with the application an ecological survey of the whole of the Park as previously requested by the Planning Policy Team rather than a study limited to the application site. This might have indicated other means by which the harm caused through inappropriateness could be offset by measures to mitigate harm from an ecological perspective.</p> <p>In summary, whilst a Policy Objection is raised in relation to GB9, the test of GB1 is met by reason of the justification for very special circumstances. In relation to GB2, whilst many of the criteria relate to matters of detail, I do not see that the proposal would lead to harm to the character of the countryside (B) whilst (A) is addressed above by implication.</p>	
<p>Old Windsor Parish Council</p>	<p>While we appreciate the employment opportunities that this company bring to the area, Old Windsor Parish Council feel they must STRONGLY OBJECT to this application on the following grounds</p> <p>Green Belt The intensification of use of Green Belt land Impact of Increased traffic on the community of Old Windsor</p> <p>The A308, through Old Windsor, has been designated a route to Legoland. This was to help disperse the impact of traffic within the Windsor Area.</p> <p>We have seen a significant increase in the volume of traffic and have noted that our 'peak periods', particularly in the morning, have been extended.</p> <p>Old Windsor is a rural village and is bisected by the A308 which is already one of the busiest roads of its type in RBWM. The increase in congestion on the A308 results in narrow residential roads being used as a rat run. This raises the risk of accidents and injury to residents especially children.</p> <p>Slow moving traffic through the village, due to congestion, increases pollution levels and obviously</p>	<p>6.86-6.123</p>

	<p>affects the health of our residents. It also makes it difficult for our residents to go about their daily business within the village and local area whether it is by car or on foot.</p> <p>We were led to believe that the redistribution of traffic was to mitigate the existing problem not to allow a profit making company to expand.</p> <p>An extension comprising 61 bedrooms, despite Legoland's assertion to the contrary, will add to the existing traffic issues.</p> <p>Sewerage Infrastructure We have grave concerns, raised by the findings of an Independent professional report commissioned by the Parish Council that Ham Island Sewerage Works does not have the capacity to process the additional sewerage that this development would generate. We believe that Legoland is within the catchment of Ham Island Sewerage Works.</p> <p>We noticed that there appears to be a large number of letters in support of this application from employees that all appear to have been written by the same individual and just circulated. We trust therefore that they will be considered as one submission as it is obviously an orchestrated response.</p>	
<p>Bracknell Forest Borough Council</p>	<p>Firstly I would emphasise that it is not BFC's intention to try and restrict the economic success of Legoland. BFC does not wish to make a formal objection to this application, but simply to highlight a number of concerns it has which it requests RBWM take into consideration in determining this application.</p> <p>BFC has a responsibility to consider any potential long term implications this proposal may have on Bracknell Forest, and where it considers there is insufficient information currently submitted to bring this to the attention of the determining Authority. Clearly any planning decision lies with RBWM and it must decide how much weight to give to BFC's views taking into consideration the opinions of its own technical officers when considering the application.</p> <p>BFC's initial concerns about the operation of the road network and the site access were made on the basis that further information could be provided which may help to address these concerns. It appears that no further information on the number of trips before and after the current hotel was established has been provided. Your assessment that additional hotel accommodation will reduce traffic does not therefore appear to be supported by evidence and therefore remains just an assertion. BFC is not saying that this assertion is incorrect, it is simply suggesting that RBWM may wish to consider requesting further information to support this.</p> <p>BFC is aware of the multi agency working group that has met to discuss the impact of Legoland on the strategic</p>	<p>The application has been screened under the EIA Regulations and is not EIA development.</p>

	<p>and more local network and how to manage the large demand that occurs at certain times during the season where pressure heading towards the M4 can cause congestion. Clearly the changes on site made over recent years and the popularity of this attraction has led to traffic problems which are being investigated and discussed periodically. BFC is aware that in previous years when the park is at capacity traffic has backed up on all approaches to the site. I am sure that BFC will continue to have input into this working group and more permanent proposals to manage traffic are likely to be considered, although it is not clear the mechanism by which any improvements would be delivered.</p> <p>In relation to the temporary arrangement of cones around the roundabout, this is clearly seen as a temporary measure while more permanent solutions are being sought. Over the longer term further development of this site is likely to result in a time when such permanent proposals will need to be implemented.</p> <p>BFC is not saying that this current proposal would act as the trigger for a permanent solution, however it does consider that over the longer term several piecemeal developments could result in a cumulatively significant impact on traffic. In this respect I assume that RBWM took potential cumulative impacts into account when it screened this application as to whether it comprises EIA development. Please could a copy of this screening opinion be provided to confirm that this is the case?</p> <p>BFC is concerned that without assurances from RBWM that proper consideration has been given to the cumulative impacts arising from the long term plans for this site, and a point clearly identified at which a permanent solution would be required, and how this would be delivered, traffic is likely to grow steadily and the impact from a series of incremental and unmitigated development proposals on this Borough's roads may become more severe in the future.</p> <p>Your comments about accidents at the roundabout are noted, but clearly any temporary arrangement at the roundabout could lead to an accident problem being created, however RBWM are best placed to give their view of the safety aspects of the current arrangements.</p> <p>In relation to public transport your comments are noted, and BFC welcomes the efforts that are being made to maintain bus services for staff and visitors. RBWM are requested to seek a reference to such actions around public transport in the site travel plan so that every effort is made to encourage people, particularly staff, to get to the site by bus now and in the future.</p> <p>In conclusion, if RBWM is satisfied that:</p> <ul style="list-style-type: none">(a) adequate evidence has been provided to support the statement that the additional hotel accommodation proposed will reduce traffic; and(b) the long term impacts of this proposal, together with any cumulative impacts with other completed or proposed developments at this site, have been fully considered; together with a mechanism to secure any permanent improvements needed at the appropriate time	
--	--	--

	<p>to mitigate these impacts then BFC would not wish to pursue its objection to his application.</p> <p>BFC fully accept that any decision lies with RBWM and thus the comments BFC has made are for its consideration. BFC still has reservations about the cumulative impact of successive proposals but does not consider that the impact from the current proposal, taken in isolation, would be so detrimental to Bracknell Forest that it would wish to seek refusal of this application, so long as RBWM has satisfied itself on the points above. I would therefore be grateful to receive an update from RBWM officers to the effect that they have considered all of BFC's concerns, including any clarification provided by this response, and are satisfied that these concerns have been adequately addressed.</p>	
Borough Environmental Protection Officer	<p>I have reviewed the above application in relation to Air Quality (AQ) and noise. No AQ assessment has been undertaken, the Transport Assessment predicted a decrease in trip generation resulting from the proposed Hotel extension. On that base we would have no grounds to request an AQ assessment because there will be a decrease of up to 46 vehicular trips per day as a result of the extension.</p> <p>A Noise Assessment for industrial noise has been submitted with the application, the conclusion that noise emanating from the plant will not exceed the background level (day and night) when measured at the nearest residential property, is acceptable.</p>	6.77
Borough Tree Officer	<p>There are two Tree Preservation Orders affecting the site, 3 of 1963 and 3 of 1961. The proposed hotel would result in the loss of some trees, however, these tend to be of low quality and I have no objections to their loss. The site is already partially degraded due to its previous use.</p> <p>Further information was sought and has subsequently been provided by the applicant. If the scheme is to be approved then conditions will need to be applied to the effect that works shall be carried out in accordance with the arboricultural method statement and Ian Keen Ltd Arboricultural Technical Note 001, Tree Protection Plan dwg. 8532/02/Rev E, Boardwalk link proposal dwg. 13131-60P, SUDs Prop 591-25-LS6. In addition the standard full landscaping scheme condition will also need to be applied.</p>	6.53-6.54

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Elevations and plans

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully resolved.

10. CONDITIONS RECOMMENDED FOR INCLUSION IF IT IS RESOLVED TO GRANT PERMISSION

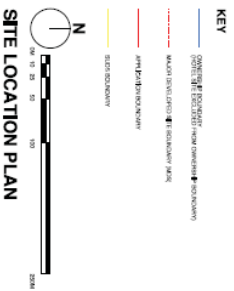
- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy
- 3 No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 4 All works shall be carried out in accordance with the arboricultural method statement and Ian Keen Ltd Arboricultural Technical Note 001, Tree Protection Plan dwg. 8532/02/Rev E, Boardwalk link proposal dwg. 13131-60P, SUDs Prop 591-25-LS6.
Reason: In the interest of the visual amenities of the area and the trees are protected by a Tree Preservation order. Relevant Policy N6.
- 5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme first agreed in writing by the Local Planning Authority, and retained in accordance with the approved details.
Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. Relevant Policies - Local Plan DG1.
- 6 Prior the commencement of development details of the protection and translocation of amphibians during pond destruction and site clearance shall be submitted to and approved in writing by the Local Planning Authority .
Reason: To protect amphibians on the site.
- 7 Prior to the construction of the hotel development details of detailed ecological enhancement proposals, for the hotel and its grounds, and a timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the proposals shall be implemented in accordance with the approved details.
Reason: In the interests of the ecological enhancement of the site.
- 8 Prior to the erection of any lighting on the site details of the location, lamp standard and illumination levels shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter any lights shall only be erected in accordance with the approved details.
Reason: The site is in the Green Belt and area of ecological interest control is required over any lighting to protect the character of the area and ecology. Local Plan Policy GB1.
- 9 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives, construction lighting, noise levels and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local

Plan T5.

- 10 Prior to the first occupation of the hotel, the applicant shall submit to the Local Planning Authority a proposal which confirms the membership, scope and purpose of the Working Group that assesses traffic measures to be implemented in connection with Legoland Traffic, currently known as the multi -agency working group. The proposal shall include a commitment to holding at least two meetings per year and will identify the transport measures to be considered and developed by this Working Group and the timeframe for these to be implemented. The transport measures that are to be explored will include, but are not limited to:
1. Communication with visitors travelling to the Resort;
 2. Winkfield Road access improvements;
 3. Internal parking and access arrangements; and
 4. Routes for visitors travelling to the Resort. This proposal shall be first approved in writing by the Local Planning Authority and shall include details for reporting the measures agreed by the Working Group and their timetable for implementation to the Local Planning Authority. At least once a year a monitoring report of the measures implemented and their effectiveness shall be provided to the Local Planning Authority. The Local Planning Authority shall be made aware of any changes to the membership of the Working Group.
- Reason: These measures have the potential to improve traffic flow in the locality and this is considered to be part of a package of wider community benefits to form part of the case for very special circumstances to justify the construction of a hotel in the Green Belt.
- 11 The hotel / park and ride car park shall be kept available for the parking of vehicles in connection with the approved hotel extension.
- Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 12 The sustainability measures set out in in the Energy Strategy accompanying the application shall be implemented in accordance with the statement prior to the first occupation of the , unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development.
- Reason: To ensure that the development complies with the Sustainable Design and Construction SPD and because this forms part of the very special circumstances for allowing the hotel.
- 13 The development shall be carried out and maintained in accordance with the details of slab levels shown in the approved plans
- Reason: To ensure the development has a satisfactory appearance. Policies - DG1, GB1, GB2
- 14 Prior to the commencement of development full details of the Drainage System(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be constructed and maintained in accordance with the approved details. These details shall include:
- Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels and drawing as necessary;
- Full details of the proposed overland flow routes that will be provided through the proposed development to ensure the existing overland flow routes and maintained and surface water flood risk is not increased ;Full details of the proposed level changes and confirmation that these changes will not impact on the existing overland flow routes; and
- Reason: To ensure that a satisfactory drainage system is provided.
- 15 The development shall be carried out in accordance with the details in the submitted ecological assessment unless otherwise first approved in writing by the Local Planning A
- Reason: To ensure the development does not harm areas of ecological value.
- 16 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
- Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 The applicant is reminded that vegetation clearance should take place outside the breeding bird season (which spans from March to August inclusive) or else undertaking vegetation clearance immediately subsequent to checks by an experienced ecologist.
- 2 All mammals receive some protection under the Wild Mammals (Protection) Act 1996. This makes it an offence to intentionally cause this species unnecessary suffering by certain methods, including crushing and asphyxiation



GENERAL NOTES

- THIS PLAN IS A PRELIMINARY PLAN AND SHOULD NOT BE USED FOR CONSTRUCTION OR OTHER PURPOSES WITHOUT THE EXPRESS WRITTEN CONSENT OF THE ARCHITECT.

THE ARCHITECTS' OFFICE			
Architect:	NAME	ADDRESS	CITY
Scale:	DATE	PROJECT NO.	PHASE
Client:	NAME	ADDRESS	CITY

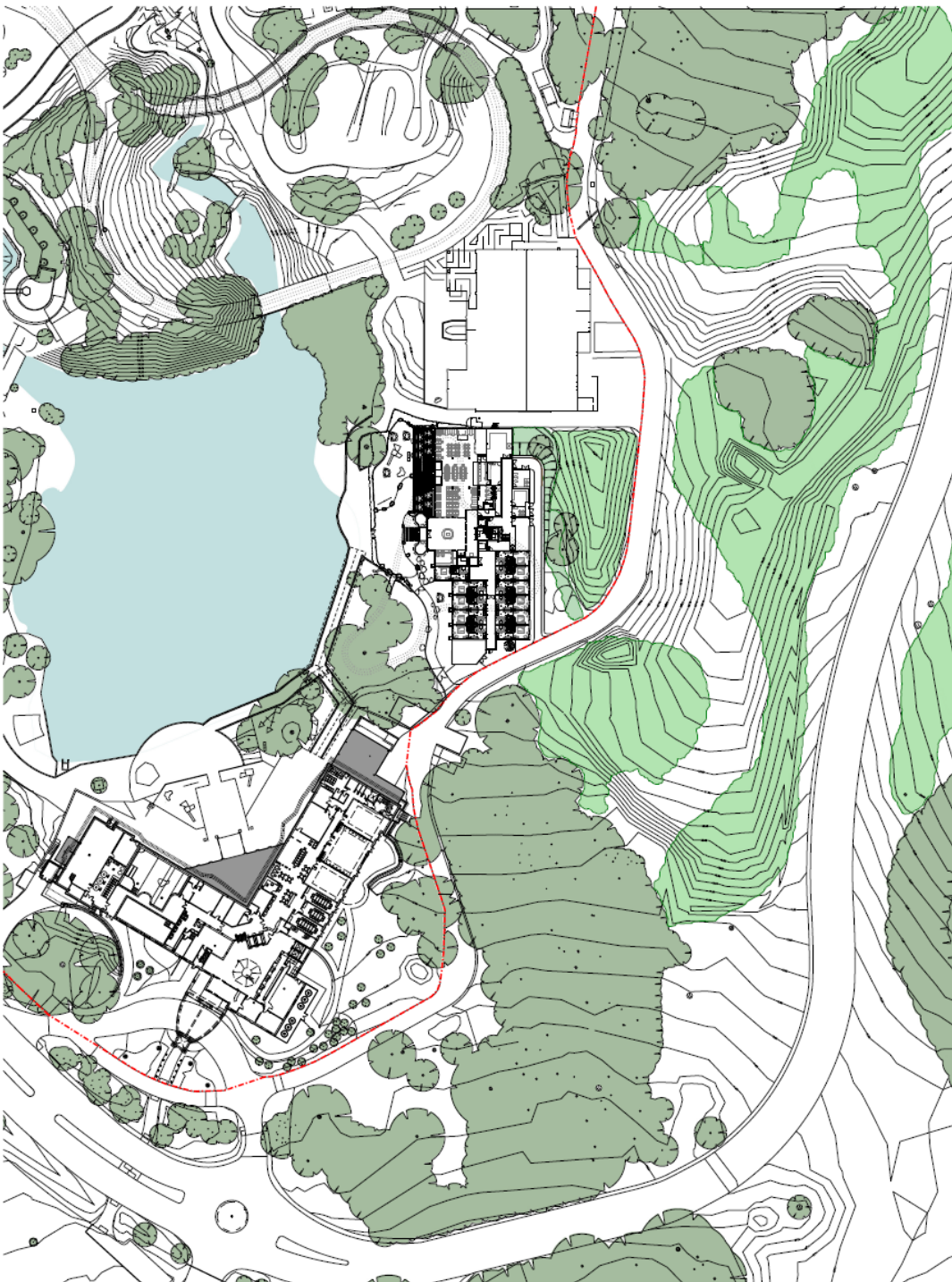
PLANNING

NO.	DATE	DESCRIPTION
1	2010.05.15	CONCEPT PLAN
2	2010.06.15	PRELIMINARY PLAN
3	2010.08.15	FINAL PLAN

METADATA

Project:	LEISURE AND WINDSOR RESORT
Phase:	PROPOSED HOTEL EXTENSION
Date:	MAY 15
Sheet:	1/18

GENERAL NOTES
 * DO NOT SCALE, USE RELEVANT DIMENSIONS ONLY.
 ** CONFIRM ALL DIMENSIONS AND LEVELS ON SITE



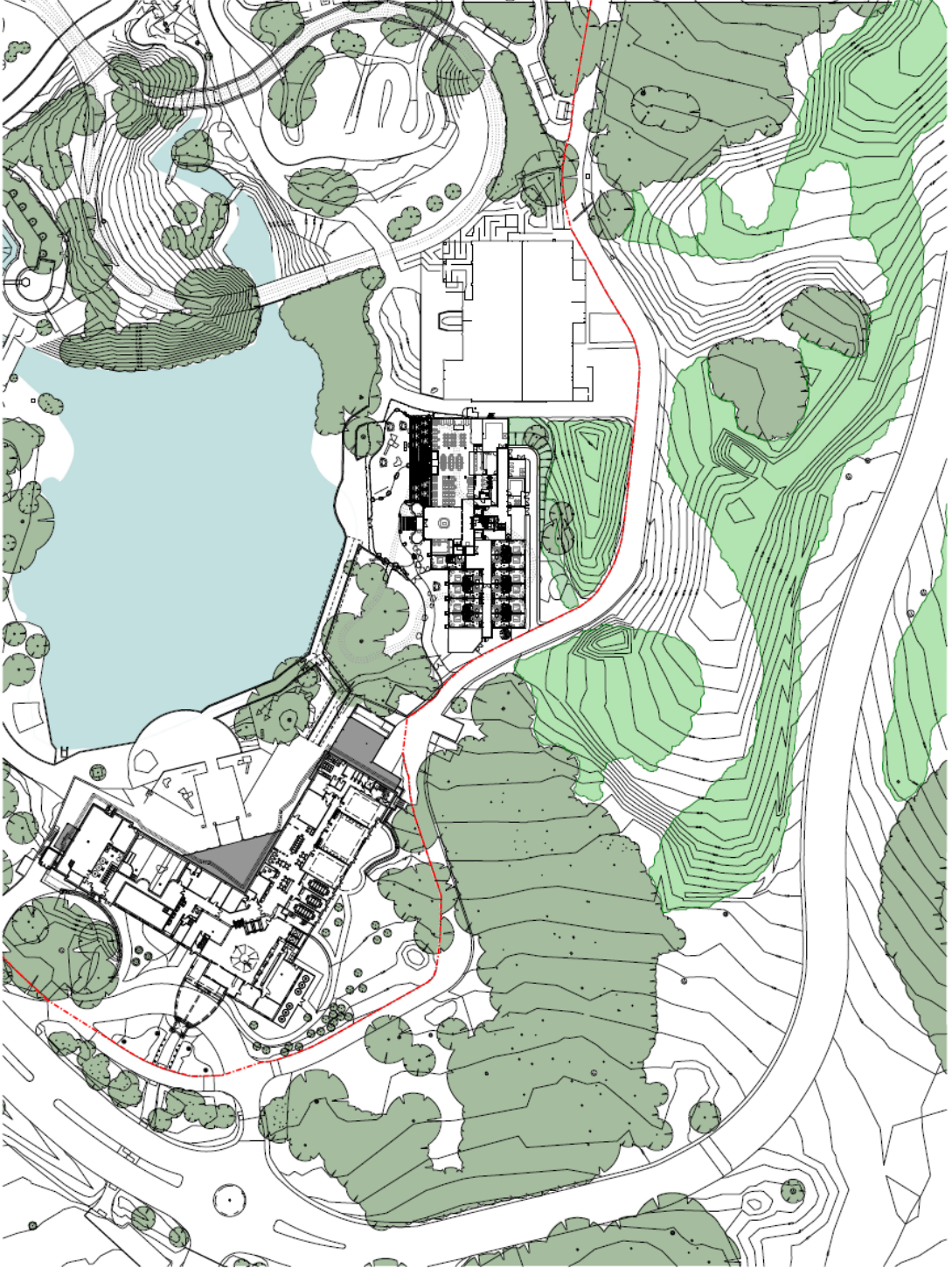
PROPOSED SITE PLAN

NO.	REVISION / DESCRIPTION	DATE

PROJECT INFORMATION	
Client	LEOQAND WINDSOR RESORT
Project	PROPOSED HOTEL EXTENSION
Site No.	1580 @ A1
Date	MAY 15
Scale	1:100
Drawn by	A
Check by	A
Issue No.	1580L 000

THE ENGINEER'S DECLARATION
 I, the undersigned, being a duly qualified and licensed Professional Engineer in the Province of British Columbia, do hereby certify that I am a duly qualified and licensed Professional Engineer in the Province of British Columbia, and that I am the author of the above-mentioned drawings, and that I am not aware of any unpermitted changes to the same.

Signature: _____ Date: _____



PROPOSED SITE PLAN

KEY:
 - - - - - existing conditions
 - - - - - proposed conditions

N

SCALE:
 1" = 100'

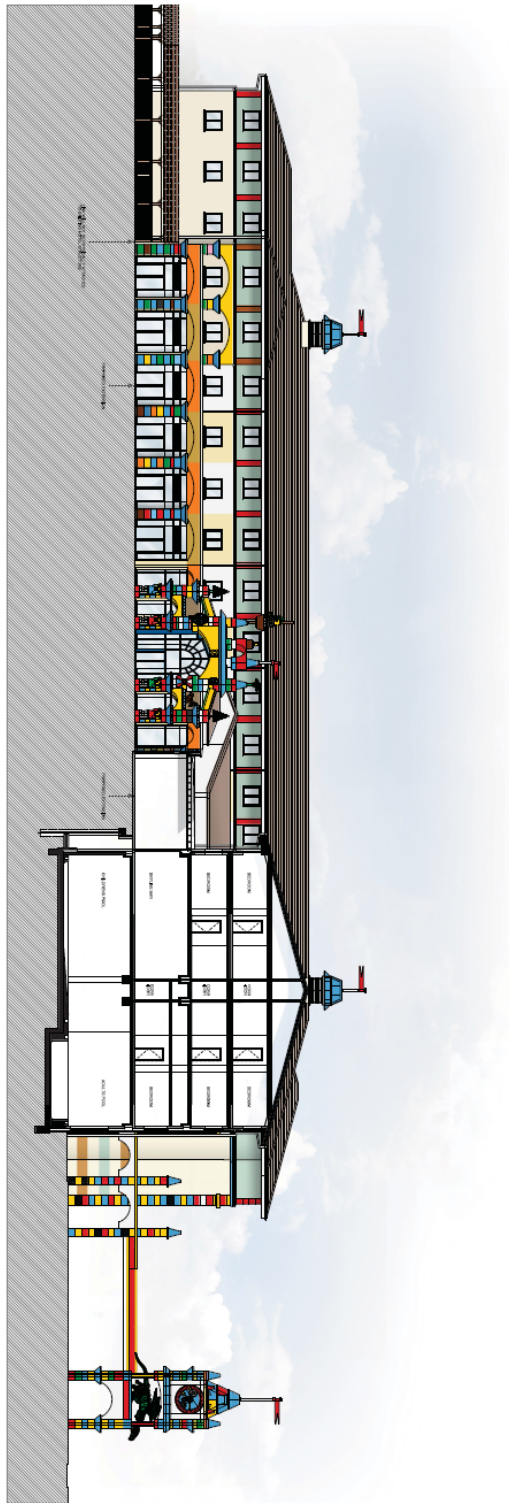
THE ARCHITECT'S OFFICE
 1500 4th Street, Suite 200
 San Francisco, CA 94103
 Phone: (415) 774-4444
 Fax: (415) 774-4444
 Website: www.architect.com

NO.	DATE	DESCRIPTION
1	1500 @ A1	Issue for Permit
2	1500 @ A1	Final
3	1500 @ A1	Final
4	1500 @ A1	Final
5	1500 @ A1	Final
6	1500 @ A1	Final
7	1500 @ A1	Final
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50	1500 @ A1	Final

PLANNING
 LEGAL AND WINDSOR RESORT
 PROPOSED HOTEL DEVELOPMENT
 PROPOSED SITE PLAN
 DATE: MAY 15
 SCALE: 1/8" = 1' A
 SHEET NO. 1500 @ A1

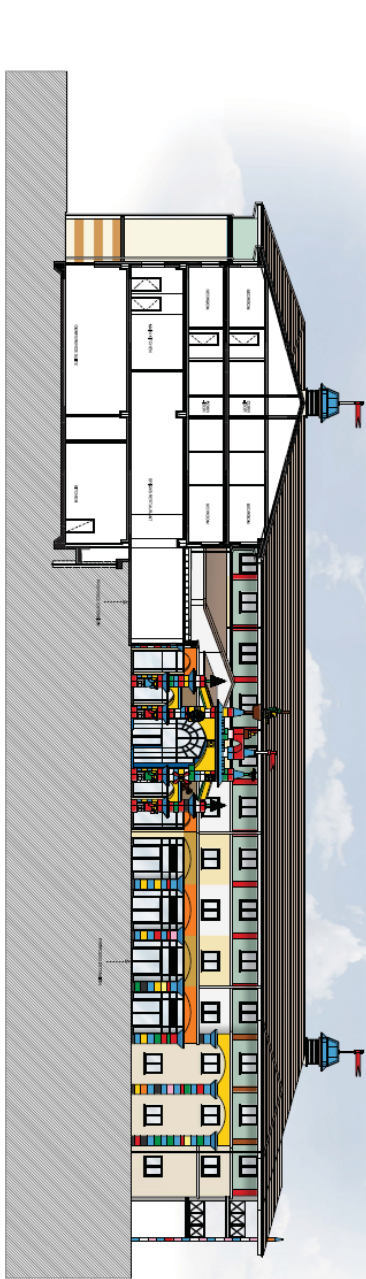
Proposed extensions to existing hotel

SECTION C-C



GENERAL NOTES
 1. ALL WORK TO BE IN ACCORDANCE WITH THE SANS 10400 SERIES.
 2. ALL MATERIALS TO BE OF GRADE AND QUALITY AS SPECIFIED.
 3. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 4. ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE ARCHITECT.
 5. ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE CLIENT.

SECTION D-D



HOTEL 1 - PROPOSED SECTION C-C & D-D - COLOURED

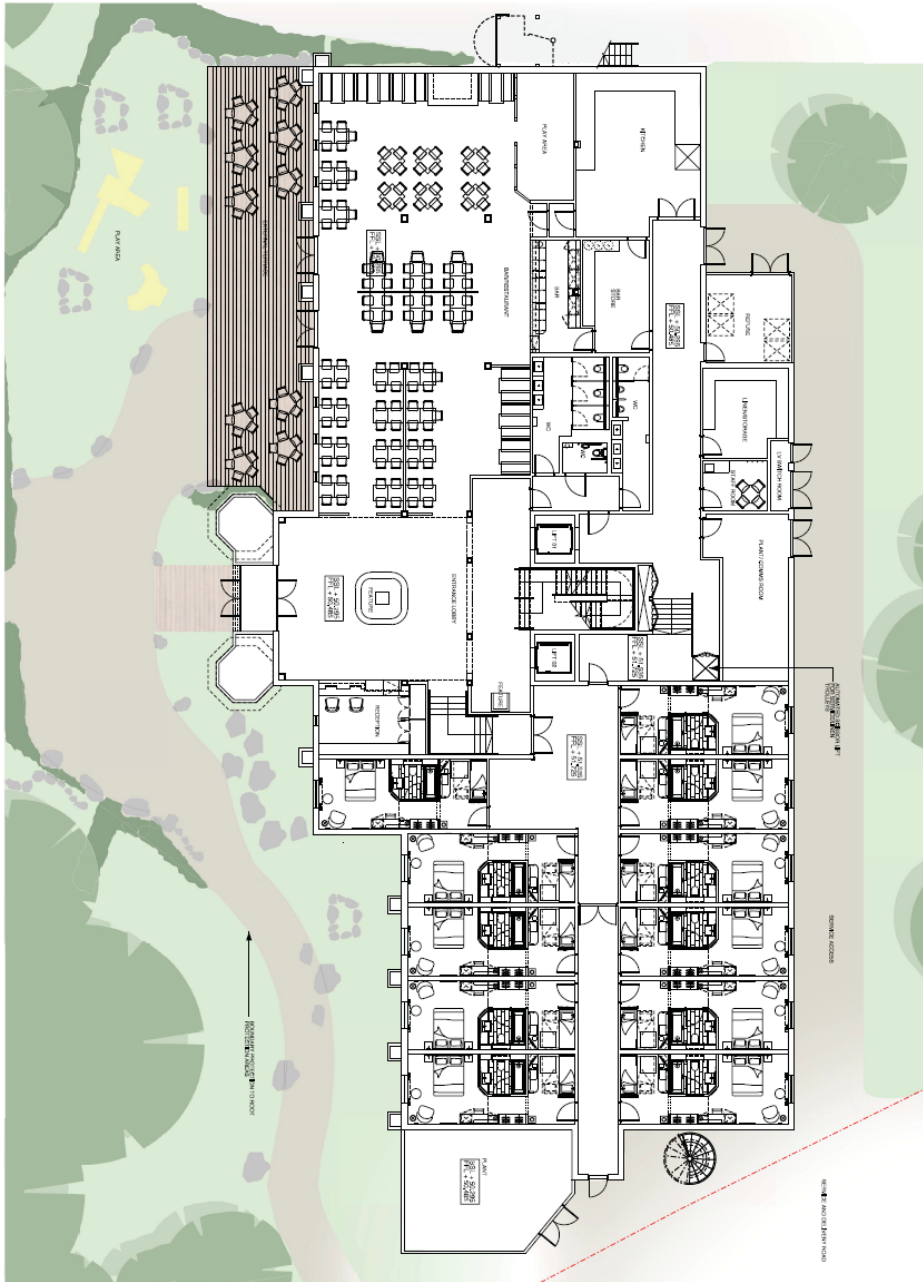
PLANNING

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2	ISSUED FOR TENDER	2024-08-20	JM	SM
3	ISSUED FOR CONTRACT	2024-09-01	JM	SM
4	ISSUED FOR CONSTRUCTION	2024-09-15	JM	SM
5	ISSUED FOR AS-BUILT	2024-10-01	JM	SM
6	ISSUED FOR ARCHIVE	2024-10-15	JM	SM

CLIENT: HOTEL 1 DEVELOPMENT
ARCHITECT: ARCHITECTURE FIRM
DATE: 2024-08-15
SCALE: 1:100
PROJECT NO.: 123456789

Proposed hotel extension

HOTEL 2 - PROPOSED GROUND FLOOR PLAN



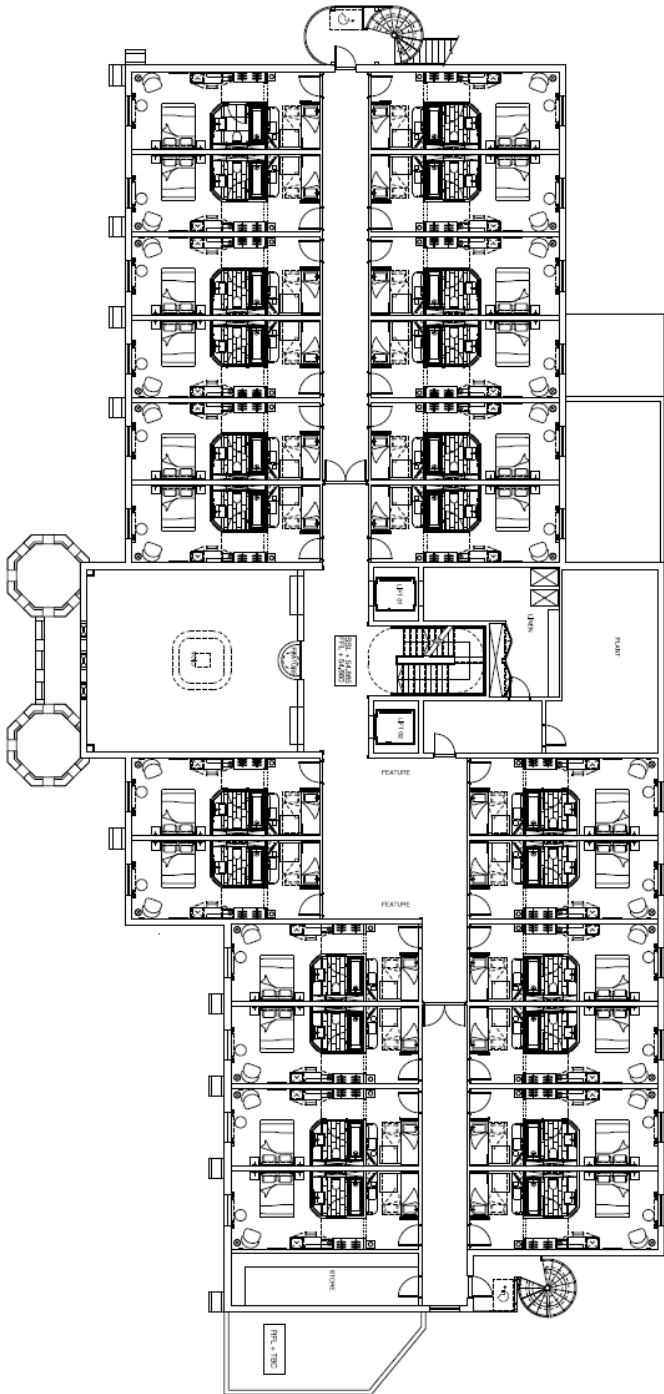
GENERAL NOTES
 - FOR SCALE, SEE PLANNING DRAWINGS ONLY
 - ALL DIMENSIONS ARE IN METERS
 - ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
 - ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED

KEY:
 - WALLS
 - DOORS
 - FLOORS
 - CEILING
 - LIGHTING
 - FURNITURE
 - PLANTING
 - LANDSCAPE

PLANNING

NO.	DESCRIPTION	DATE	BY	CHKD.
1	PRELIMINARY PLANNING	15/05/15
2
3
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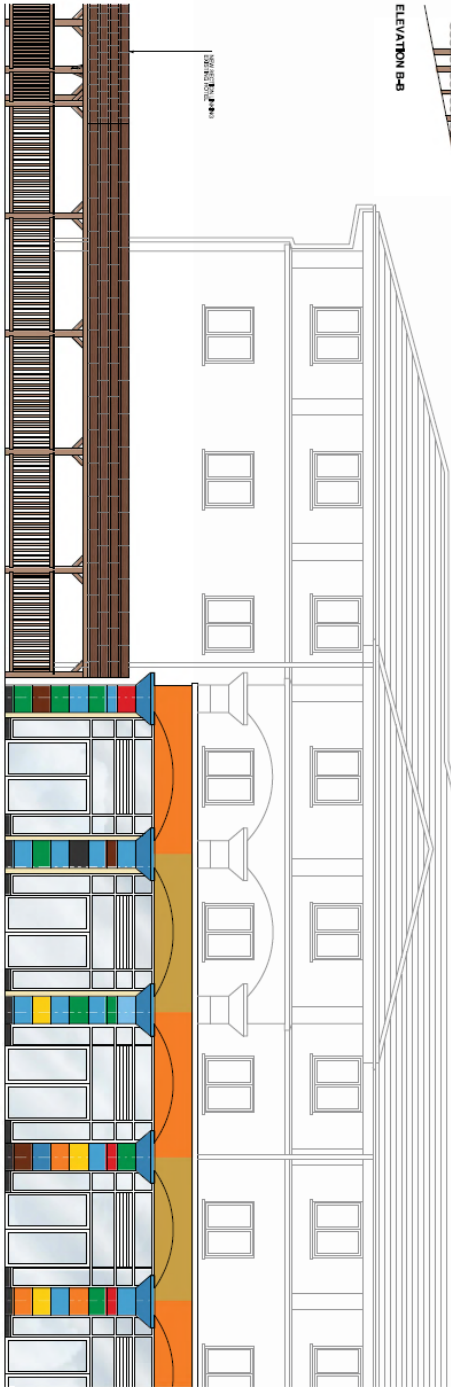
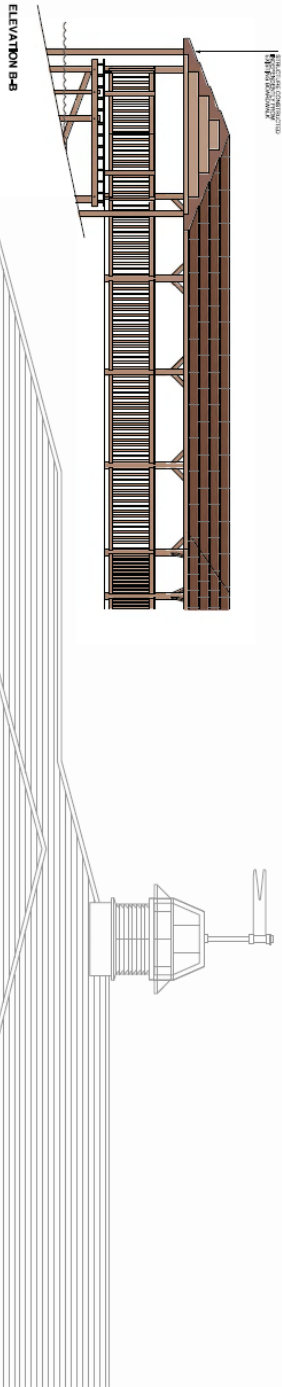
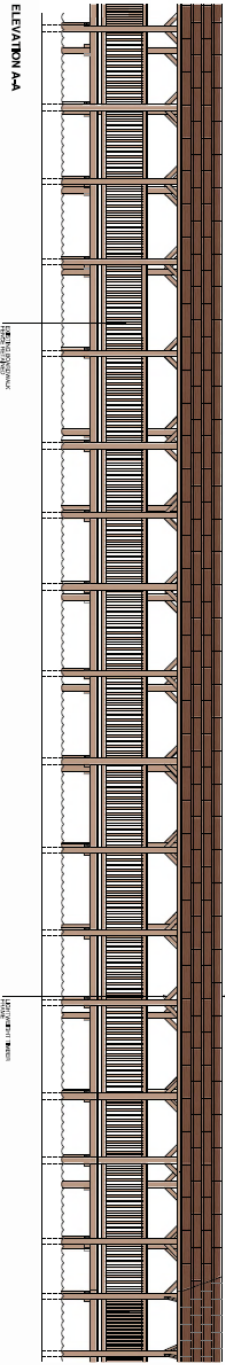
GENERAL NOTES
 - DIMENSIONS ARE IN METERS
 - CONSULT ALL DIMENSIONS AND LEVELS ON SHEET



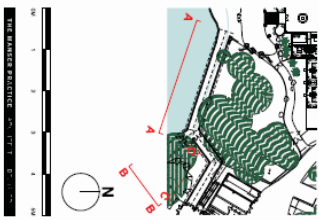
HOTEL 2 - PROPOSED FIRST FLOOR PLAN

<p>THE KANSAS PRACTICE 201 E. 10th St., Suite 1000 Lawrence, KS 66044 Phone: 781.833.4444 Fax: 781.833.4444 Website: www.kansaspactice.com</p>		<p>THE KANSAS PRACTICE 201 E. 10th St., Suite 1000 Lawrence, KS 66044 Phone: 781.833.4444 Fax: 781.833.4444 Website: www.kansaspactice.com</p>	
<p>PLANNING</p>			
<p>Client: LEONARD WINNISON RESORT Project: PROPOSED HOTEL EXTENSION Hotel 2 - PROPOSED FIRST FLOOR PLAN</p>			
<p>11/10 @ A1</p>		<p>12/15</p>	
<p>12/15</p>		<p>A</p>	

GENERAL NOTES
 - ALL WORK SHALL BE IN ACCORDANCE WITH THE
 - PROJECT SPECIFICATIONS AND THE CONTRACT DOCUMENTS.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL
 - NECESSARY PERMITS AND APPROVALS FROM THE LOCAL
 - AUTHORITY.



PROPOSED LINK ELEVATIONS - COLOURED

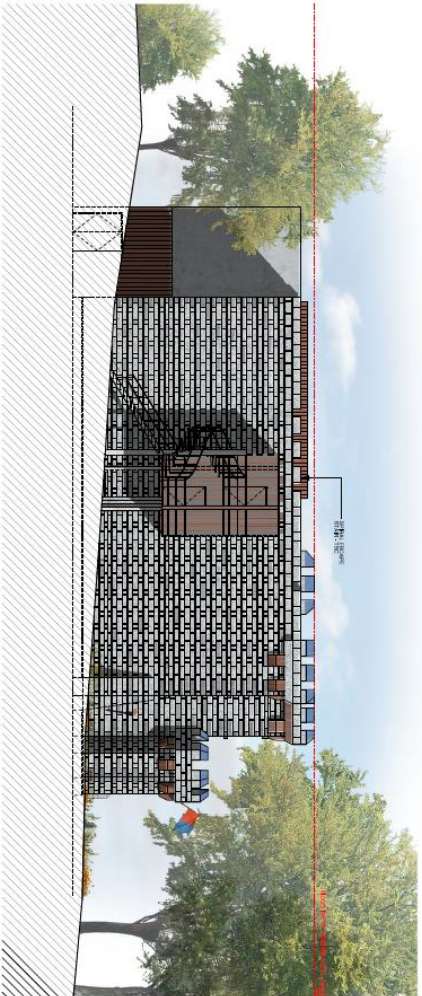


REVISIONS
 NO. DATE BY REASON
 1 15/05/2024 J.M. Initial Design
 2 16/05/2024 J.M. Final Design

NO.	DATE	BY	REASON
1	15/05/2024	J.M.	Initial Design
2	16/05/2024	J.M.	Final Design

PLANNING
 Project: LEICESTER WINDSOR RESIDENTIAL
 Location: LEICESTER, LEICESTERSHIRE
 Proposed Link Elevations - Coloured
 Date: 15/05/2024
 Drawn: J.M.
 Checked: J.M.
 Scale: 1:500

L

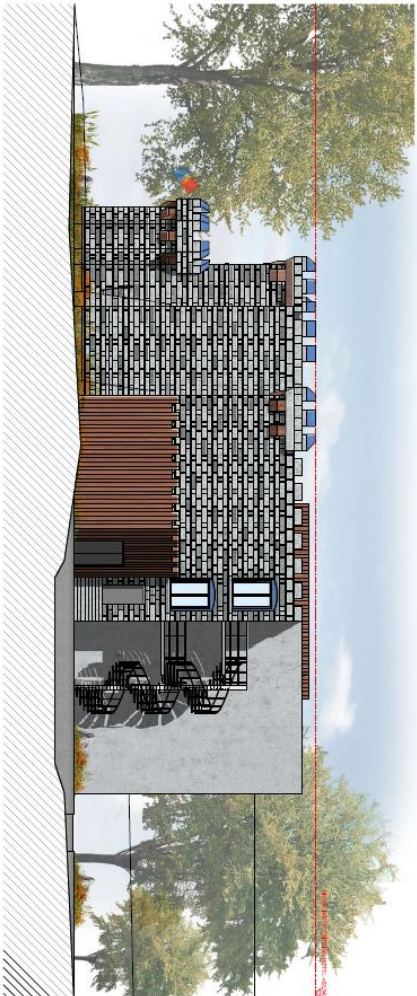


PROPOSED WEST ELEVATION

GENERAL NOTES

- 50% SHOWN SCALE, SEE ATTACHED DIMENSIONS ONLY
- COLOURS ARE FOR INFORMATION ONLY, COLOURS TO BE DETERMINED BY THE CLIENT AND THE CONTRACTOR
- THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT
- THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CONTRACTOR
- THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT AND THE CONTRACTOR

L



PROPOSED EAST ELEVATION

HOTEL 2 - PROPOSED EAST AND WEST ELEVATIONS - COLOURED

L



1:1000

PLAN NUMBER & DATE
 PLAN NO. 100/100/100/100
 DATE: 10/10/2020

CLIENT
 LEGAL AND WINDSON RESORT
 100/100/100/100
 100/100/100/100

DESIGNER
 LEGAL AND WINDSON RESORT
 100/100/100/100
 100/100/100/100

DATE
 10/10/2020

SCALE
 1:1000

PROJECT
 LEGAL AND WINDSON RESORT
 100/100/100/100
 100/100/100/100

DATE
 10/10/2020

L

Proposed SUDS scheme



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

6 January 2016

Item: 2

Application No.:	15/02656/VAR
Location:	Former Windsor Ex Services Club 107 St Leonards Road Windsor SL4 3BZ
Proposal:	Demolition of the existing services club and construction of the proposed development of 6 x 3 storey town houses and a new services club as approved under planning permission 13/00832 without complying with conditions 12 (construction management plan) condition 16 (protection of trees) and condition 17 (landscaping) so that the conditions may be discharged after the commencement of works
Applicant:	SG Managements
Agent:	Mr Martin Evans - Martin Evans Architects
Parish/Ward:	Castle Without Ward

If you have a question about this report, please contact: Sarah L Smith on 01628 796070 or at sarah.l.smith@rbwm.gov.uk

1. SUMMARY

- 1.1 The application seeks to retain the development without first complying with conditions 12 (construction management plan), condition 16 (protection of trees) and condition 17 (landscaping) of planning permission 13/00832 which required these details to be approved prior to the commencement of the development.
- 1.2 The only changes between the scheme approved and the scheme now proposed is that the three conditions were pre-commencement ones which required details to be submitted to and approved in writing prior to the development taking place. Submission of such details did not happen. The applicant is seeking to agree the details of the requirements of the conditions after the commencement of works. There are no changes in respect of the impact of the scheme upon the character and appearance of the area, the setting of the Conservation Area, the impact on amenities and the impact of the scheme itself upon highway safety. Revised conditions are recommended and set out in section 10.
- 1.3 The scheme is under construction and the terrace of six houses has been almost completed, but the community centre has not been constructed, which is not in accordance with the plans approved under 13/00832. Officers propose to secure compliance with the approved plans by the imposition of an approved plans condition on this application.
- 1.4 A deed of variation to secure the legal agreement entered into under 13/00832 to this permission has been entered into.

It is recommended the Panel authorises the Borough Planning Manager:	
1.	To grant planning permission with the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel as the chair has asked that the application be reported to Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site originally comprised a single storey ridged roof club house. The building was of post war origin and is a functional building, of no architectural merit that was not considered to make a positive contribution to the appearance of the Conservation Area.

- 3.2 To the rear of the site there is a group of sycamore trees that are protected by a Tree Preservation Order.
- 3.3 The site is within the Conservation Area. On St Leonards Road there is a modern block of houses / flats to the south and more traditional buildings to the north. To the north and east the site is contained by modern three storey town houses in Lammas Court.
- 3.4 Opposite the site are Edwardian buildings, occupied as houses and flats. The site is on the edge of the commercial part of the town centre, within walking distance of the town centre and its amenities.
- 3.5 Planning permission 13/008932 is currently being constructed. The terrace of 6 town houses is nearing completion. The development has been split into two and the community centre has not been constructed.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
13/00832	Demolition of the existing services club and the proposed development of 6 x 3 storey town houses and a new services club	Approved and implemented
13/00833/CAC	Consent to demolish an unlisted building in a Conservation Area	Approved 1.7.13
14/01945/CON DIT	Details required by conditions 2 (materials), 3 (hard landscaping), 4 (slab levels), 6 (fencing), 8 (sustainability), 10 (acoustic), 11 (access), 12 (construction management plan), 13 (vehicle parking), 14 (cycle storage), 15 (refuse storage), 16 (tree protection), 17 (hard and soft landscaping) and 18 (rainwater, drainage and ventilation) of planning permission 13/00832 for the demolition of the existing services club and the proposed development of 6 x 3 storey town houses and a new services club	Part refusal, part approval 14.8.14
14/03881/VAR	Demolition of the existing services club and construction of the proposed development of 6 x 3 storey town houses and a new services club as approved under planning permission 13/00832 without complying with conditions 12 (construction management plan) condition 16 (protection of trees) and condition 17 (landscaping) so that the conditions may be discharged after the commencement of works	Refused 13.2.15 as no S106 agreement

- 4.1 The application is made under Section 73 of the Planning Acts to seek to retain the development without first complying with conditions 12 (construction management plan) condition 16 (protection of trees) and condition 17 (landscaping) of planning permission 13/00832 which required these details to be approved prior to the commencement of development.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

National Planning Policy Framework

- 5.1 National Planning Policy Framework, Sections 7 and 12.

Royal Borough Local Plan

- 5.2 The main strategic planning considerations applying to the site and the associated policies are:

	Within settlement area	Conservation Area	Protected Trees	Highways /Parking issues
Local Plan	DG1, H14	CA2	N6	T5, P4

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- Conservation Area appraisal - view at:
http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The only changes between the scheme approved and the scheme now proposed is that conditions 12 (construction management plan), 16 (protection of trees) and 17 (landscaping) were pre commencement conditions which required details to be submitted to and approved in writing prior to the development taking place. This did not happen. As such the applicant is seeking to agree the details of the conditions after the commencement of works. There are no changes in respect of the impact of the scheme upon the character and appearance of the area, the setting of the Conservation Area, the impact on amenities and the impact of the scheme itself upon highway safety. A copy of the decision notice for planning permission 13/00832 is attached at Appendix C.

6.2 These conditions require the following:

Condition 12

Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

Condition 16

Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area.
Relevant Policies - Local Plan DG1, N6.

Condition 17

No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

6.3 The key issues for consideration are:

i Whether it is appropriate to secure details of how the application complies with the planning for an ageing population SPD after commencement of development;

ii Whether it is appropriate to require details of the construction management plan to be approved after development has commenced ;

iii Whether is appropriate for details for the protection of trees to be submitted after development has commenced;

iv Whether it is appropriate for the landscaping to be approved after development has commenced

Construction Management Plan

6.4 The Highway officer has advised that construction of the houses appears to have neared completion and the S278 agreement under the Highways Act secured highway works. It is therefore not possible to secure the construction management plan for the construction of the houses. However the community centre has not been built and it is considered that the condition be amended to ensure that the construction of the community centre does not proceed until a Construction Management Plan has been submitted to and approved by the Local Planning Authority, see amended condition 12 of this agenda.

Tree Protection

6.5 The Tree Officer advises that details of fencing type and ground protection measures need to be submitted to accompany the tree protection plan, along with a method statement as the details submitted with this variation are insufficient. However the houses have now been constructed. It is considered that the condition is amended to ensure that details of the tree protection measures are submitted and approved prior to any further construction taking place. See amended condition 16 of this agenda.

Landscaping

6.6 The submitted landscaping plan is not detailed in terms of plant sizes and the time of planting or the spacing of the specimens. As such the landscaping plan cannot be approved. However a revised condition can be imposed requiring submission within one month of the date of permission and for it to be implemented in the next available planting season. See amended condition 17 of this agenda.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

7.1 The applicant has entered into a Deed of Variation to secure the developer contributions and parking permit restriction under 13/00832 to this application.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

67 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 8th October 2015

The planning officer posted a statutory notice advertising the application at the site on 11th September 2015

1 letter was received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Is the developer planning on removing the beautiful trees that are on the land?	The trees protected by the TPO are not proposed to be removed.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Tree Officer	<p>Normally, conditions relating to tree protection and landscaping can only be fully discharged when both have been correctly implemented through to the end of development.</p> <p>The details submitted as part of this variation, in terms of tree protection and landscaping, are fairly scant. For example, details for tree protection submitted under the original application 13/00832 are better quality and at least refer to the type of protective fencing to be installed. There is also a lack of details on plant species and ground preparation (converting of hard to soft).</p>	6.5
Highway Officer	No objections	6.4

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – elevations and layout plan
- Appendix C – Decision notice 13/00832

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully resolved.

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

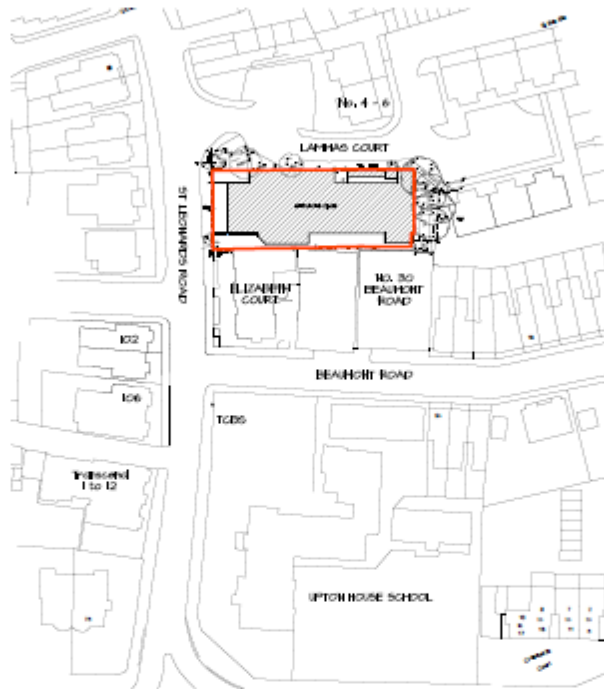
- 1 The materials to be used on the external surfaces of the development and the details of the windows and doors and materials to be used for the windows and doors shall be as approved under 14/01945/CONDIT. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, CA2.
- 2 Any finishing materials to be used in any hard surfacing on the application site shall be carried out in accordance with those approved under 14/01945/CONDIT and retained as such thereafter.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 All finished slab levels in relation to ground level (against OD Newlyn) shall be as approved under 14/01945/CONDIT. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1
- 4 Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority other than those approved under condition 6.
Reason: To ensure the location, form, design and materials are appropriate for the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 5 Any walls, fencing or any other means of enclosure (including any retaining walls) shall be as approved under 14/01495/CONDIT. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 6 No window(s) shall be inserted at first floor level or above in the eastern flank wall of townhouse 1 without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 7 The sustainability measures shall be as approved under 14/01945/CONDIT. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 8 The measures to meet the Planning for an Ageing Population SPD as set out in the Design and Access Statement accompanying the application shall be implemented in accordance with the statement prior to the first occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development complies with the SPD on Planning for an Ageing Population.
- 9 Details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise shall be as approved under 14/01945/CONDIT. The approved measures shall be carried out and completed for each dwellinghouse prior to first use. Thereafter the approved measures shall be retained.
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.

- 10 The access shall thereafter be retained in accordance with the details approved under 14/01945/CONDIT.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 11 No construction of the community centre shall take place until a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 12 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 14 The covered and secure cycle parking facilities shall be provided before first occupation in accordance with the details approved under 14/01945/CONDIT. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 15 Refuse bin storage area and recycling facilities shall be provided prior to first occupation in accordance with the details approved under 14/01945/CONDIT. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 16 Prior to the community centre being constructed, any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 17 Notwithstanding the submitted details, a revised landscaping plan setting out plant sizes at the time of planting and the spacing of the specimens shall be submitted to the Local Planning Authority for approval within one month of the date of this decision. The approved landscaping shall be carried out in the first available planting season following the granting of this permission. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

- 18 The external rainwater, drainage and ventilation goods shall be installed in accordance with the details approved under 14/01495/CONDIT.
Reason: To protect and preserve the character of the conservation area. Relevant Policies - Local Plan CA1, CA2
- 19 Irrespective of the provisions of Classes A, B, C, D and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 12015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: The site is a constrained site in a Conservation Area and control is required over any further alterations or extensions to the dwellings to ensure that the development has an acceptable impact in this sensitive location. Relevant Policies - Local Plan DG1, CA2
- 20 Irrespective of the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or subsequent modifications thereof), the garage accommodation on the site shall be kept available for the parking of vehicles associated with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 21 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.



SCALE 1:1250



DANKS BADNELL

tel: 01753 859880 fax: 01753 857427 e-mail: enquiry@danksbadnell.co.uk

SERVICES CLUB WINDSOR		
OS PLAN		
Sept '12	1:1250 @ A4	11/02/20
S G INVESTMENTS		

All dimensions to be verified before work is commenced
All work is to comply with statutory requirements

PLANNING DRAWINGS

SITE PLAN

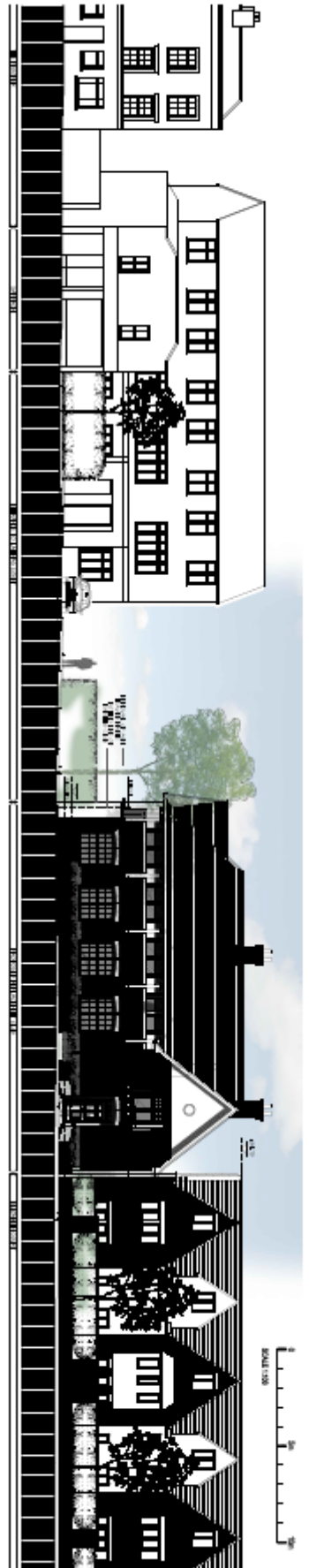
1:1250



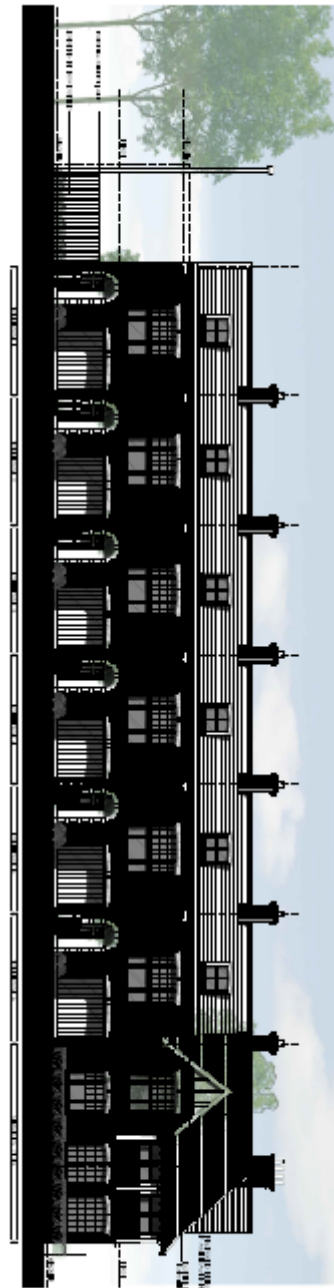
PLANNING DRAWINGS

Project	SEWAGES CLUB ST LEONARDS ROAD WINDSOR
Drawn by	PROPOSED GROUND FLOOR PLAN
Date	1/10/09
Scale	1:100 @ A1
Drawn by	SS INVESTMENTS
Checked by	SP
Drawn by	CS
Project	DRINKSBORNE CONCRETE ARCHITECTS 110-112, GERRARD STREET EAST, TORONTO, ONTARIO M5C 1E6 416-461-2322 WWW.DRINKSBORNE.COM

PROPOSED GROUND FLOOR
1/10



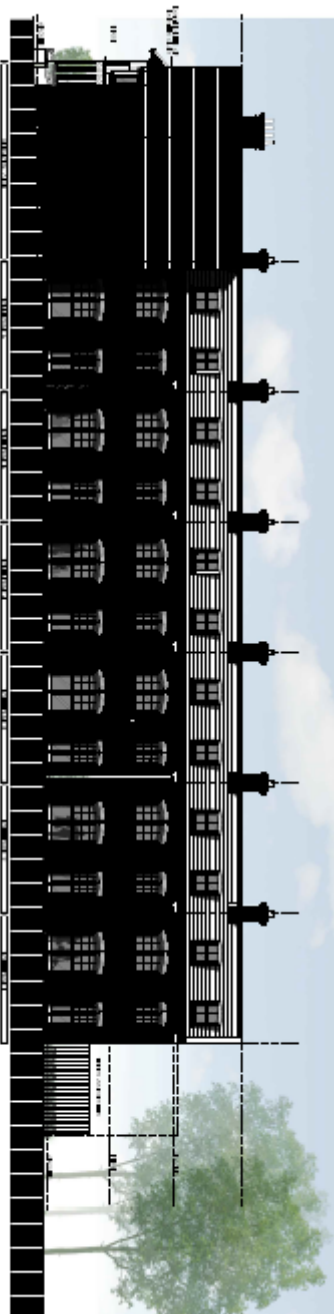
SERVICES CLUB ELEVATION



TOWN HOUSES FRONT ELEVATION



TOWN HOUSES SIDE ELEVATION



TOWN HOUSES REAR ELEVATION

PLANNING DRAWINGS

PROJECT		SERVICES CLUB	
ADDRESS		ST LEONARD'S ROAD	
DRAWN BY		DORIS SHERKILL	
PROPOSED DEVIATIONS		CARRIAGE ARCHITECTS	
REF	DATE	ISSUE	DATE
RD 2015	1.100 @ 41	17/05/23	
SCHEMATIC		1/21	14.04.21
CONCEPTS		1/21	02.02.21
<p>FOR MORE INFORMATION ON OUR SERVICES VISIT www.carriagearchitects.co.uk</p> <p>01203 252525 • 100, THE STATION, BATH, BA1 1BE</p>			

- 5 Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority.
Reason: To ensure the location, form, design and materials are appropriate for the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 6 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 7 No window(s) shall be inserted at first floor level or above in the eastern flank wall of townhouse 1 without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 8 No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 9 The measures to meet the Planning for an Ageing Population SPD as set out in the Design and Access Statement accompanying the application shall be implemented in accordance with the statement prior to the first occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development.
Reason: To ensure that the development complies with the SPD on Planning for an Ageing Population.
- 10 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.
- 11 No other part of the development shall commence until the access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 12 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

NP12

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

- 13 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 14 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 15 No part of the development shall be occupied until refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 16 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 17 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 18 Further details of all external rainwater, drainage and ventilation goods shall be submitted to and approved by the Local Planning Authority in writing and shall be installed in accordance with the approved details.
Reason: To protect and preserve the character of the conservation area. Relevant Policies - Local Plan CA1, CA2

NP022

- 19 Irrespective of the provisions of Classes A, B, C, D and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: The site is a constrained site in a Conservation Area and control is required over any further alterations or extensions to the dwellings to ensure that the development has an acceptable impact in this sensitive location. Relevant Policies - Local Plan DG1, CA2
- 20 Irrespective of the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or subsequent modifications thereof), the garage accommodation on the site shall be kept available for the parking of vehicles associated with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.

Approved Plan Reference Number(s):

11/02/20, version no.: na, received on 28 March 2013
11/02/22, version no.: na, received on 25 March 2013
11/02/21, version no.: na, received on 25 March 2013
11/02/30, version no.: na, received on 25 March 2013
11/02/31, version no.: na, received on 25 March 2013
11/02/32, version no.: na, received on 25 March 2013
TREE PROTECTION PLAN, version no.: c, received on 28 March 2013
11/02/33, version no.: na, received on 28 March 2013

Informatives

1. This decision has been made in accordance with the requirements of the National Planning Policy Framework. The Local Planning Authority has sought all reasonable measures to resolve issues and found solutions when coming to its decision. For further details please see the Officer's report and the Council's decision by following this link [R.B.W.M. | Planning - Public Access Module](#) and entering the application number, or contact the Council's Customer Service Centre on 01628 683800 and quoting the application number.

Justifications

- 1 The reason planning permission has been granted is that the development complies with the relevant provisions of the development plan. The relevant policies/proposals of the development plan are Local Plan DG1, H10, H11, T5, P4, CA2, N6

This permission does not relieve the applicant from responsibility for obtaining any necessary approval which may be required under building control legislation or Section 32 Berkshire Act 1986 (access for fire appliances). For advice on building control regulations, please contact the Authority's Building Control Service on 01628 796870.

The applicant is advised that all works to which this permission relates must be carried out strictly in accordance with the plans, drawing and other relevant supporting material submitted as part of this application and hereby approved as such and in full compliance with all conditions set out above. The Development Control Group must be immediately advised of any proposed variation from the approved documents and the prior approval of the Council obtained before any such works are carried out on site. Failure to comply with this advice may render the person carrying out and/or authorising the works liable to enforcement proceedings, which may involve alterations and/or

HP/LLZ

demolition of any unauthorised building or structures and may also lead to the possibility of prosecution.

The applicant's attention is also drawn to the requirements of the Party Wall Act 1996, which may affect your submitted proposals. The applicant must notify all affected neighbours if work, which you are intending to carry out, falls within the Act. This may include work on an existing wall shared with another property, building on the boundary or excavating near a neighbouring property. However, the applicant is advised that this is not a matter dealt with by this Authority and it is recommended that you seek suitable professional advice.

Signed Dated: 1st July 2013

Simon Hurrell

Simon Hurrell
Head of Planning & Property Services

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

6 January 2016

Item: 3

Application No.:	15/03438/VAR
Location:	Land To Rear of 250 To 284 Horton Road Datchet Slough
Proposal:	Storage, repair and recycling of pallets (retrospective) as approved under planning permission 12/00830 without complying with condition 2 (storage and repair of pallets) to increase storage height to 4m.
Applicant:	Mr Loveridge
Agent:	Fiona Jones - Cameron Jones Planning
Parish/Ward:	Datchet Parish

If you have a question about this report, please contact: Victoria Goldberg on 01628 683551 or at victoria.goldberg@rbwm.gov.uk

1. SUMMARY

- 1.1 This application proposes a variation of condition two of planning application 12/00830 to allow the height of pallets stored on site to increase from two to four metres. The proposal represents inappropriate development in the Green Belt and the case for Very Special Circumstances does not clearly outweigh the harm to the Green Belt identified.
- 1.2 The development results in a greater impact on openness and will harm the character of the locality by materially intensifying the scale of activity and development on site contrary to adopted Policy GB2.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

1.	The proposal represents inappropriate development in the Green Belt and the Very Special Circumstances detailed do not clearly outweigh the harm to the Green Belt identified.
2	The proposal would have a greater impact on the openness of the Green Belt and would harm the character of the countryside due to a material intensification in the level of activity on site and a material increase in the scale of the development contrary to saved Local Plan Policies GB2 and DG1.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Muir, in light of public and parish council interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is positioned within the Green Belt to the south west of houses on Horton Road (nos. 250-284). It is primarily accessed via Mill Place rather than the access between 254 and 256 Horton Road. The boundary treatment consists of a palisade fence that measures approximately 2.3m in height.
- 3.2 The application refers to the area of gravel hard standing for timber pallet storage approved in planning application 12/00830. The area permitted for storing pallets is detailed in drawing no 1001 of application 12/03056. This area borders the open land known as Datchet Common on its northern and western boundaries.
- 3.3 The site is used for the storage, repair and recycling of pallets and is located within Flood Zone 3.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
12/00380/FULL	Storage, repair and recycling of pallets (retrospective)	Approved 22/06/2012 This application imposed a condition requiring the submission of a plan to detail the area to be used for the storage and repair of pallets. Additionally a condition was imposed restricting the height of pallets to 2m when measured from ground level.
12/03056/CON DIT	Details required by conditions 1 (area for use of repair and storage of pallets, vehicle parking and method statement), 3 (landscaping scheme), 4 (noise assessment) of planning permission 12/00830 Storage, repair and recycling of pallets (retrospective).	Approved 18/12/2012

- 4.1 This application has been submitted to vary the wording of condition 2 imposed on application 12/00830 which currently states the following:

'Pallets shall only be stored and repaired in the area approved under condition 1 and shall only be stored so that they do not exceed a height of 2m when measured from the ground level approved under part (iii) of condition 1'.

The suggested new wording of the condition is detailed below:

'Pallets shall only be stored and repaired in the area approved under condition 1 of permission reference 12/00830 and shall only be stored so that they do not exceed a height of 4m when measured from the ground level approved under part (iii) of condition 1 of permission reference 12/00830'.

As such the application proposes to double the height at which pallets can be stacked and stored on site.

- 4.2 A planning enforcement case is also pending consideration concerning a breach of condition 2 of planning application 12/00830. A breach of condition notice was issued on the 24th July 2015.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Section 9.

Royal Borough Local Plan

- 5.2 The main strategic planning considerations applying to the site and the associated policies are:

	Within settlement area	Green Belt	High risk of flooding
Local Plan	DG1	GB1 & GB2	F1

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Interpretation of Policy F1 – Area Liable to Flood

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Strategic Flood Risk Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Whether the development is appropriate in the Green Belt, and if not whether there are any very special circumstances that clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm caused by the development;
- ii The impact on the openness and countryside character of this part of the Green Belt;
- iii the impact on the flood plain; and
- iv Residential amenity.

Whether the development is appropriate in the Green Belt, and if not whether there are any very special circumstances that clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm caused by the development

6.2 The National Planning Policy Framework (NPPF) details forms of development that are considered appropriate in the Green Belt. The proposal does not fall within any of these categories and such the increased height of the pallets must be considered as inappropriate development. As set out at paragraph 87 of the framework inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy GB1 of the Local Plan similarly sets out appropriate development (none of which apply to the application) and advises that inappropriate development can only be approved if Very Special Circumstances (VSC) exist for doing so.

6.3 Policy GB2 of the Local Plan follows on from GB1 and stipulates that permission will not be granted for development within the Green Belt if it would have a greater impact on the openness of the Green Belt than the existing development, or if it harms the character of the countryside when assessed against six different factors. Factors 2, 3 and 5 are considered relevant to this application namely- harm to the character arising from a material intensification in the level of activity on site, a material increase in the scale of the development and harm to residential amenities in the locality.

- 6.4 The application proposes to double the permitted height of pallets being stacked. As each pallet measures approximately 14.5cm in height this equates to an increase from 14 stacked pallets up to 28. When stacked at a height of 4m the pallets will tower above the palisade fence and the adjacent land uses. Undoubtedly this doubling in height will have a greater impact on openness and will harm the character of the locality by materially intensifying the scale of activity and development on site contrary to adopted Policy GB2.
- 6.5 In terms of justifying the need to vary the condition the applicant stipulates that when the pallets are positioned on the lorry, they are stacked at a height of 3.8m. As such the variation is sought as the yard operator has the difficult and time consuming task of ensuring the pallets are removed from the lorry and stacked at a lower height of 2m. With reference to this point the Health and Safety Executive have produced a guidance note (PM15) on pallet safety that details a general guide for the height of a load to be safely transported. This document advises that the height of the load should not exceed the longest base dimension of the pallet and that shrink or stretch wrapping of the load usually provides greater security, minimising the possibility of movement. As such in light of this guidance pallets stacked at a height of 3.8m on the lorry should be lifted in manageable sections and therefore there is no reason why the height limit imposed on the extant condition should be altered. Additionally there is sufficient floor space in the yard area (600m²) to comply with the current condition.
- 6.6 With reference to very special circumstances the applicant refers to the following.
- The lack of change to the use of the site
 - Improving openness once the trees and other plants have matured
 - No change to the impact of flooding
 - Benefit to the local economy from retained employment and growth of a local business
 - Environmental benefit from the restoration and recycling of pallets
 - The lack of harm outweighs the harm caused by way of inappropriateness.

The above points do not amount to VSC that clearly outweigh the harm to the Green Belt. The applicant has not demonstrated that it is impossible to operate the business by complying with the extant condition and therefore there is no benefit to the local economy or environment arising from the submitted proposal. The Council does not dispute that there is no change in the overall use of the site or the impact of flooding but this does not mean that harm does not arise from the additional height proposed. Furthermore the screening that has been planted fails to screen the pallets at a height of 2m and it would take considerable time for any screening to reach maturity and be effective.

The impact on the openness and countryside character of this part of the Green Belt

- 6.7 The photo on the following page shows the highest stack with a height of 20 pallets and the stacks adjacent to the palisade fence being approximately 16 pallets high. The proposed wording will allow pallets to be stacked 28 pallets high. This will negatively affect the character of the adjacent area that has a prevailing character of low lying land uses.
- 6.8 While it is accepted that the site is located within an area of the Green Belt that has been developed, the scale of development proposed is not comparable with adjacent land uses i.e the undeveloped open common land. Additionally it is considered that by increasing the height of the pallets stacked the site will appear untidier thereby harming the character of the area (especially if the stacks become increasingly unstable the higher they are stacked).



The impact on the flood plain

- 6.9 The proposal does not increase flood risk at the site as it does not worsen the existing condition by impeding the flow of flood water, reducing the capacity of the flood plain or increasing the number of people or properties at risk.

Residential amenity

- 6.10 The increased height of the pallets will be visible from the properties on Mill Place and in particular Mill House which is the closest residential property. However this property is still 40m away from the area in which the pallets are stored. The properties on Horton Road are positioned even further away (approximately 80m) and therefore the impact on these properties would be minimal.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

33 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on the 6th November 2015.

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

	Comment	Where in the report this is considered
1.	Intensification of use within Green Belt	6.4
	Inappropriate development	6.2
	The application was only previously approved by imposing conditions to protect the residential amenities of neighbouring occupiers.	4

	<p>The pallets exceed the height of fencing that helps screen the pallet stacks and landscaping would never screen 4m high stacks.</p> <p>Photos taken historically demonstrate how high and imposing 4m high stacks of pallets can be.</p> <p>The significant harm to openness will not be offset by a minimal increase in and retention of employment growth of a local business.</p>	<p>6.4-6.6</p> <p>The historic photos submitted do not refer to the approved area for pallet storage.</p> <p>6.6</p>
2.	<p>In appeal decision APP/T0355/C/11/ 2150551 relating to a variety of industrial and storage uses on the land immediately adjacent to the application site, the inspector imposed a condition restricting the height of all materials stacked or deposited on the site to 2m.</p> <p>The pallets have a scruffier appearance when stacked higher.</p>	<p>Noted.</p> <p>6.8</p>
3.	<p>Increased height of pallets will result in a fire hazard.</p>	<p>Not a planning consideration.</p>
4.	<p>The area to be used for storage has moved location from the original plan submitted with 12/00830.</p> <p>A larger concrete area has been added</p>	<p>The area permitted for storing pallets is detailed in drawing no 1001 of application 12/03056. The application details the correct area see drawing 1001.</p> <p>The concrete area does not form part of this application and is therefore not considered.</p>
5.	<p>The increase in height increases the risk of pallets toppling.</p>	<p>6.8</p>

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Parish Council	No objection	N/A

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Plan detailing the area used to store pallets as approved in 12/03056.

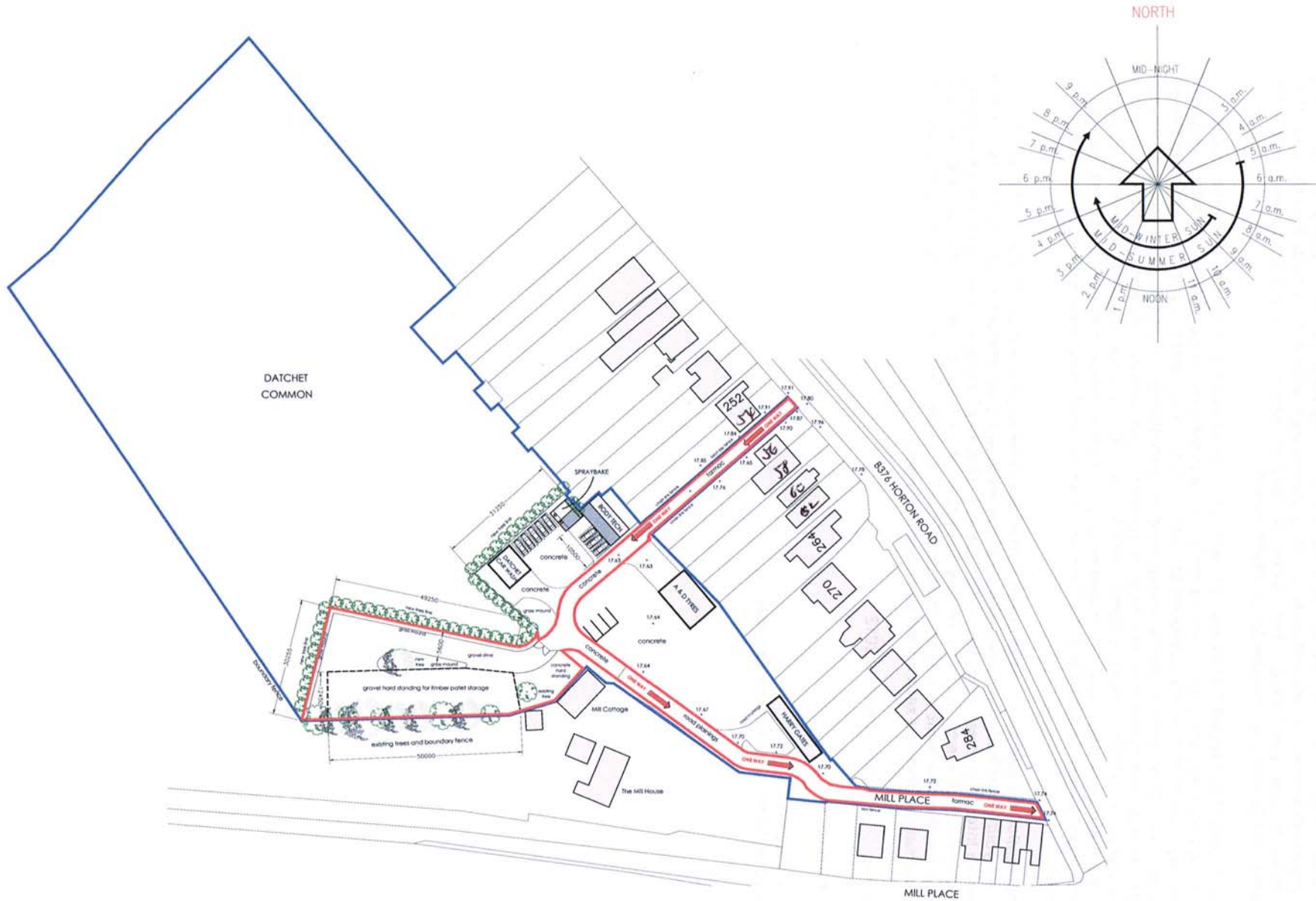
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have not been successfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL

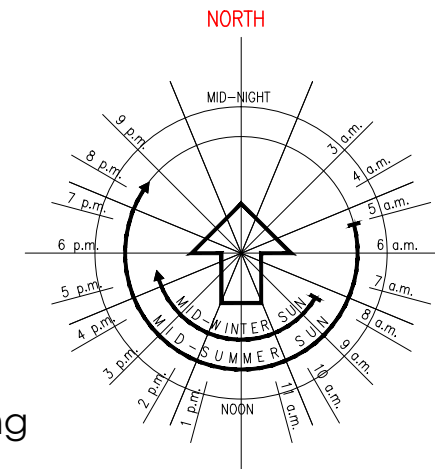
- 1 The proposal represents inappropriate development in the Green Belt and the Very Special Circumstances detailed do not clearly outweigh the harm to the Green Belt identified. The development is therefore contrary to Local Plan Policy GB1 of the adopted Local Plan and Section 9 of the NPPF.
- 2 The proposal would have a greater impact on the openness of the Green Belt and would harm the character of the countryside due to a material intensification in the level of activity on site and a material increase in the scale of the development contrary to saved Local Plan Policies GB2 and DG1.

06

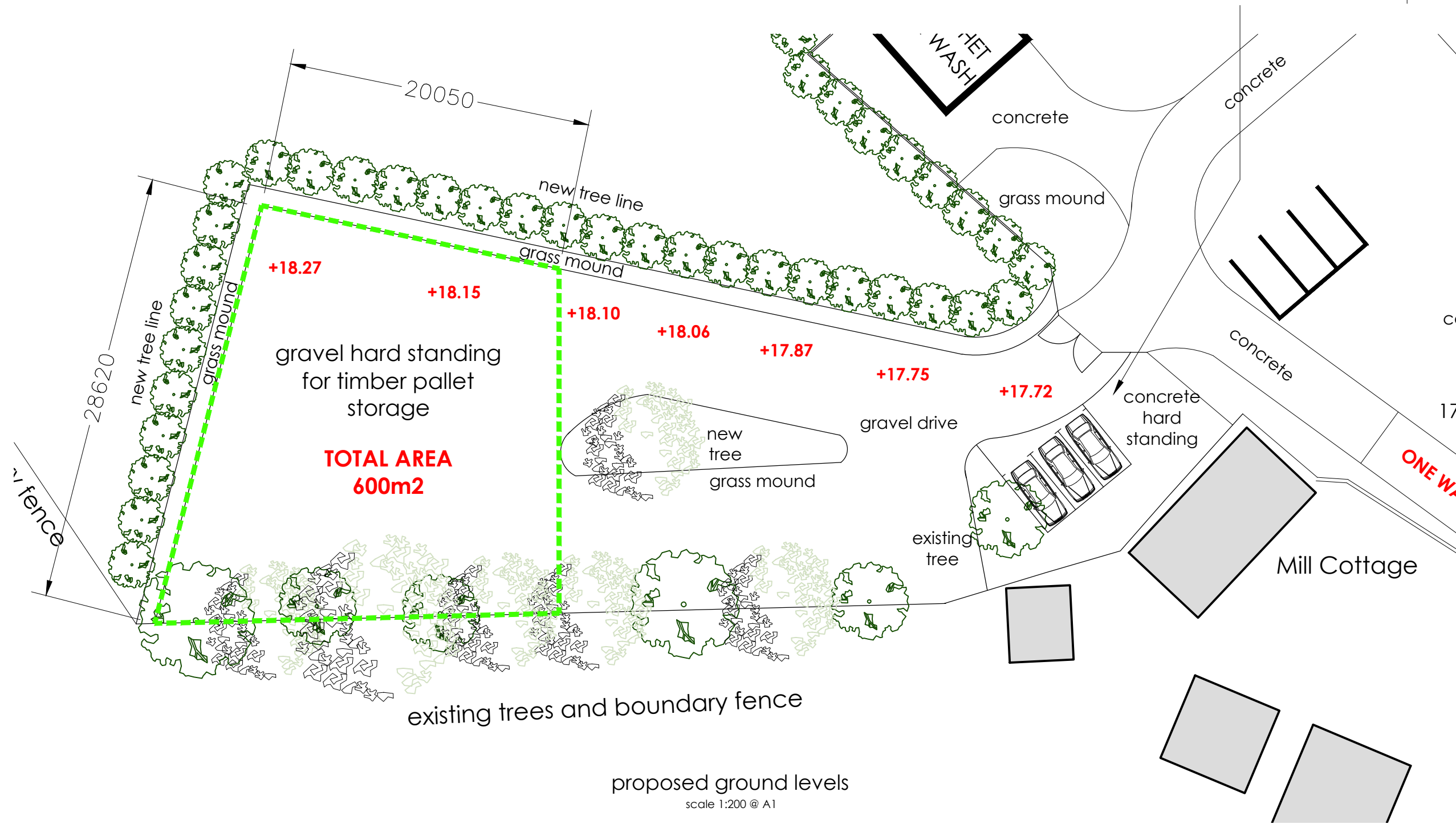


site plan
scale 1:500 @ A1

client	Mr D Loveridge & Mr T Giles 11 Mill Place Datchet Slough Berkshire SL3 9JD		
project	SITE PLAN Land rear of 250 to 284 Horton Road, Datchet, SL3 9HN		
drawing title	PALLET STORAGE storage, repair and recycling (retrospective)		
drawn by	date	checked by	
jch	Sep' 2011	jch	
file no.	drawing no.	revision	
0912	A03-02	0	



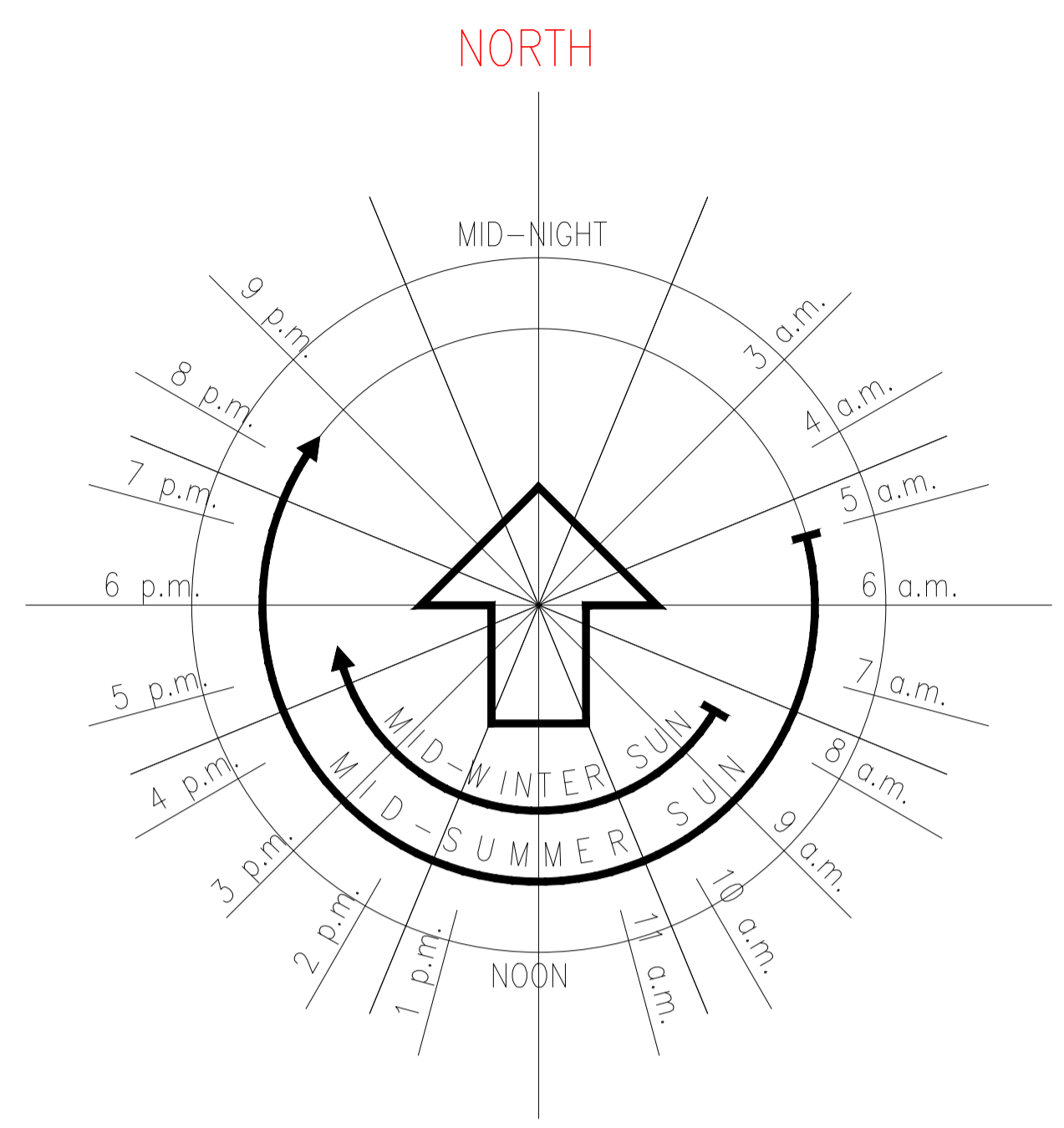
NOTE:
additional car parking



existing trees and boundary fence

proposed ground levels
scale 1:200 @ A1

date	description	dm	chk
client			
Mr D Loveridge & Mr T Giles 11 Mill Place Datchet Slough Berkshire SL3 9JD			
project			
SITE PLAN Land rear of 250 to 284 Horton Road, Datchet, SL3 9HN			
drawing title			
PALLET STORAGE proposed ground levels			
drawn by	date	checked	
jch	Sept 2011	jch	
job no.	drawing no.	revision	
0911	1001	-	



site location plan
scale 1:500 @ A1

92

date	description	am	chk
	client		
	Mr D Loveridge Mill Place Datchet		
	project		
	SITE PLAN Land rear of 250 to 280 Horton Road, Datchet, SL3 9HN		
	drawing title		
	site location plan		
drawn by	date	checked	
jch	Sept 2011	jch	
job no.	drawing no.	revision	
0912	A500	0	

scale
1:500 @ A1

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

6 January 2016

Item: 4

Application No.:	15/03704/FULL
Location:	Castle PC 63 St Leonards Road Windsor SL4 3BX
Proposal:	Installation of front door to double fronted shop
Applicant:	Mr. Thomson - Apollo Home Ent Ltd
Agent:	Mr. J. Andrews - John Andrews Associates
Parish/Ward:	Castle Without Ward

If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk

1. SUMMARY

- 1.1 The application is a resubmission of 15/01728 which was refused due to the impact that the proposal would have on the shopfront, the character and appearance of the building and the character and appearance of the conservation area.
- 1.2 This application is the same as the previously refused application. A design and access statement has now been submitted, however, it is not considered that this provides any information which overcomes the previous reasons for refusal.
- 1.3 The history of the site is a material consideration and should be afforded significant weight. In the absence of any change to planning policy since the previous determination the application is again recommended for refusal.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

- | | |
|----|--|
| 1. | The proposal is considered to clutter and unbalance the shopfront, adversely impacting upon the character and appearance of the building and Conservation Area. The proposal is considered to cause less than substantial harm to the conservation area; however, there are no apparent public benefits which outweigh this harm. As such the proposal is considered contrary to Local Planning Policies SF1, DG1 and CA2 and paragraph 134 of the National Planning Policy Framework. |
|----|--|

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Rankin, due to public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application relates to the ground floor unit within a 4 storey semi detached property. The exterior of the property is a mixture of mock Tudor beaming, brick and render. The front elevation of the shop comprises glazed panelling and white mahogany entrance doors. There is also a black wooden door on the front elevation; providing access to the flats and offices above.
- 3.2 The shop is located within the Inner Windsor Conservation Area and is split between the ground floor of two buildings; 63 and 63a St Leonards Road

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
15/01728/FULL	Installation of front door to double fronted shop.	Refused 20.07.2015

4.1 The application seeks consent to install a single mahogany hardwood door to the front elevation of the existing Castle PC shopfront.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Section 134

Royal Borough Local Plan

5.2 The main strategic planning considerations applying to the site and the associated policies are:

	Within settlement area	Conservation Area	Shopfronts
Local Plan	DG1	CA2	SF1

5.3 Other Strategies or publications relevant to the proposal are:

- Conservation Area appraisal - view at: http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm
- RBWM Shopfronts and Advertisements - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the character and appearance of the conservation area
- ii Impact upon the appearance of the shopfront

Impact on the character and appearance of the conservation area

6.2 The site is within the Inner Windsor Conservation area. S72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 states the duty to pay "special attention... to the desirability of preserving or enhancing the character or appearance" of conservation areas. Policy CA2 of the Local Plan sets out the guidelines on development affecting conservation areas and sets out the requirement to enhance or preserve the character or appearance of the area. The National Planning Policy Framework (NPPF) tasks decision makers with assessing the impact of development on the significance of the heritage asset including the setting of the heritage asset.

6.3 Where the impact is harmful two levels of harm exist, these are 'substantial harm' and 'less than substantial harm' and it is down to the decision taker to assess which category a development would fall within. In this case the proposal would result in less than substantial harm, Paragraph 134 of the NPPF sets out 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 securing its optimum viable use".

6.4 The siting of the proposed door alongside the entrance door to the flats would clutter and congest one side of the double sided shop front, and bring an imbalance to the appearance of the building; impacting adversely upon the Conservation Area. Additionally buildings in this predominantly retail area are characterised by their large glazed window panels at ground floor level; replacing the shop window with a door would not serve to preserve this character. There are no apparent public benefits to the proposal which outweigh the harm caused by this development proposal.

Impact upon the appearance of the shopfront

- 6.5 Policy SF1 identifies that new or altered shopfronts should complement, not dominate, their setting and to this end should respect the scale, proportions, character and appearance of the upper part of the structure and, where relevant, adjoining buildings and shopfronts and the overall street scene. Particular regard will be paid to fascia lines, stall riser heights, frame and glazing bar profiles, materials and colour in considering the acceptability of proposals'.
- 6.6 The replacement of the subdivided glazing panel with a mahogany door would not only relate poorly to the fenestration above, but would result in one side of the shopfront being dominated by openings, as it would be sited alongside a black wooden door which provides access to the flats and offices above 63a St Leonards Road. It is therefore considered that the proposal would be contrary to Local Planning SF1.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

12 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 24/11/2015

No letters were received supporting or objecting to the application.

Other consultees

Comment		Officer Response
Highways	<p>From a highway perspective there will be no objection subject to the inclusion of the following conditions and informatives;</p> <p>Condition: The proposed doors shall open inwards away from the adopted highway.</p> <p>Informatives: 1. The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations. 2. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>	Noted

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Existing and proposed plans

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have not been successfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal is considered to clutter and unbalance the shopfront, adversely impacting upon the character and appearance of the building and Conservation Area. The proposal is considered to cause less than substantial harm to the conservation area; however, there are no apparent public benefits which outweigh this harm. As such the proposal is considered contrary to Local Planning Policies SF1, DG1 and CA2 and paragraph 134 of the National Planning Policy Framework.

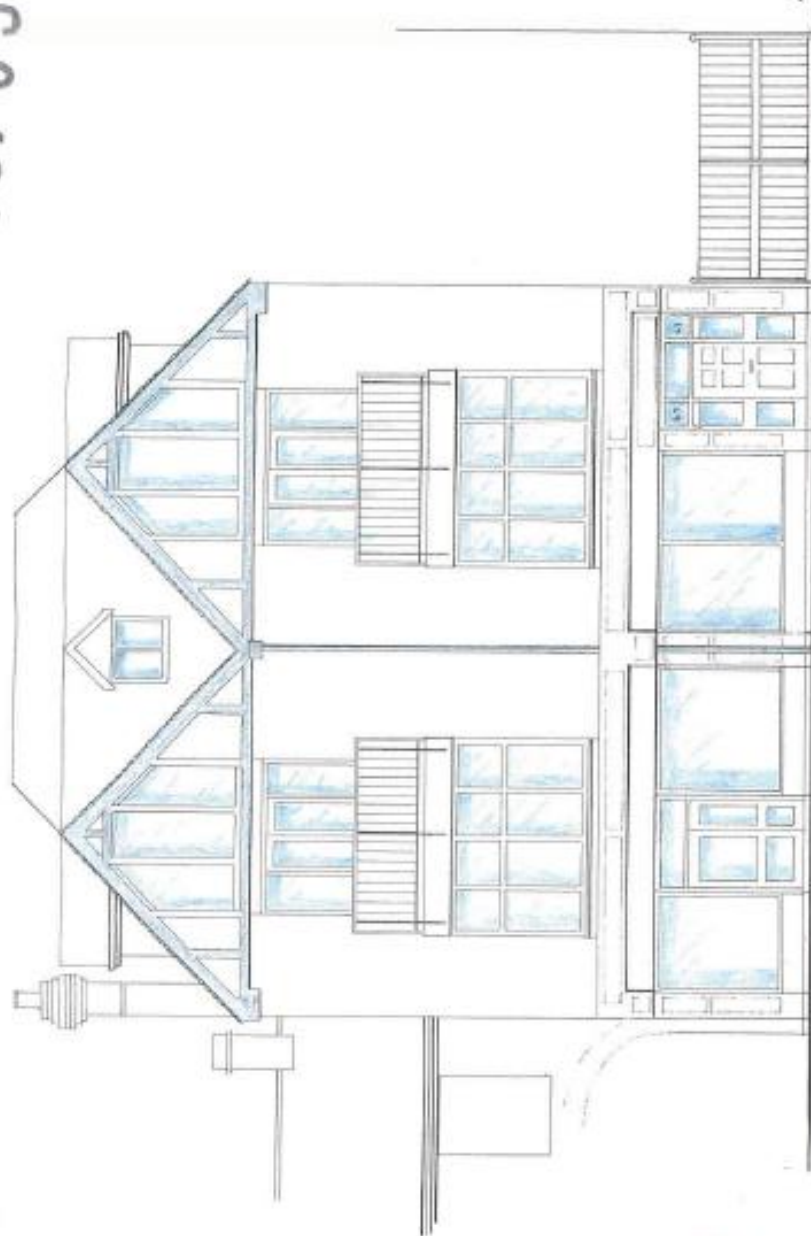
Appendix A – Site location plan

15/03704



Appendix B – Existing and proposed plans

15/0370
15/03704



FRONT ELEVATION - AS EXISTING - SCALE 1:100

DRAWING NO. 15/CPC/JAAU/1

INSTALLATION OF ADDITIONAL DOOR
IN

FRONT ELEVATION OF 63 ST LEONARD'S ROAD
WINDSOR BERKSHIRE SL4 3BX

RECEIVED
- 7 OCT 2015
PLANNING

15/03704



FRONT ELEVATION - AS PROPOSED - SCALE 1:100

DRAWING NO. 15/CPC/JAA/2

INSTALLATION OF ADDITIONAL DOOR
IN

FRONT ELEVATION OF 63 ST LEONARD'S ROAD
WINDSOR BERKSHIRE SL4 3BX

RECEIVED
7 OCT 2015
PLANNING

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

6 January 2016

Item: 5

Application No.:	15/03742/VAR
Location:	Royal Berkshire Fire And Rescue Service Windsor Fire Station St Marks Road Windsor SL4 3BE
Proposal:	Erection of 5 x 4 bedroom town houses, a block of 9 x 2 bedroom apartments with access, parking, landscaping and associated works, following demolition of existing fire station as approved under planning permission 15/01889/FULL without complying with condition 26 (Approved Plans) to substitute approved plan 5236-103C with 5236-103D
Applicant:	The Royal Berks Fire And Rescue Service And Vanderbilt Homes
Agent:	Mr M Carter - Carter Planning Ltd
Parish/Ward:	Castle Without Ward

If you have a question about this report, please contact: Sarah L Smith on 01628 796070 or at sarah.l.smith@rbwm.gov.uk

1. SUMMARY

- 1.1 This application seeks approval to amend planning permission 15/01889 for the redevelopment of the site to provide five town houses fronting St Leonards Road and an apartment building comprising 9 units at the rear of the site.
- 1.2 The change seeks to amend the approved ground floor plan of the five town houses to include basement floor plans. The basements will provide the kitchens, family rooms and courtyards to each of the five town houses. There are no other changes to the scheme, the approved elevations, layout, parking, access and landscaping remain the same as approved under 15/01889. No objections are raised to the loss of the fire station as it has already been re-provided elsewhere in Windsor.
- 1.3 When application 15/01889 was submitted, a basement plan was included in the submission. However this plan was not included in the application file, so was not consulted on or taken into account in the determination of the proposals. The basement plan was not approved under 15/01889 and as such it did not form part of the permission. This application has been submitted to rectify this omission.

It is recommended the Panel authorises the Borough Planning Manager:	
1.	To grant planning permission on the satisfactory completion of Deed of Variation (S106 Agreement) to secure the infrastructure in Section 7 of this report and with the conditions listed in Section 10 of this report.
2.	To refuse planning permission on the satisfactory completion of Deed of Variation to secure the infrastructure Section 7 of this report has not been satisfactorily completed by 10th February 2015 for the reason that the proposed development would not be accompanied by associated infrastructure improvements.

2. REASON FOR PANEL DETERMINATION

- The Borough Planning Manager considers it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises the former Windsor Fire Station. The site is now closed, boarded up and non operational as a fire station. The site is in St Mark's Road and falls outside of, but adjacent to two Conservation Areas, these being the Inner Windsor Conservation Area and Trinity Place Conservation Area.

3.2 St Marks Road is characterised by semi-detached Edwardian / Victorian houses with hipped roofs, these comprise a mix of two storey houses and some with a third floor provided by dormer windows in the roof. Immediately adjacent to the site to the east is a more modern row of terraced houses. To the west of the site is a three storey modern mansard roof apartment building, Lawrence Court. To the south west is Warwick court a three storey apartment building. To the rear of the site is Hawtrey Road. To the north of Hawtrey Road is a relatively new development comprising three and four storey town houses and apartment buildings. To the south of Hawtrey Road are 20 x 2 storey terraced and semi-detached houses dating from around the 1960s.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The application seeks to vary the approved scheme to demolish the existing fire station building and tower and to redevelop the site to provide a row of five terraces houses, with basements, fronting onto St Marks Road, each with off street parking access from St Marks Road. To the rear of the site would be an apartment building comprising nine two bedroom apartments. The parking for this building would be in a courtyard arrangement between the rear of the proposed houses on St Marks Road and the proposed apartment building.

4.2

Ref.	Description	Decision and Date
15/01889	Erection of 5 x 4 bedroom town houses, a block of 9 x 2 bedroom apartments with access, parking, landscaping and associated works, following demolition of existing fire station.	Approved 20.10.15

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Sections 6, 7 and 12.

Royal Borough Local Plan

5.2 The main strategic planning considerations applying to the site and the associated policies are:

	Within settlement area	Conservation Area	Highways /Parking issues
Local Plan	DG1, H10, H11	CA2	T5, P4

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Planning Obligations and Developer Contributions
- Interpretation of Policy R2 to R6 - Public Open Space provision
- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

- Conservation Area appraisal - view at:
http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

6. EXPLANATION OF RECOMMENDATION

6.1 Planning permission has been granted for this development, with the exception of basements for each of the town houses, which this application now seeks permission for. All other issues remain unchanged. For completeness the report of 15/01889 is attached as an appendix to this report.

The key issue for consideration is:

- i the acceptability of the basements.

The acceptability of the basements

6.2 Each basement will allow future residents of the town houses to access their own courtyard space, and will provide a family room and kitchen. There will be no change to the external appearance of the building, including the level that the building would be constructed at, from that approved, as a result of this basement.

6.3 The Local Lead Flood Authority raised no objections to application 15/01889. The scheme as commented on was designed to accommodate the basements, albeit it their inadvertent omission from the application considered by the Local Planning Authority. It is not envisaged that any objections will be raised in this regard, however, this will be addressed in an update report.

6.4 There are no impacts upon trees as a result of this amendment.

6.5 All of the conditions from the original permission are repeated on this application.

Other Material Considerations

6.6 There are no changes to the parking for the flats from the approved scheme. Each 3 bedroom town house benefits from 2 curtilage parking spaces which comply with the current maximum parking standard. The 9 rear parking spaces for the 9 flats meet the current requirements in respect of their size and manoeuvrability. The proposed changes are to the basements of the town houses and have no impact on the amount of car parking required. The Highway Officer has raised no objection to the impact on parking provision.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

7.1 Under permission 15/01889 the following contribution was sought. The applicant has been asked to enter into a Deed of Variation to secure this contribution to this application.

Education	Remodelling of internal space to create new teaching space at Windsor Boys' School. This would be pooled with no more than 4 other projects to fund this work which increases the capacity of this school and is considered to be a CIL compliant project.	£73,718.00
Total		£73,718.00

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

42 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 26th November 2015

The planning officer posted a statutory notice advertising the application at the site on 24th November 2015

1 letter was received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. Please provide details of the number of parking spaces for the flats as this is not on the submitted plans. If the maximum parking has not been provided then I would object as there is a shortage of parking in the area.	6.6

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Officer	The proposal of creating a basement for each property will not require a need for additional parking to be provided, as the maximum level of parking has already been provided. If all of the concerns I raised in my previous set of comments have been achieved, then the Highways Authority offers no objection to the proposal of creating a basement for each property.	6.6
Local Lead Flood Authority.	Any comments will be reported in the update report	N/A

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – approved plans
- Appendix C- Basement plan

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully resolved.

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The development hereby permitted shall be commenced within 3 years of the 20th October 2015.

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

2 No construction shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, CA2, H10, H11

- 3 No construction shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, H10, H11, CA2
- 4 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 5 The Sustainable Design and Construction measures set out in the Design and Access Statement accompanying the application shall be implemented in accordance with the statement prior to the first occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority. The approved measures shall be retained thereafter.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Sustainable Design and Construction SPD.
- 6 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Requirements 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Requirement 4 has been complied with in relation to that contamination.

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

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

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

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other

than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

4. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Requirement 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Requirement 2, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Requirement 3.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

7 No construction shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained thereafter.

Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.

8 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

9 Prior to first occupation of the development, details of a balcony screen for the southern elevation of the roof top terrace and balcony screens for the sides of the balconies serving flats 4 , 7 , 1 and 9 at first and second floor shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these screens shall be erected prior to first occupation and retained in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of 20 Hawtrey Road to accord with core planning principle 4 of the National Planning Policy Framework.

10 Prior to the commencement of any works of demolition or construction a management plan

showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

- 11 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 12 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 13 No part of the development hereby permitted shall be occupied until pedestrian visibility splays of 2.0m by 2.0m have been provided at the junction of the main vehicular access road and each driveway and the adjacent footway. All dimensions are to be measured along the outer edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.
Reason: In the interests of pedestrian and highway safety. Relevant Policies - Local Plan T5
- 14 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
- 15 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development and to protect the character of the area and the amenities of local residents. Relevant Policies - Local Plan T5, DG1.
- 16 Prior to any construction works taking place full details of soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1
- 17 The development shall be carried out in accordance with the details set out in the Design and Access Statement in relation to how the development complies with the Planning for an Ageing Population SPD. The development shall be subsequently retained and maintained in

accordance with the approved details.

Reason: To ensure that the development complies with with the Royal Borough of Windsor & Maidenhead Planning for an Ageing Population Supplementary Planning Document.

- 18 Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority other than those approved under condition 19.
Reason: To ensure the location, form, design and materials are appropriate for the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 19 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 20 Prior to the occupation of the apartment building, a refuse management strategy for the apartments shall be submitted to and approved in writing by the Local Planning Authority. Thereafter refuse management shall be carried out in accordance with the approved details.
Reason: In the interests of highway safety. Local Plan policy T5
- 21 No further window(s) shall be inserted at first floor level or above in any flank elevation without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.
- 22 The first floor window(s) in the flank elevation of of the town houses shall be of a permanently fixed, non-opening design and fitted with obscure glass and the window and shall be permanently retained in that condition thereafter.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 23 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1.
- 24 Prior to the occupation of the houses details of a privacy screen for the eastern elevation, the raised terrace to the rear of the houses shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the privacy screen shall be erected and maintained in accordance with these details.
Reason: In the interests of the amenities of the occupiers of 44 St Marks Road
- 25 No development shall take place until full details of the Drainage System have been submitted to and approved in writing by the Local Planning Authority. These shall include:(i) Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, and drawings as appropriate; and(ii) Results of intrusive ground investigations demonstrating the depth of any seasonally high groundwater table and infiltration rates determined in accordance with the BRE Digest 365;(iii) Full calculations demonstrating that the 1 in 100 year plus climate change design standard can be achieved by the proposed soakaway based on accurate infiltration rates for the site;(iv) Demonstration that the proposed development will not increase the volumes and rates of surface water runoff flowing off the site; and(v) Full details of the maintenance arrangements for the development,

covering every aspect of the proposed drainage system.

Reason: To ensure that an adequate Drainage system is provided. Policy - To comply with the NPPF.

26 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

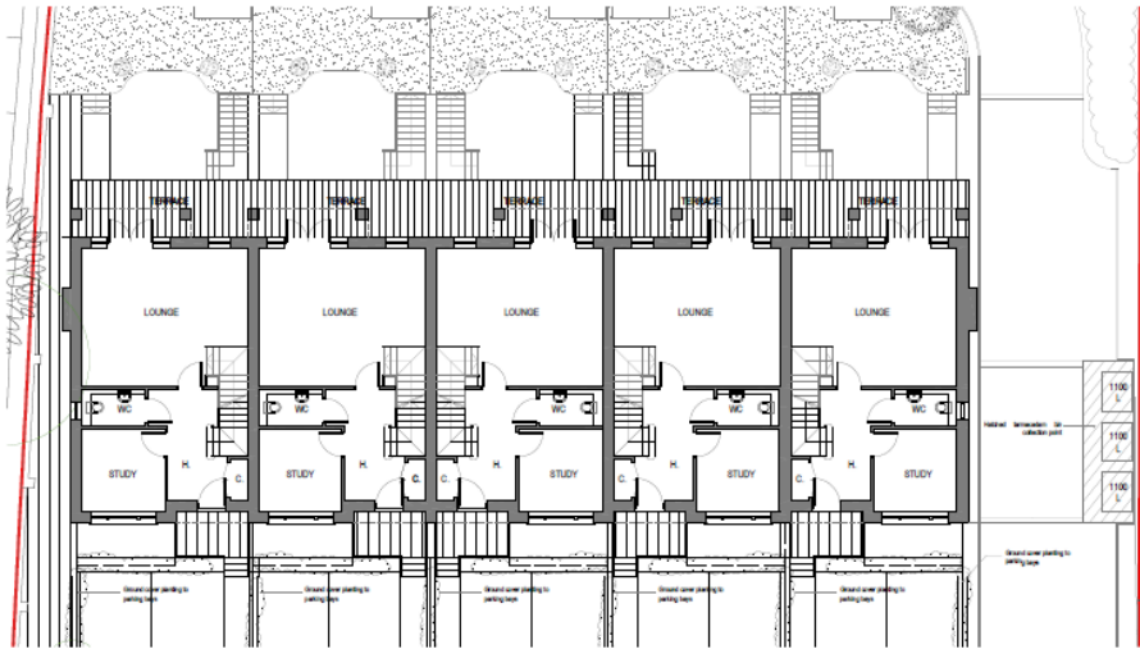


St. Mark's Road - Windsor - Proposed Houses & Apartments
 Site Location Plan - 1:1000@A3 - May '15

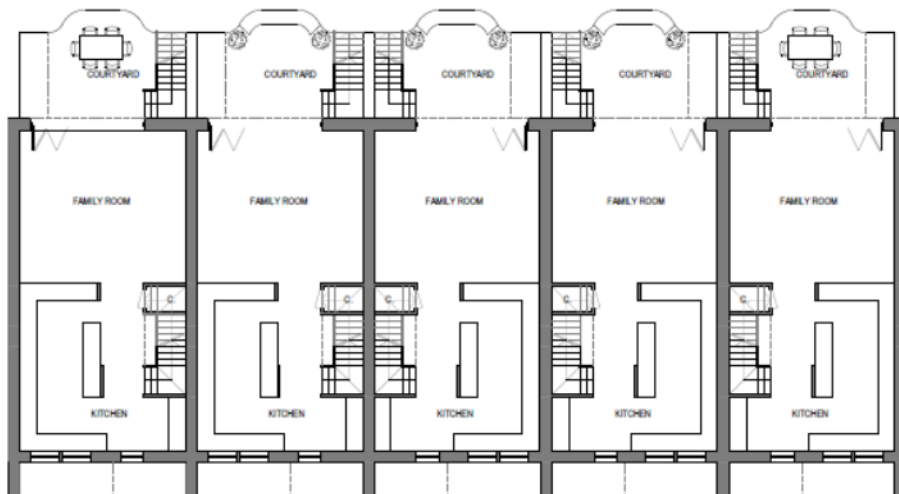
5236-100

EDINGTON SPINK HYNE
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 TEL: 01753 877052
 FAX: 01753 877058
 WWW.EDINGTONSPINKHYNE.CO.UK
 EMAIL: ms@edingspinks.co.uk





Ground Floor Plan



Basement Plan



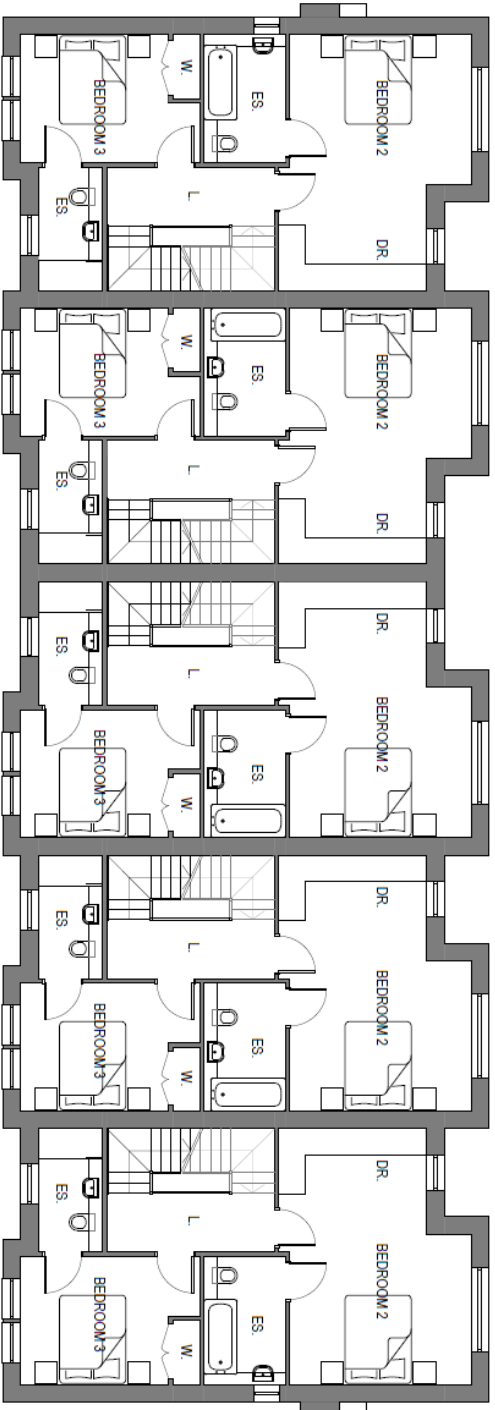
St. Mark's Road - Windsor - Proposed Houses & Apartments

Proposed Basement & Ground Floor Plan - Houses - 1:100@A2 - Sept '15

5236-103 D

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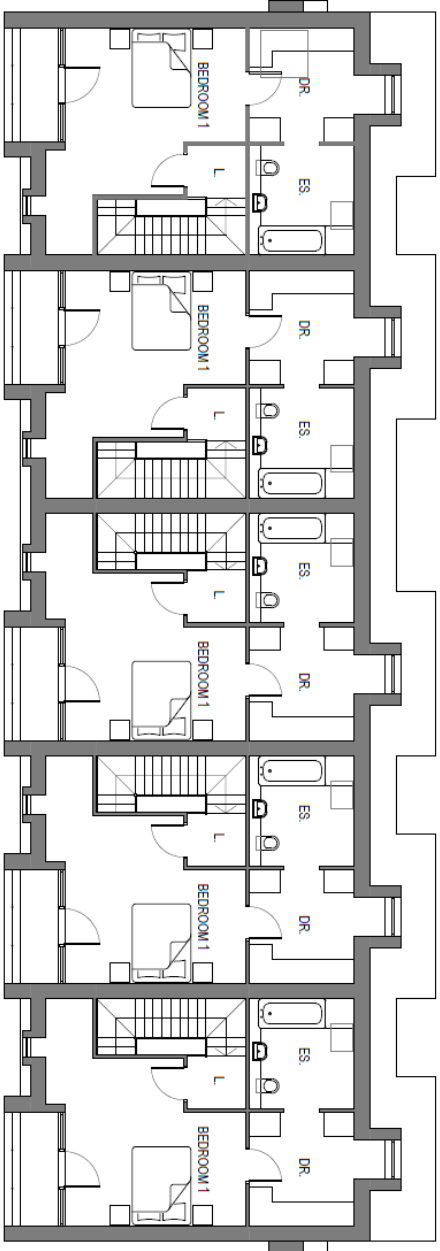
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St. Mark's Road - Windsor - Proposed Housing & Apartments
 Proposed First Floor Plan - Housing - 1:100@A3 - June '15

5236-104A

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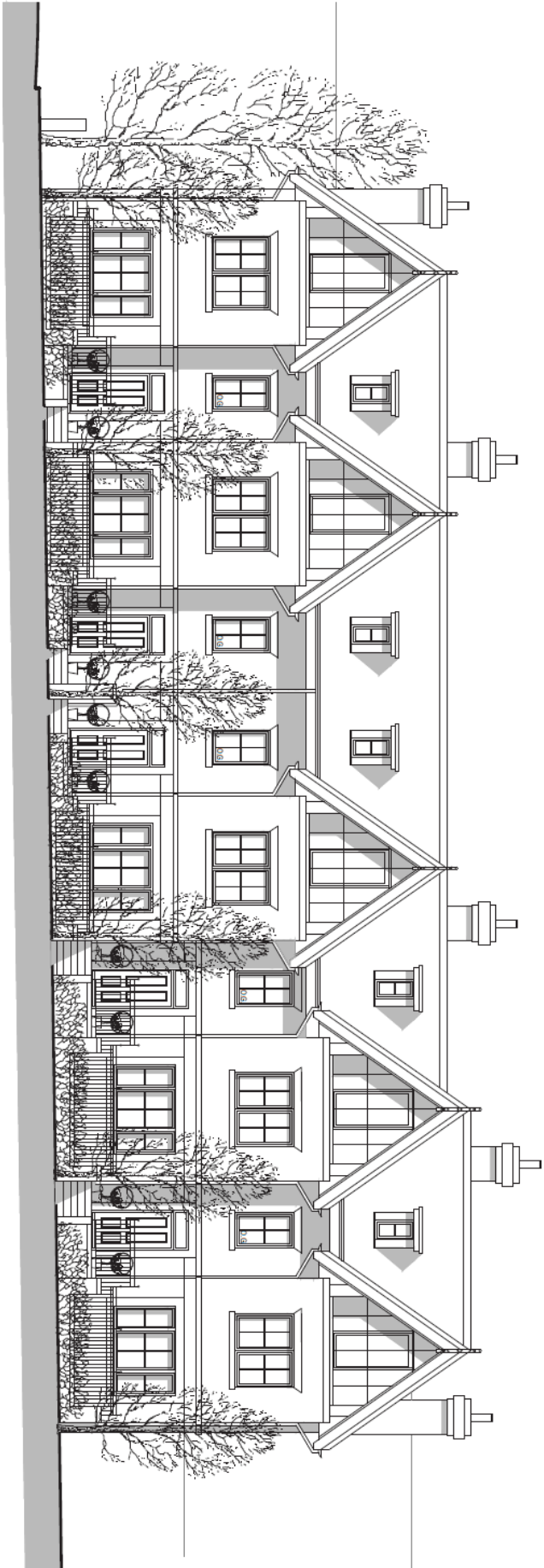
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St. Mark's Road - Windsor - Proposed Housing & Apartments
 Proposed Second Floor Plan - Housing - 1:100@A3 - June '15

5236-105A

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O.G. = Obscured Glass

0m 5 10m SCALE (1:100@A3)

St. Mark's Road - Windsor - Proposed Houses & Apartments
 Proposed Front Elevation - Houses - 1:100@A3 - June '15

5236-107 B

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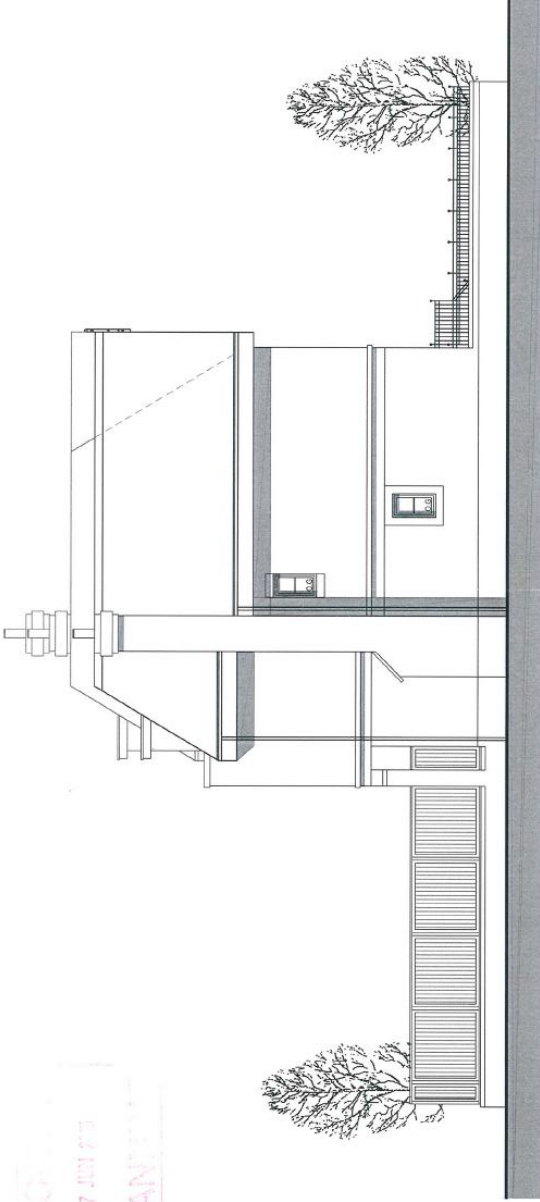
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O.G. = Obscured Glass

St. Mark's Road - Windsor - Proposed Houses & Apartments
Proposed Rear Elevation - Houses - 1:100@A3 - May '15

5236-108A

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HEO
17 JUN '15
PLAN

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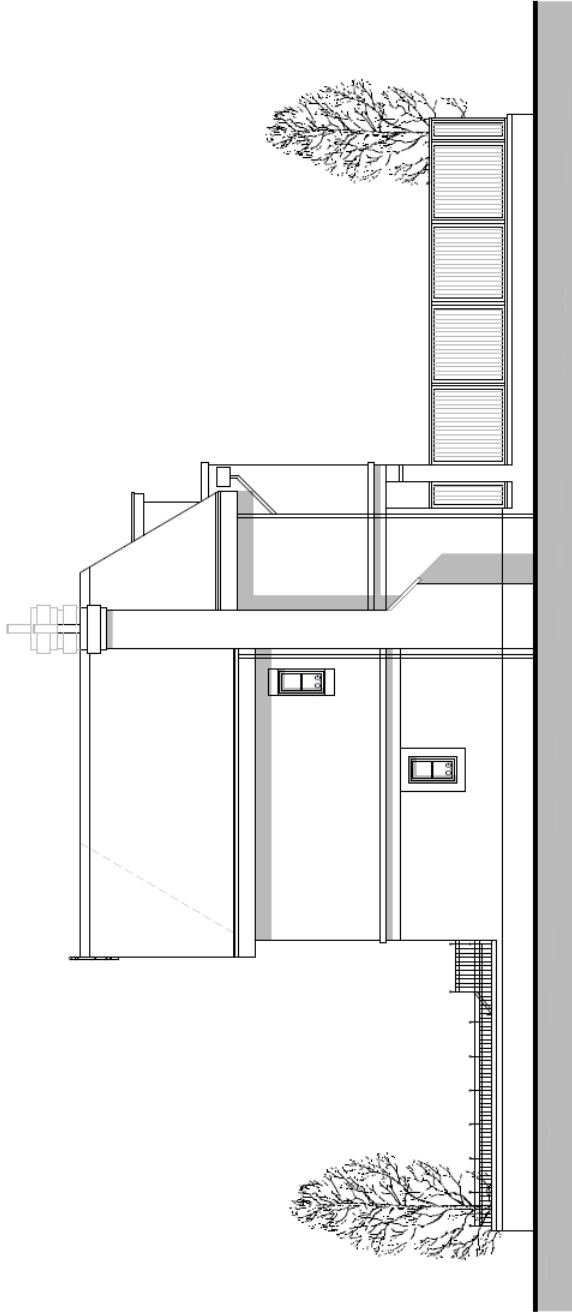
O.G. = Obscured Glass



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St. Mark's Road - Windsor - Proposed Houses & Apartments
Proposed Side Elevation - Houses - 1:100@A3 - June '15

5236-110B



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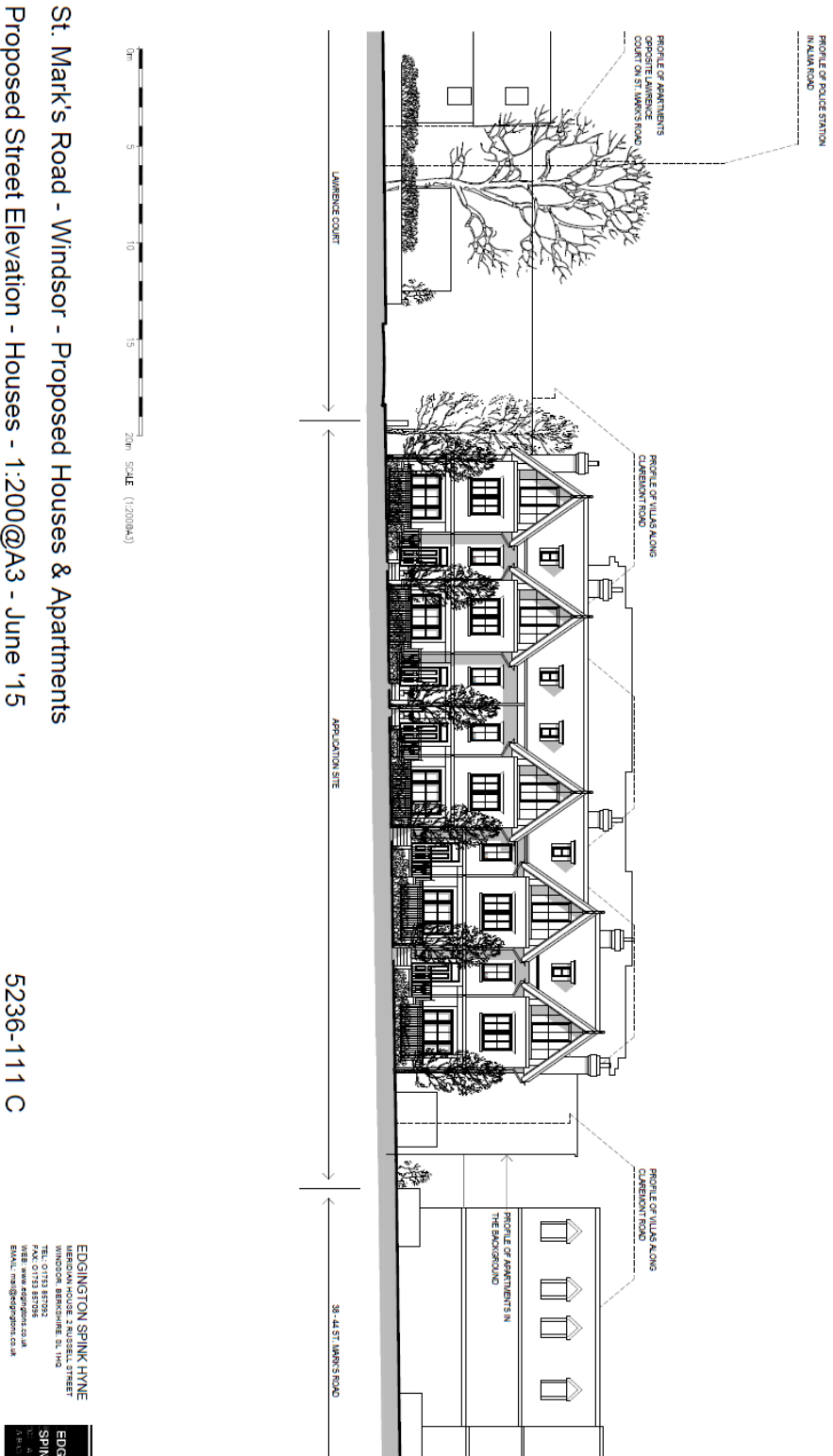
O.G. = Obscured Glass

St. Mark's Road - Windsor - Proposed Houses & Apartments
 Proposed Side Elevation - Houses - 1:100@A3 - June '15

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5236-109A



St. Mark's Road - Windsor - Proposed Houses & Apartments
 Proposed Street Elevation - Houses - 1:200@A3 - June '15

5236-111 C

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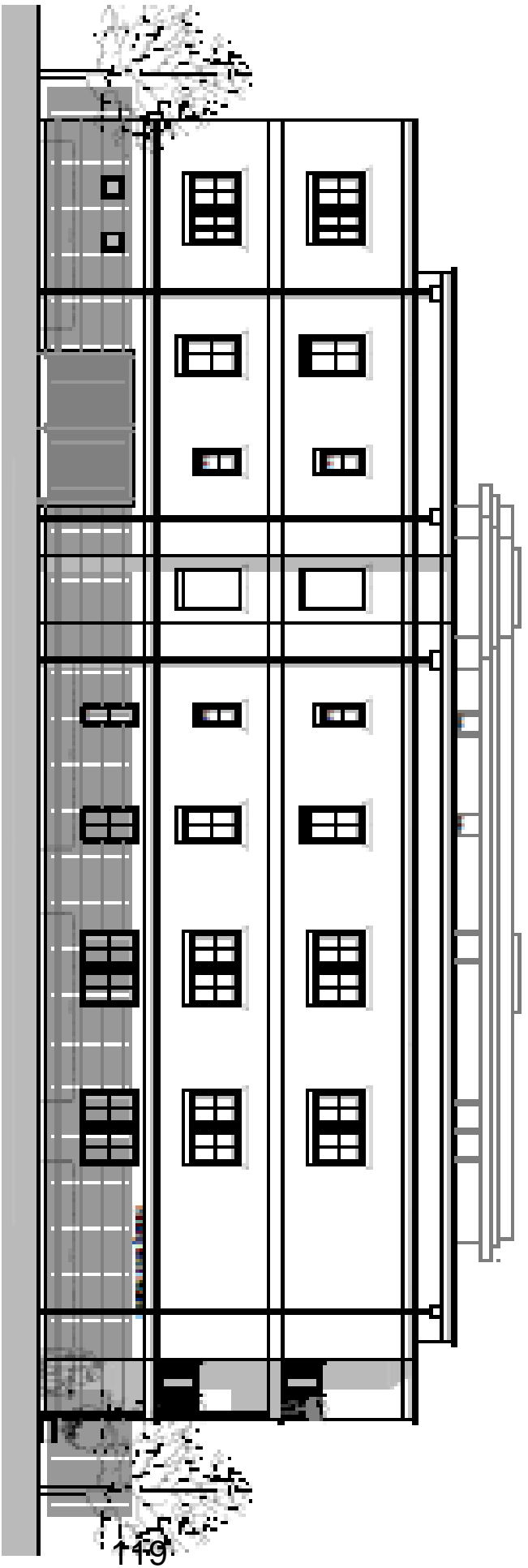
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 Meters
 Scale: 1/8" = 1'-0"

St. Mark's Road - Windsor - Proposed Houses & Apartments
 Proposed Front Elevation - Apartments - 1:100@A.3 - Aug 15

5236-117 H

PROFESSIONAL ENGINEER
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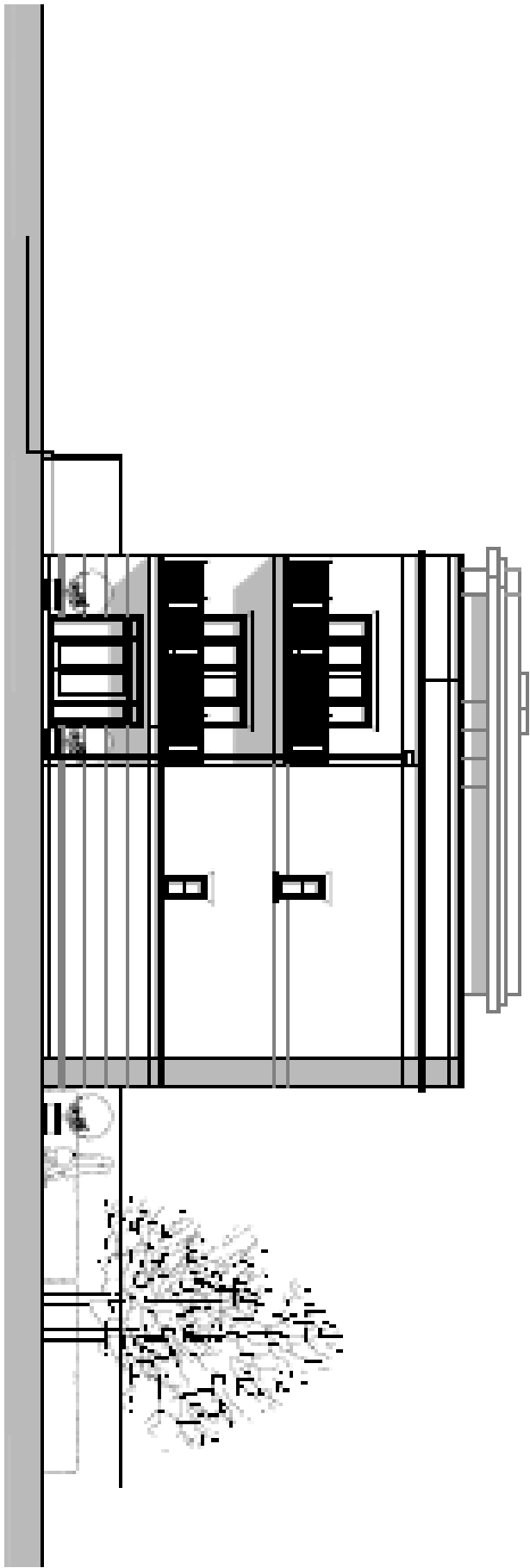
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 1" = 10'-0" (Vertical)

St. Mark's Road - Windsor - Proposed Houses & Apartments
 Proposed Rear Elevation - Apartments - 1:100 @ A3 - Aug '15

5236-118 J

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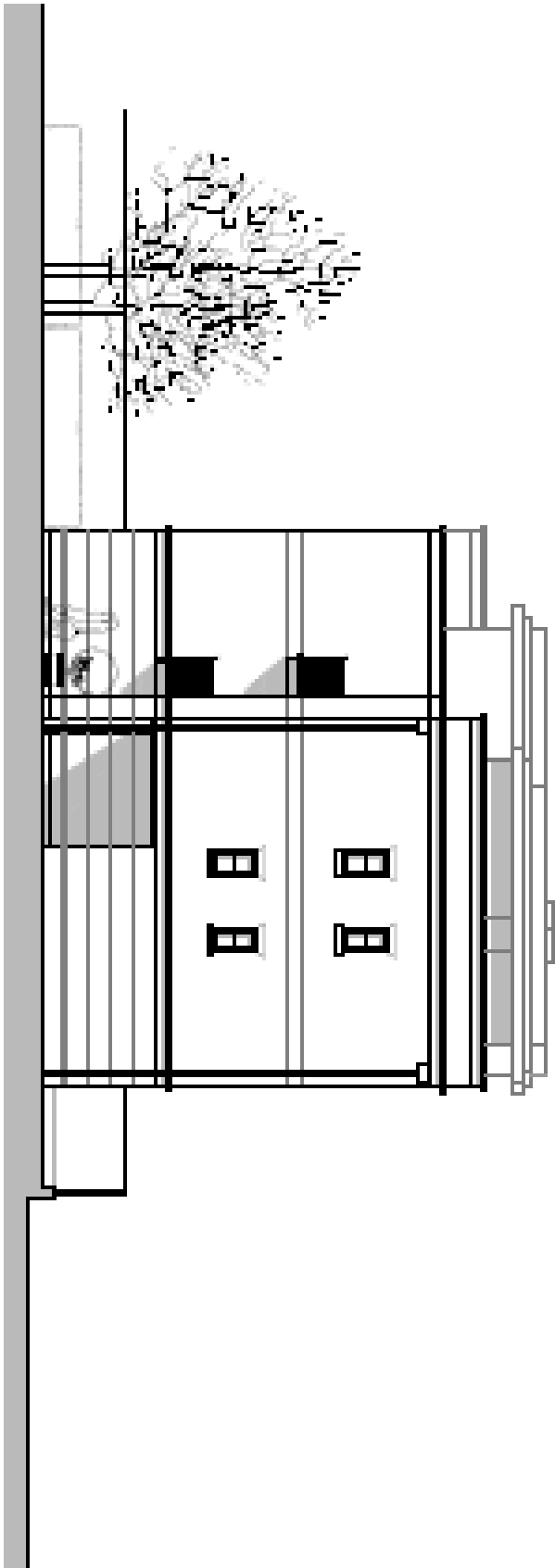
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St. Mark's Road - Windsor - Proposed Houses & Apartments
Proposed Side Elevation - Apartments - 1:100@A3 - Aug '15

5236-119 F

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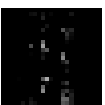




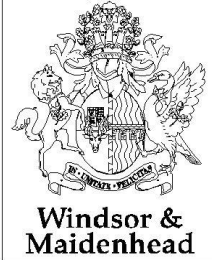
St. Mark's Road - Windsor - Proposed Houses & Apartments
 Proposed Side Elevation - Apartments - 1:100@A3 - Aug '15

5236-120 G

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Appeal Decision Report

27 November 2015 - 18 December 2015

WINDSOR URBAN

Appeal Ref.: 15/00022/REF **Planning Ref.:** 14/01251/FULL **Plns Ref.:** APP/T0355/W/15/3005191

Appellant: Legoland Windsor Park Ltd **c/o Agent:** Mr Trevor Goode Ashurst LLP Broadwalk House 5 Appold Street London EC2A 2HA

Decision Type: Committee **Officer Recommendation:** Application Permitted

Description: Installation of a new attraction including a haunted house building, queue line area, landscaping and alterations to an existing pathway within the resort

Location: **Haunted House Legoland Winkfield Road Windsor**

Appeal Decision: Allowed **Decision Date:** 27 November 2015

Main Issue: In the context of an already busy highway network the Inspector was not persuaded that there would be any harm to the openness of the Green Belt arising from traffic. The proposal would not constitute inappropriate development in the Green Belt. There would be no harm to openness, either from the proposed building itself or from vehicular activity on the highway network. As such, there would be no conflict with Policies GB1, GB2 and GB9 of the LP. There is no compelling evidence to support the Council's view that the development would generate additional traffic. However, having considered the worst case scenario presented by the appellant, in the context of the existing highway situation and in particular the daily and seasonal variations in traffic flows, the proposal would not be materially harmful to the operation of the local highway network. Therefore there would be no conflict with Policy DG1 of the LP. The proposal would not constitute a headline attraction. It would simply add to the critical mass of rides already within the Park. Given that these currently number in the region of 56, the Haunted House would represent a small fraction of the overall offer. There is no compelling evidence to link the appeal proposal with an increase in visits or a corresponding increase in traffic. Any additional traffic generated by the proposal, would be neither significant nor perceptible in the context of daily and seasonable fluctuations in flows. A full award of costs was awarded for the Appellant.

Appeal Ref.: 15/00064/REF **Planning Ref.:** 15/00537/FULL **Plns Ref.:** APP/T0355/W/15/3095212

Appellant: Mr Daniel Coombes - Altiora Investments Ltd **c/o Agent:** Miss Catherine Wilson C S K Architects 93A High Street Eton Windsor SL4 6AF

Decision Type: Committee **Officer Recommendation:** Defer and Delegate

Description: First floor side extension and alteration and raising of the existing roof to provide two additional 2-bedroom flats at 96 Dedworth Road, with additional car parking to be provided on adjacent land to the rear of 91A Dedworth Road

Location: **96 And Land Rear of 91A Dedworth Road Windsor**

Appeal Decision: Allowed **Decision Date:** 9 November 2015

Main Issue: The main issues considered by the Inspector were the effect of the development on the character and appearance of the area and whether satisfactory provision would be made for off-street parking.

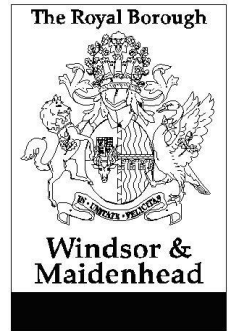
In regard to character and appearance the Inspector considered that the extension would be appropriate in terms of its bulk, scale and overall mass and would be in keeping with its surroundings, and that it would not harm the character and appearance of the area.

In regard to car parking provision, the Council's requirement for a maximum of 2 parking spaces for each of the two new flats, and proposal included parking to the rear of 91a Dedworth Road, approximately 100 metres from the appeal property. The Inspector shared the concerns expressed by Panel Members and local residents, but considered the appeal site to be in an area of "good accessibility" with shops, services and regular bus services all within a short walk of the appeal site he therefore considered that the more appropriate parking standard is 1 space per unit. As this property provides these at the front of the building, he considered that sufficient car parking was therefore already provided, and the parking at the rear of 91A Dedworth Road need not be linked to the application site, as provided for in a section106 planning obligation provided for the appeal.

Planning Appeals Received

27 November 2015 - 18 December 2015

WINDSOR URBAN



The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at www.planningportal.gov.uk/pcs Should you wish to make comments in connection with an appeal, please use the Plns reference number and write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Room 3/23 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or email teame1@pins.gsi.gov.uk

Other appeals: The Planning Inspectorate Room 3/10A Kite Wing Temple Quay House 2 The Square Bristol BS1 6PN or email teamp13@pins.gsi.gov.uk

Parish/Ward:

Appeal Ref.: 15/00091/REF **Planning Ref.:** 15/00905/FULL **Plns Ref.:** APP/T0355/W/15/3135834

Date Received: 27 November 2015

Comments Due: 1 January 2016

Type: Refusal

Appeal Type: Written Representation

Description: Erection of 2 x maisonettes with associated parking and access following the demolition of 4 x existing garages

Location: **Land To The Rear of Maynard Court Clarence Road Windsor**

Appellant: Bowyer And Davies Ltd **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates
Highway House Lower Froyle Hants GU34 4NB

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