

NOTICE  
OF  
MEETING  
  
**BOROUGH WIDE DEVELOPMENT  
MANAGEMENT PANEL**

will meet on

**THURSDAY, 10TH MAY, 2018**

**At 7.00 pm**

in the

**COUNCIL CHAMBER - GUILDHALL, WINDSOR,**

TO: MEMBERS OF THE BOROUGH WIDE DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS DAVID BURBAGE (CHAIRMAN), MALCOLM ALEXANDER (VICE-CHAIRMAN), MAUREEN HUNT, RICHARD KELLAWAY, DEREK WILSON, CHRISTINE BATESON, MALCOLM BEER, PHILLIP BICKNELL, DR LILLY EVANS, DAVID HILTON, COLIN RAYNER, LEO WALTERS, JESSE GREY, MJ SAUNDERS AND GEOFF HILL

SUBSTITUTE MEMBERS

COUNCILLORS GERRY CLARK, EILEEN QUICK, MICHAEL AIREY, JACK RANKIN, MOHAMMED ILYAS, JULIAN SHARPE, JOHN BOWDEN, PAUL LION, JUDITH DIMENT, CLAIRE STRETTON, ASGHAR MAJEED, MARION MILLS, SHAMSUL SHELIM, ADAM SMITH AND JOHN STORY

Karen Shepherd - Democratic Services Manager - Issued: 1 May 2018

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](http://www.rbwm.gov.uk) or contact the Panel Administrator **Wendy Binmore** 01628 796251

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## **AGENDA**

### **PART I**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>PAGE NO</u></b>
1.	<b><u>APOLOGIES</u></b>  To receive any apologies for absence.	
2.	<b><u>DECLARATIONS OF INTEREST</u></b>  To receive any Declarations of Interest	5 - 6
3.	<b><u>MINUTES</u></b>  To confirm the minutes of the previous meeting.	7 - 8
4.	<b><u>PLANNING APPLICATIONS (DECISION)</u></b>  To consider the Head of Planning'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. <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a> or from Democratic Services on 01628 796251 or <a href="mailto:democratic.services@rbwm.gov.uk">democratic.services@rbwm.gov.uk</a>	9 - 78



## **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' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they 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 the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) 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 licence 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.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

### Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

### Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

# Agenda Item 3

## BOROUGH-WIDE DEVELOPMENT MANAGEMENT PANEL

MONDAY, 18 DECEMBER 2017

PRESENT: Councillors David Burbage (Chairman), Malcolm Alexander (Vice-Chairman), Maureen Hunt, Richard Kellaway, Derek Wilson, Christine Bateson, Phillip Bicknell, Dr Lilly Evans, David Hilton, Adam Smith and Leo Walters

Also in attendance: Councillor Gerry Clark and Councillor Hari Sharma

Officers: Victoria Gibson, Jenifer Jackson, Wendy Binmore and Mary Kilner

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Malcolm Beer and Colin Rayner.

### DECLARATIONS OF INTEREST

**Cllr Burbage** – Had previously declared a pecuniary interest in item one when it last came to Panel. The Chairman explained that the pecuniary interest was business related but that no longer existed. Therefore, he had only a personal interest in item one and confirmed he attended Panel with an open mind.

**Cllr Hunt** – confirmed that any personal and prejudicial interest she had declared the previous time item one had come to Panel was no longer there. Cllr Hunt confirmed she attended panel with an open mind.

**Cllr Saunders** – declared a personal interest in item one as he was aware and well acquainted with the Principal at the college but, he attended Panel with an open mind.

### MINUTES OF PREVIOUS MEETING

**RESOLVED UNANIMOUSLY:** That the Part I minutes of the meeting held on 22 August 2017 be approved.

### DETERMINATION OF PLANNING APPLICATION

16/02814\* Berkshire College Agriculture: Development of a care village comprising of a 50 bedroom care home, village care and wellbeing centre, 26 assisted living units, 82 independent living units, landscaping, parking and associated new access drive at Land at BCA and Bordered by Main Buildings to North and Dellars Copse to South Burchetts Green Road, Burchetts Green, Maidenhead – **In the absence of a continued case of VSC due to a material change in circumstances, THE PANEL VOTED to REFUSE planning permission for the following summarised reasons 9the full reasons are identified in Section 5 of the Main Report):**

- 1. Substantial harm to the Green Belt through i) inappropriate development, ii) significant loss of openness by reason of the developments scale and siting, iii) contrary to one of the main purposes of the Green Belt i.e. to protect the countryside from**

encroachment. There are no 'Very Special Circumstances' to outweigh this harm and the harm identified below.

2. Given the developments size and siting and the lack of a secured S106 agreement to secure the delivery of the Conservation Management Plan and investment into securing the heritage asset there would be harm to the setting of the principal house and its landscape setting. This harm is not outweighed by the public benefits.
3. The proposal would result in the loss of a community/sporting facility as it has not been demonstrated that the high ropes course can be replaced or that it is no longer required.

Seven Councillors voted in favour (Cllrs Alexander, Da Costa, L. Evans, Hilton, Smith, Walters and D. Wilson), five Councillors voted against (Cllrs Bateson, Bicknell, Hunt, Kellaway and Saunders), and one Councillor abstained from the vote (Cllr Burbage).

(The Panel was addressed by Annie Keene, Clifford Joseph, Joe Staunton and Parish Councillor Steve Harrington in objection and Douglass Bond, the Agent in support).

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

CHAIRMAN.....

DATE.....



# Agenda Item 4

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD Borough-Wide Panel

10th May 2018

### 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

<b>Item No.</b>	1	<b>Application No.</b>	17/01878/OUT	<b>Recommendation</b>	REF	<b>Page No.</b>	
<b>Location:</b>	Legoland Windsor Resort Winkfield Road Windsor SL4 4AY						
<b>Proposal:</b>	Hybrid planning application seeking permission for the following Full (detailed) projects: Project 1 - the erection of 65 permanent semi-detached lodges (130 units) and 20 'barrels' with associated amenity facilities block to provide visitor accommodation, a central facilities 'hub' building, SUDS ponds, landscaping works (including equipped play areas) and associated infrastructure works ('Phase 1' of the holiday village); Project 2 - Reconfiguration of car parking and internal accesses and associated engineering/infrastructure works; Project 3 - Change of use of existing farm buildings from agricultural/'sui generis' use to Use Class D2, ancillary 'back of house'; accommodation and land for re-use by the theme park and the creation of one new access point from the existing car park and Project 4 - Extension and alterations to 'The Beginning' comprising new admissions building, extension to existing toilet facilities and new entrance portal. Permission for the following Outline projects: Project 5 - Construction of the '2019 attraction' comprising three 'attraction zones' for up to three new rides (one to be an indoor attraction and the other two to be uncovered or covered) with associated queue line areas, landscaping works and associated infrastructure; Project 6 - Construction of a new indoor ride on the 'Haunted House' site with associated queue line area, landscaping works and associated infrastructure; Project 7 - Extension to the existing 'Big Shop' LEGO store in 'The Beginning' area; Project 8 - Erection of up to 300 units of visitor accommodation ('Phases 2 and 3' of the holiday village) with two associated central facilities 'hub' buildings, SUDS ponds, landscaping, infrastructure works and car parking area.						
<b>Applicant:</b>	Legoland Windsor Park Ltd	<b>Member Call-in:</b>		<b>Expiry Date:</b>	26 September 2017		

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# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

## BOROUGH-WIDE DEVELOPMENT MANAGEMENT PANEL

10 May 2018

Item: 1

<b>Application No.:</b>	17/01878/OUT
<b>Location:</b>	Legoland Windsor Resort Winkfield Road Windsor SL4 4AY
<b>Proposal:</b>	Hybrid planning application seeking permission for the following Full (detailed) projects: Project 1 - the erection of 65 permanent semi-detached lodges (130 units) and 20 'barrels' with associated amenity facilities block to provide visitor accommodation, a central facilities 'hub' building, SUDS ponds, landscaping works (including equipped play areas) and associated infrastructure works ('Phase 1' of the holiday village); Project 2 - Reconfiguration of car parking and internal accesses and associated engineering/infrastructure works; Project 3 - Change of use of existing farm buildings from agricultural/'sui generis' use to Use Class D2, ancillary 'back of house' accommodation and land for re-use by the theme park and the creation of one new access point from the existing car park and Project 4 - Extension and alterations to 'The Beginning' comprising new admissions building, extension to existing toilet facilities and new entrance portal. Permission for the following Outline projects: Project 5 - Construction of the '2019 attraction' comprising three 'attraction zones' for up to three new rides (one to be an indoor attraction and the other two to be uncovered or covered) with associated queue line areas, landscaping works and associated infrastructure; Project 6 - Construction of a new indoor ride on the 'Haunted House' site with associated queue line area, landscaping works and associated infrastructure; Project 7 - Extension to the existing 'Big Shop' LEGO store in 'The Beginning' area; Project 8 - Erection of up to 300 units of visitor accommodation ('Phases 2 and 3' of the holiday village) with two associated central facilities 'hub' buildings, SUDS ponds, landscaping, infrastructure works and car parking area.
<b>Applicant:</b>	Legoland Windsor Park Ltd
<b>Agent:</b>	Mrs Rachel Davies
<b>Parish/Ward:</b>	Windsor Unparished/Park Ward

**If you have a question about this report, please contact:** Claire Pugh on 01628 685739 or at [claire.pugh@rbwm.gov.uk](mailto:claire.pugh@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 This is a hybrid planning application covering 8 projects; full planning permission is sought for some projects and outline planning permission (with scale only for consideration) sought for others. The site comprises land within the existing Legoland Resort and land adjacent to the Resort. The application was accompanied by an Environmental Impact Assessment (EIA).
- 1.2 The proposed projects are explained in further detail in this report, but include new attractions within the existing resort, a new pedestrian entrance to the Resort, car park re-configuration, the re-use of buildings and St Leonards Farm for back of house storage for Legoland, and proposed Holiday Villages.
- 1.3 It is not considered that the proposed development would have any significant environmental impacts, subject to appropriate mitigation, and this is set out within the submitted Environmental Statement (ES) and Supplementary Environmental Statement (SES).
- 1.4 The existing Resort and adjacent land are situated within the Green Belt. The projects for new attractions, the new visitor entrance, and extension to buildings within the Resort are considered to constitute appropriate development within the Green Belt. The proposed Holiday Villages, change of use of St Leonards Farm, and car park re-configuration (specifically the change of use of the temporary car park to permanent car parking) are considered to constitute inappropriate development within the Green Belt. Therefore the whole application is to be

regarded as inappropriate development. The National Planning Policy Framework (NPPF) requires that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances. It further explains that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 1.5 It is considered that whilst the proposed development would impact upon traffic, it would not be severe. It is considered that the proposed development would have an adverse impact on veteran trees which are covered by Tree Preservation Orders; the harm to trees arises from the project for car park re-configuration and the Proposed Holiday Villages.
- 1.6 The applicant has put forward a case of Very Special Circumstances (VSC) for all projects. In summary the Very Special Circumstances are:
  - The need for the development
  - The lack of alternative sites to accommodate the development
  - Economic benefits
  - Environmental benefits
  - Social and community benefits
  - Sustainability
  - Measures to overcome traffic harm from the existing resort
- 1.7 Substantial weight has been given to the harm to the Green Belt from the proposed inappropriate development in the Green Belt. Very Special Circumstances are not considered to exist in this case which would outweigh that harm and the identified harm to protected trees is not clearly outweighed by other considerations. The application is therefore recommended for refusal.

<b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):</b>	
<b>1.</b>	<b>The proposal constitutes inappropriate development in the Green Belt. The proposal would have a significant impact on the openness of the Green Belt and would result in significant encroachment into the countryside. There is also harm arising to significant trees. A case of Very Special Circumstances does not exist which would outweigh this harm.</b>
<b>2.</b>	<b>It has not been adequately demonstrated that the quantum of development proposed in Holiday Villages 1, 2 and 3 (outline), and the layout shown in Holiday Village 1 (full) could be achieved without causing harm to significant trees.</b>

## **2. REASON FOR PANEL DETERMINATION**

- The Head of Planning and Leader of the Council consider it appropriate that the Borough-wide Development Management panel determines the application due to its potential to have wider than local impacts to the economy and the environment of the Borough.

## **3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 Legoland is located on the edge of the built-up area of Windsor. To the north-east of Legoland are residential properties in St Leonard's Hill. The site is also designated in the Local Plan as an Area of Special Landscape Importance. To the north-west, west and south of the application site is the Windsor Forest Special Site of Scientific Interest (SSSI) and the Special Area of Conservation (SAC). Part of the southern boundary of the site abuts the boundary with Bracknell Forest Borough Council.
- 3.2 The Windsor Great Park, a Grade 1 Registered Park and Garden, is located approximately 0.5km east of Legoland Windsor.

- 3.3 The main vehicular access to the site is off the existing roundabout junction with the B3022 Winkfield Road. The site is served by public transport, with bus services to and from Windsor, Slough and London. A park and ride facility operates between the Legoland Resort and Windsor Town Centre.
- 3.4 The site also has access to the strategic road network including the M3, M4, M25, M40, A404 (M) and A308 (M).
- 3.5 The application site covers an extensive area, and so for ease of reference, it has been broken down into 3 areas (these areas are shown on the plan in Appendix D), these are:
- *Legoland Resort*
  - *Buildings at St Leonards Farm*
  - *Undeveloped land proposed for Holiday Villages 2 and 3, and proposed overflow parking*

### ***Legoland Resort***

- 3.6 Legoland Windsor Resort occupies a steeply sloping site located approximately two miles to the southwest of Windsor town centre. 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.
- 3.7 Within the inner park there is an extensive range of buildings and structures which accommodate rides, storage facilities, WC facilities, retail outlets, cafes and office space. Within the site is the Legoland Windsor main hotel which has 150 bedrooms and the recently opened hotel extension which has 61 bedrooms.
- 3.8 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.
- 3.9 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 Policy GB9 of the Local Plan. The site is covered with trees and there are three Area Tree Preservation Orders on the site.
- 3.10 A Public Right of Way (Public Bridleway 9 Windsor) runs west and south of the existing Resort.

### **Car parking**

- 3.11 All of the existing permanent car parking areas are situated within this area. There is also temporary car parking, and an area of land that the applicant states is used as overflow car parking in connection with the resort.
- 3.12 The existing car parking arrangement within this area is shown on page 37 of the submitted Transport Statement (Appendix H of the Environmental Statement). Table 3.1 sets out the existing car parking areas and whether they are permanent or temporary within this part of the site.

**Table 3.1**

<b>Car Park</b>	<b>How it is authorised</b>	<b>Approved number of spaces</b>	<b>Number of spaces LLW estimate are used</b>
<b>Permanent</b>			
A	Planning Permission 471935 and reserved matters application 94/01943 REM	In the region of 4000 plus 52 coach park spaces	3,143
B			
C			
D			

Temporary			
E	Planning permission 99/77943/FULL for a temporary period of 20 days of the year	1000	790
F	The use of land is done under the GDPO * see footnote 1*		580

*Footnote 1- Schedule 2, Part 4, Class B of the Town and Country Planning General Permitted Development Order allows for the temporary use of any land*

- 3.13 The existing permanent car parks are covered in hardstanding.
- 3.14 Car park area E (the overflow car park granted planning permission for use by 20 days of the year) is covered with a 'ritter grass-securing honeycomb' system so that grass can still grow through.
- 3.15 The area of land shown as car park F (overflow car parking) is an area of undeveloped land that is grassed. This area of land is located to the west of a permanent car park within the Legoland resort. There is tree covering which is mainly located on the boundaries of this part of the site; the trees on the boundaries include 'A' and 'B' category rated trees. There is a variation in ground levels across this part of the application site. The topographical survey shows a change in levels with a difference up to approximately 3 metres.

#### The Beginning

- 3.16 The site of 'The Beginning' comprises the existing main entrance to the theme park and is the highest point within the existing Legoland Resort. On this part of the site there are toilet facilities, the 'Big Shop', canopy, turnstiles and a ticket sales/collection area. To the west of the turnstiles, 'The Beginning' comprises a hard surfaced 'plaza' area which visitors cross to reach the main entrance.

#### Site of the 2019 Attraction

- 3.17 The site for the '2019 attraction' is located within the central 'core' of the Resort and is within the Major Development Site Boundary (Green Belt). It is currently occupied by areas of themed landscaping, pathways and a food and beverage unit with a hard surfaced external seating area. The site is bound by existing rides and attractions; 'Fire Academy' and 'Balloon School' to the west and 'Driving School' and 'Boating School' to the north. The eastern boundary of the site is formed by an existing pathway and part of the 'Heartlake City Express' railway track. To the south west of the site the 'Hill Train' terminal is located alongside a coffee kiosk.

#### Haunted House Site

- 3.18 This site has planning permission for an indoor 'Haunted House' ride, granted on appeal in 2015. It is located in the northern part of the Resort, within the MDS boundary. The site is located to the south east of 'Driving School' and 'Boating School' and to the south west of 'Atlantis'. Located to the east of the site is the lake and beyond this the Hotel and Hotel extension. To the south of the site is the Brick Brothers souvenir shop and 'Pirates of Skeleton Bay'. The site is, in part, bound by the 'Heartlake City Express' track. The application site is currently a grassed area inside the 'Heartlake City Express' ride track.

### ***Buildings at St Leonards Farm***

- 3.19 St. Leonard's Farm is an existing complex of historic farm buildings and modern barns/outbuildings including a brick built farmhouse of two and a half storeys and a variety of barn structures of varying scale, form and materials.
- 3.20 In most recent planning history records at the site the Local Planning Authority was of the view that St Leonards Farm was a mixed use, comprising a stud farm and agricultural use. The land proposed for holiday villages 2 and 3 and the proposed overflow car park and associated SUDS areas would have been used in connection with St Leonards Farm. In the most recent planning history for St Leonards Farm, the fields proposed for Holiday Villages 2 and 3 were shown to be in the ownership of St Leonards Farm (planning reference 13/01183/FULL).
- 3.21 The historic brick farmhouse and historic brick barn date from at least the early 19th century and are considered to be non-designated heritage assets in accordance with the NPPF and Historic England guidance.
- 3.22 Access to St Leonards Farm is derived from St Leonards Hill which is a private road off the Winkfield Road. St Leonards Hill also serves a large number of residential properties.

### ***Undeveloped land proposed for Holiday Villages 2 and 3, and overflow car parking***

- 3.23 As set out above, these fields would have been used in connection with St Leonards Farm. In 2013 consent was given from the Council's Public Rights of Way team to put in a vehicular crossing over the bridleway from the LLW resort into an adjoining field (from car park E into the car park area G). This planning application sets that this area of land (Car Park G) is used as overflow car parking in association with the Legoland Resort, with the applicant using permitted development rights for the temporary use of land.
- 3.24 This area of land is situated within the Landscape Character Area of Tarbay Farm. The character can be described as land which has some evidence of former parkland (as part of the Windsor Forest parkland) character and is in predominantly agricultural use (pastoral/equestrian). It also sets out that there are generally small to medium sized fields, many hedgerows and trees on the boundaries.
- 3.25 In this part of the application site there are 5 fields. Trees line the boundaries of these fields. A large proportion of these trees on the boundaries are significant veteran oak trees. These trees in this area are covered by Tree Preservation Orders 14 of 2016, TPO 3 of 1963, TPO 3 of 1961 and TPO 7 of 1959.
- 3.26 Immediately adjacent to this part of the application site (to the south, west and north west) is the Windsor Forest and Great Park Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

## **4. RELEVANT PLANNING HISTORY**

### **Legoland Resort**

- 4.1 There is an extensive planning history relating to the existing Legoland Resort Park, but the most relevant planning history is set out in the table below.

Ref.	Description	Decision and Date
99/77943/	Extension of existing car park	Approved on the 14 <sup>th</sup> June 2002, with a condition imposed it is used for 20 days of the

		year.
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
09/02647/	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
10/00106	Proposed paid parking exit system comprising four parking barriers, a ticket kiosk and works to realign/widen and internal road.	Approved 1.3.10
10/01122	Erection of an indoor sealife attraction building, including canopy, terrace and associated landscaping	Approved 8.7.10
10/02813	Extension to the Adventure land toilets and boardwalk	Approved 4.1.11
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 plant/chemical store, lifeguard/first aid kiosk and enlargement of the existing 'Duplo theatre' seating area along with associated landscaping.	Approved 24.9.12
13/00190	Construction of a new traffic games style fairground unit	Approved 11.3.13
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
14/01251	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
15/02004/	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	Permitted on the 15.02.16
16/00851/	Development of a new ride to replace the existing Loki's Labyrinth attraction, including erection of new building, entrance portal, courtyard, temple and associated queue line, infrastructure and landscaping	Approved on the 17 <sup>th</sup> June 2016.
18/00553/	Variation of condition (2) (under Section 73) to substitute the approved plans with the new and amended plans; condition (4) to vary the wording as the hard and soft landscaping plans are now part of the amended plans as per condition(2); removal of condition 3 (Materials) for the installation of a new attraction including a haunted house building, queue line area, landscaping	Pending consideration



	and alterations to an existing pathway within the resort as per planning permission 14/01251/FULL (allowed on appeal).	
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### Relevant planning history for Farm buildings at St Leonards Farm

Ref.	Description	Decision and Date
12/00321/	Replacement enlarged barn (retrospective)	Approved 12 <sup>th</sup> March 2012.
12/02710	Extension to a barn	Approved 14 <sup>th</sup> November 2012
13/01014/	Notification to determine whether prior approval is required for the formation of an agricultural access track	Refused 7 <sup>th</sup> May 2013.
13/01183/	Erection of a barn, including farm office following the demolition of two existing buildings	Withdrawn 4 <sup>th</sup> July 2013.
14/04019/	Notification to determine whether prior approval is required for a livestock agricultural building	Withdrawn on the 16 <sup>th</sup> January 2015

### Undeveloped land proposed for Holiday Villages 2 and 3 and associated car parking

There is no relevant planning history for this part of the site.

## 5. DESCRIPTION OF THE PROPOSAL

- 5.1 This application is a 'hybrid' application which means that it seeks outline planning permission for part and full planning permission for another part of the same application.
- 5.2 There are 8 projects within this hybrid application, which are:

#### Full planning

**Project 1** - the erection of 65 permanent semi-detached lodges (130 units) and 20 'barrels' with associated amenity facilities block to provide visitor accommodation, a central facilities 'hub' building, SUDS ponds, landscaping works (including equipped play areas) and associated infrastructure works ('Phase 1' of the holiday village) (hereinafter referred to as Project 1- Holiday Village 1)

**Project 2** - Reconfiguration of car parking, internal accesses and associated engineering/infrastructure works (hereinafter referred to as project 2- car parking reconfiguration)

**Project 3** - Change of use of existing farm buildings from agricultural/'sui generis' use to Use Class D2, ancillary 'back of house'; accommodation and land for re-use by the theme park and the creation of one new access point from the existing car park (hereinafter referred to as Project 3- St Leonards Farm)

**Project 4** - Extension and alterations to 'The Beginning' comprising new admissions building, extension to existing toilet facilities and new entrance portal. (Hereinafter referred to as Project 4- The beginning)

**Project 5** - Construction of the '2019 attraction' comprising three 'attraction zones' for up to three new rides (one to be an indoor attraction and the other two to be uncovered or covered) with associated queue line areas, landscaping works and associated infrastructure (hereinafter referred to as project 5- 2019 attraction).

**Project 6** - Construction of a new indoor ride on the 'Haunted House' site with associated queue line area, landscaping works and associated infrastructure (hereinafter referred to as project 6- Haunted House site- indoor attraction).

**Project 7** - Extension to the existing 'Big Shop' LEGO store in 'The Beginning' area (hereinafter referred to as project 7 - Extension to shop)

**Project 8** - Erection of up to 300 units of visitor accommodation ('Phases 2 and 3' of the holiday village) with two associated central facilities 'hub' buildings, SUDS ponds, landscaping, infrastructure works and car parking area. (Hereinafter referred to as project 8- Holiday Villages 2 and 3)

A description of each of these projects is set out below. For all Outline projects, only the matter of 'scale' is to be considered. .

### **Full planning permission**

#### **Project 1 – Holiday Village 1**

- 5.3 Phase 1 of the holiday village ('HV1') development comprises a total of "150 keys" of accommodation, including 65 permanent semi-detached lodges (130 units) and 20 'Barrels'. The lodges comprise 10 'premium' units, 115 'standard' units and 5 'standard accessible' units comprising 5,068sqm (GEA) of combined floor space in total (this includes the external terraces which are enclosed as part of the lodge units):
- 5.4 The various accommodation is described below.
- Premium lodges – 68.3sqm (GEA) per unit, 6.6m high above finished floor level (FFL)  
Standard lodges – 36.5sqm (GEA) per unit, 5.54m high above FFL  
Standard accessible lodges – 37.6sqm (GEA) per unit, 5.54m high above FFL  
Each Barrel unit will have a GEA of 13.5sqm and be 2.48m in height; the Barrels will have a total combined floorspace of 270sqm.
- 5.5 The FFL of each lodge is not known. This detail, along with the proposed ground level would need to be secured by planning condition.
- 5.6 The lodges are self-contained and comprise: an external terrace, adult's bedroom, children's bedroom and bathroom.
- 5.7 The barrel units comprise a children's bedroom and adult's bedroom and an external covered seating area. Each barrel is sited on a timber deck which measures 8m x 3.5m. The barrels do not include a bathroom. An amenity block (GEA 171sqm; 5.60m in height) is therefore proposed to be associated with the barrels. The block will contain the bathroom and showering facilities for the barrels.
- 5.8 The barrels are located to the western part of Holiday Village 1 and are situated in close proximity to the proposed amenity block.
- 5.9 Holiday Village 1 would be accessed via a central facilities building (the LEGO Club House) which would be located in the northern part of the Phase 1 site. The Club House building

comprises 1325.6 sqm GEA and would be circa 5.92m in height with a 'feature' entrance with a height of 8m. This building will accommodate the reception, shop, restaurant and entertainment space for HV1.

- 5.10 The buildings would be constructed from wood and stained in muted tones of the LEGO palette.
- 5.11 (Sustainable Drainage) SUDs ponds would be provided in this first phase of the holiday; these would be located in the central part of Holiday Village 1 and in the south west corner.
- 5.12 New paths would be created within the site. A main access path would run through proposed Holiday Village 1, with a series of circular paths provided off this access with the lodges facing these paths. Paths are also shown to cross the Public Right of Way (this would create connections into Holiday Villages 2 and 3). A playground is indicated to the front of the Lego club house.
- 5.13 The initial car parking for HV1 would be accommodated within existing car park C. In the long term, to support the full development of the 450 unit holiday village (HV1, HV2 and HV3) a standalone 450 space car park located in closer proximity to the HV2 and HV3 hub buildings would be provided, with the temporary allocation within car park C returned to general park use.
- 5.14 Indicative landscaping has been provided in the Supplementary ES information. This plan is purely indicative but shows that species such as Scots Pine, Oak and Willow could be planted.
- 5.15 Drawing 1343\_512 Revision A shows the proposed ground level changes (through a number of spot levels) to the site for Holiday Village 1. This plan does not show any significant changes to ground levels, with the largest proposed change to the site levels being up to one metre. More detailed sections for each of the clusters of lodges and barrels would be required to understand the full extent of changes to ground levels, and could be secured by planning condition.

### **Project 2 - Reconfiguration of car parking**

- 5.16 The proposals for the car parks under Project 2 are:
  - ☐ The configuration of spaces in car parks A and B is proposed to change to an echelon arrangement so visitors can drive into spaces easily.
  - ☐ The junction to the north east of the corporate car park is to be amended so visitors do not have to make a decision about which way to go at the top of Badger Hill.
  - ☐ To surface car park E and make it a permanent car park
  - ☐ In car park C a greater proportion would be allocated as disabled spaces.
  - ☐ It is proposed to utilise car park NE as a grassed overflow.
  - ☐ SUDs pond in NW field to deal with surface water drainage from the car parks.

### **Project 3 – St Leonards Farm**

- 5.17 The application seeks planning permission for the change of use of the existing farm buildings at St Leonards Farm to 'back of house' accommodation. Paragraph 5.5 of the Design and Access Statement explains that it is proposed to re-use the existing farm buildings as ancillary to the operation of the theme park for the back of house functions: storage, maintenance areas and workshops. This project would also result in the loss of the residential unit at the Farm, however, this dwelling has been ancillary to the overall mixed use of St Leonards Farm, and so it would not result in the loss of an independent residential unit.
- 5.18 The planning statement at paragraph 13.67 explains that the proposals at 'the Beginning' to extend the Guest Services building will result in the removal of existing storage containers, and so there is a need to compensate for the removal of this storage space. It is explained that Legoland Windsor (LLW) also requires back of house space to ensure ongoing operation of the resort. The application sets out that as the business has grown over 20 years and has taken on more staff it needs more back of house areas for staff facilities including maintenance areas, storage space and workshops. The need is also driven by increasing ride safety requirements in recent years; LLW Windsor needs more workshop space for undertaking maintenance on-site

alongside storage space for spares and equipment to undertake this work regularly across the resort.

- 5.19 Detailed plans for each of the buildings and what they would be used for have not been provided. An illustrative plan to show the buildings on the farm complex that are capable of immediate re-use has been provided. The application sets out that no physical changes would be made to the buildings.
- 5.20 This project proposes the creation of a vehicular access across the existing Public Right of Way that runs between the existing Legoland Resort and St Leonards Farm. The purpose of this road is to allow staff vehicular access to this 'back of house' area.

#### **Project 4 - 'The Beginning'**

- 5.21 The area known as 'The Beginning' is located to the east of the existing permanent car parks in LLW and is the main pedestrian entrance into the LLW resort. Currently in this area are toilets, and a kiosk (for visitor ticket admissions). It is proposed to redevelop this area to provide a more modern visitor entrance to the park.

It is proposed to redevelop this area by:

- Providing a new entrance portal which measures 10.1 metres in height. This new portal is located closer towards the existing car parks than the existing portal.
- A new ticket sales and collection area is proposed as an extension to the existing building to the south of the turnstiles. The extension would have a ground external area of 128 square metres. The extension would have the same height as the existing adjoining building and will have materials to match the existing building. Adjacent to the new tickets and sales collection area, two new queue lines are proposed which would be covered with canopies of just under 5m high.
- An extension to the existing toilet building and 'Funky Fashions Building'. The extension would be the same height as the existing building and finished in materials to match.

#### **Outline planning permission**

- 5.22 In relation to the outline elements of the application only the matter of 'scale' is for consideration. Details of access, appearance, landscaping and layout would be dealt through subsequent reserved matters applications should permission be granted.

#### **Project 5 - '2019 attraction'**

- 5.23 The '2019' attraction comprises 3 attraction zones for up to 3 new rides- one to be an indoor attraction, and the other 2 to be either covered or uncovered, with queue line areas, landscaping works and associated infrastructure.

##### Attraction 1

- 5.24 This would comprise an indoor attraction/ride that will have a maximum built footprint of 1,200 sq metres and a maximum height of 13.2 metres from finished floor level. The finished floor level is set to be slightly lower than ground level.

##### Attraction 2

- 5.25 This would be a 'fairground style' ride with a maximum area of 500 square metres and a maximum height of 6 metres from finished floor level and it may be covered. The finished floor level would be similar to the existing ground level.

##### Attraction 3

- 5.26 This would comprise a 'fairground style' ride that may be covered; it would have a maximum height of 12.5 metres from finished floor level and have an area of 320 square metres. The finished floor level would be similar to existing ground level.
- 5.27 The 2019 attraction would be enclosed with an 8 metre high themed wall to distinguish this part of the resort as a particular theme.

#### **Project 6 -Haunted House site- indoor attraction**

- 5.28 A new indoor ride is proposed on the site where there is currently planning permission for an indoor 'Haunted House' ride. The proposed parameters for the new ride are in accordance with the previous planning permission. The proposed ride will have a maximum height of 13.2 metres above finished floor level, which is similar to existing ground level.
- 5.29 The parameters would allow for a maximum floorspace of 729 square metres and a queue area of 670 square metres.

#### **Project 7 - Extension to shop;**

- 5.30 The 'Big Shop' is located in 'The Beginning' area and it is proposed to extend this building by up to 365 square metres. The extension would be the same height of the existing building.

#### **Project 8 – Holiday Villages 2 and 3**

- 5.31 Drawing 591/35-4 shows the *illustrative layout* for holiday villages 2 and 3 and identifies the parameters of the development as being:
- there would be a total of 300 keys of accommodation
  - the maximum floorspace will not exceed 17,000 square metres
  - maximum height of any building above its finished floor level would be 10 metres.
- 5.32 The application sets out that it is expected that the accommodation will comprise lodges similar to HV1, and it is anticipated the lodges would be of a similar height to that of the lodges in HV1.
- 5.33 This site will eventually accommodate the parking for 450 cars.
- 5.34 Two central hub buildings are proposed to serve holiday villages 2 and 3.

### **6. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

- 6.1 National Planning Policy Framework Sections:

Green Belt – Paragraphs 79, 80, 81, 87, 88, 89, 90

Vitality of town centres- paragraphs 24, 27

Transport- Paragraphs 32, 35, 36

Design- Paragraphs 58, 60, 61, 64, 65

Conserve and Enhance the Natural Environment - paragraph 118, 120, 121, 122, 123, 124, 125

Heritage Assets – 129, 131

- 6.2 The Government is currently consulting on a revised National Planning Policy Framework which is a material planning consideration. As this is currently under consultation it should be given limited weight in the determination of applications.

#### **Royal Borough Adopted Local Plan**

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

Issue	Local Plan Policy
Green Belt	GB1, GB2 (part A), GB8, and GB9
Design	DG1
Tourism	TM7
Public Rights of Way	R14
Transport	T5, T7, T8, P4
Trees and Hedgerows	N6, N7
Biodiversity	N9
Archaeology	ARCH4
Pollution	NAP3, NAP4
Historic Environment	HG1
Wildlife Heritage site	N9

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

**Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Spatial Strategy	SP1
Design	SP2, SP3
Green Belt	SP5
Hierarchy of Centres	TR1, TR2, TR6
Visitor Development	VT1N
Historic Environment	HE1
Trees, Woodlands and Hedgerows	NR2
Nature Conservation	NR3
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4
Contaminated land and Water	EP5
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Rights of Way and Countryside	IF5
Utilities	IF8
Managing Flood Risk and Waterways	NR1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

This document can be found at:

### **Supplementary planning documents**

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

- Landscape Character

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### **Other Local Strategies or Publications**

6.5 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Tourism Action Plan 2017-2020
- ☐ Windsor Visitor Survey 2017
- ☐ Council Plan 2017-2021

## **7. EXPLANATION OF RECOMMENDATION**

7.1 The key issues for consideration are:

- I Green Belt
- II Location of the development (town centre first approach) in relation to the Holiday Villages
- III Provision of Visitor Accommodation
- IV Natural Environment (including 'Sensitive' Areas and Biodiversity)
- V Landscape character and Visual Impact
- VI Design, including designing out crime
- VIII Public Right of Way
- IX Heritage Assets, including Archaeology
- X Trees
- XI Traffic
- XII Air Quality
- XIII Noise
- XIV Water Environment
- XV Contamination
- XVI The case of Very Special Circumstances and the Planning Balance

- 7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 is the legislative basis for the determination of planning applications and requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 7.1.2 In this case, the Development Plan comprises saved policies of The Royal Borough of Windsor and Maidenhead Local Plan (2003). The National Planning Policy Framework (NPPF) published in March 2012 is the Government's latest policy statement in relation to the Country's Planning System.
- 7.1.3 The key issue for consideration is therefore the extent to which the proposed development is consistent with Development Plan Policies, taking into account the submitted parameter plans, technical studies, and the Environmental Statement (ES). It covers the necessary matters including cumulative impacts and it sets out mitigation where appropriate for both the construction and operational (i.e. as built) phases of the development. In addition, consultation responses have been addressed in the ES and there is a non-technical summary. The 2011 EIA Regulations are applicable, because the scoping opinion for this proposal was requested before the 16<sup>th</sup> May 2017 (which is when the 2017 EIA Regulations came into force), and the EIA transitional arrangements allows for this. The ES meets the terms of the EIA Regulations 2011 and provides the data and information required to adequately assess the proposals on the environment.
- 7.1.4 There are a number of projects proposed under one application. Full planning permission is sought for some projects, and Outline Planning Permission, (with only 'scale' for consideration) are sought for some projects.
- 7.1.5 The projects for full planning permission within the application can consider details in full. For the outline projects within the application, the acceptability of the principle of development needs to be considered, however, in terms of detail for consideration it is only 'scale'.
- 7.1.6 The projects within this hybrid application are assessed the under the key planning issues which are listed at section 7.1 of this report.

## **7.2 Issue I- Green Belt**

- 7.2.1 The National Planning Policy Framework (NPPF) details that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; it confirms that the essential characteristics of Green Belts are their openness and their permanence (paragraph 79). At paragraph 80 it identifies five purposes for the Green Belt, the third being 'to assist in safeguarding the countryside from encroachment'.
- 7.2.2 At Paragraph 88, the NPPF stipulates that when considering any planning application, Local Planning Authorities should ensure that **substantial weight** is given to any harm to the Green Belt and that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.2.3 Development within the Green Belt is *prima facie* inappropriate, however, paragraphs 89 and 90 of the NPPF sets out exceptions to inappropriate development in the Green Belt.
- 7.2.4 The Local Plan was adopted well before the publication of the NPPF. The tests set out in Policy GB1 to determine whether a development would be inappropriate are not fully consistent with those in the Framework. This is seen in relation to development involving material changes in the use of land and the erection of certain categories of buildings. Also, Policy GB2 (A) imposes an additional test with a view to safeguarding the openness of the Green Belt. Policies GB1 and GB2 (part A) of the Local Plan are consistent in part with the NPPF, and so are given weight, but not full weight in the determination of this application Policy GB9 of the Local Plan (Major Developed Sites in the Green Belt) is not fully consistent with paragraph 89 of the NPPF, and so is given limited weight in the determination of this application.



- 7.2.5 Policy SP5 of the emerging Borough Local Plan (Development in the Green Belt) is given limited weight in the determination of this application because of the nature and number of unresolved objections to the proposed policy.
- 7.2.6 Paragraph 89 of the NPPF allows as an exception to inappropriate development in the Green Belt the 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.
- 7.2.7 The rides/attractions proposed under this application would be located within the existing developed area of the site. The attractions and rides would not exceed the highest structure/building within the Resort, and in the context of this large developed area of the resort, are considered to comprise partial redevelopment that does not have a greater impact on the openness of the Green Belt than the existing development and so are considered to comprise appropriate development in the Green Belt in accordance with paragraph 89 of the NPPF. It should also be noted that there is an extant planning permission for a development on the Haunted House project site which has similar parameters to the project proposed in this application, and this is a material consideration of significant weight. .
- 7.2.8 The projects at 'The Beginning' are partially within the designated MDS boundary. The proposals that are located outside the MDS boundary, (the new entrance portal and Guest Services extension), are positioned within what is defined as 'previously developed land'.
- 7.2.9 The extensions proposed within the Beginning project would have the same height as the existing buildings and are located on previously developed land. The new ticketing area is situated on previously developed land, and the canopies would be under 5 metres in height which is fairly low compared to other buildings and structures with the resort. The new entrance portal would be 10.1 metres in height, and whilst higher than other structures on this part of the developed site, it is not a solid structure/building. This project is considered to comprise partial redevelopment of previously developed land that does not have greater impact on the openness of the Green Belt than the existing development and so are considered to comprise appropriate development in the Green Belt in accordance with paragraph 89 of the NPPF.
- 7.2.10 The proposed holiday villages, the change of use of St Leonards Farm, and the use of land for car parking (aside from changes to existing permanent car parks) would result in a material change of use in the land. The material change of use in the land is inappropriate development in the Green Belt, as it is not listed as an exception under paragraphs 89 or 90 of the NPPF.
- 7.2.11 The planning statement puts forward that the re-use of the farm buildings at St Leonards Farm is an appropriate form of development within the Green Belt, because it would constitute the re-use of buildings that are of permanent and substantial construction and would not have a greater impact on the openness of the Green Belt. During the course of the application, the applicant submitted an illustrative plan which shows the buildings that are thought to be capable of immediate re-use for these functions by LLW. On this plan it is stated that permission is being sought for the change of use of the entire farm complex and so it should be noted that the complex as a whole would function as a 'back of house' area. In respect of the Green Belt, the reuse of the buildings in the Green Belt (which involve a change of use) would fall under an appropriate form of development in the Green Belt (as per paragraph 89 of the NPPF).
- 7.2.12 However, this project is not solely for the re-use of the buildings; the scheme also involves the creation of a new vehicular access road from the existing Legoland resort into the farm complex, which is currently a separate planning unit. The creation of this new access would create a physical link between the farm and the Legoland Resort. Furthermore, as noted above, the intention appears to be for the whole of the Farm complex to be used in association with Legoland. As a result of this, the farm complex at St Leonards Farm would be absorbed into the planning unit of Legoland and it is considered this would result in a material change of use of the land.

- 7.2.13 The proposed buildings in the Holiday Villages are inappropriate development in the Green Belt because they fall outside the exceptions listed in paragraph 89 of the NPPF.
- 7.2.14 Inappropriate development is by definition harmful to the Green Belt (as set out in paragraph 87 of the NPPF). As the proposed development within this application includes inappropriate development within the Green Belt, the whole proposal is considered to amount to inappropriate development.
- 7.2.15 Consequently the application should not be approved unless very special circumstances exist which outweigh the harm to the Green Belt and any other harm arising from the whole proposal (as per paragraphs 87 and 88 of the NPPF).

### **Impact on the openness of the Green Belt**

- 7.2.16 An essential characteristic of the Green Belt is its openness. The effect of the proposal on openness requires consideration because it is not an explicit part of the assessment as to whether or not the development types are inappropriate.
- 7.2.17 The physical presence of up to 450 holiday units, 3 proposed 'hub' buildings, the creation of SUDS ponds, children's play area and proposed permanent car parking on what is currently grassed land with very limited operational development, would result in a significant visual intrusion into this part of the application site and this would have a significant impact on the openness of the Green Belt.. In addition the proposed use of car park E (currently a temporary car park that has planning permission for use for up to 20 days of the year) as a permanent car park which would be hard surfaced and have the potential for cars to be parked all year round would further add to this significant visual intrusion of the proposed development, and would have a significant impact on the openness of the Green Belt. This conflicts with paragraph 79 of the NPPF which sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.2.18 The land proposed for the Holiday Villages and permanent car park E measures circa 18 hectares. These proposals are therefore considered to result in significant encroachment into the countryside and this conflicts with one of the purposes of the Green Belt, which is to assist in safeguarding the countryside from encroachment.
- 7.2.19 The applicant has made a case that there are Very Special Circumstances to justify why the application should be allowed. The VSC case put forward is considered at the end of the report under the 'Planning Balance' after consideration of all the relevant planning issues, including an assessment of any Green Belt harm and any other harm.

## **7.3 Issue II- Location of the development (town centre first approach) in relation to the proposed Holiday Villages**

- 7.3.1 The proposed holiday villages fall within tourism use which comprises a main town centre use, according to National Planning Policy. It is acknowledged that the holiday villages have buildings which would accommodate restaurant and bar uses, which are leisure uses, however, these facilities are ancillary to the main tourism use of the holiday villages, and would be utilised by visitors to Legoland. Paragraph 24 of the NPPF sets out that Local Planning Authorities (LPAs) 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. It further explains that LPAs 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.
- 7.3.2 The application sets out why a town centre or edge of centre site is not suitable, the reasons being:

- ☐ An off-site location, i.e. within or on the edge of a town centre – if one existed – for creation of a Legoland holiday village is not considered to represent a realistic alternative as the link to the

theme park would be lost. A holiday village located off-site would not be able to create the 'Legoland experience'.

- Given the nature of the holiday accommodation proposed, a holiday village comprising lodges within a woodland setting, a town centre location is highly unlikely to be suitable in terms of a site of the right size or landscape.

7.3.3 The applicant's approach to searching for sites using the town centre first approach is set out at paragraphs 12.49-12.55 of the Planning Statement. The applicant has undertaken the search for sites in Windsor, Ascot, Maidenhead and Slough. They conclude that there are no sequentially preferable sites within these town centres or edge of centre sites.

7.3.4 It is agreed by officers that a town centre location for this quantum and type of development is not available within the town centre locations of Windsor, Ascot, Slough or Maidenhead. The application then looks to edge of centre sites (after finding no town centre sites). In the planning statement, the search for edge of centre sites within 300 metres of the town centre boundary, which is the correct approach in accordance with the guidance set in the National Planning Policy Framework and National Planning Practice Guidance, although the maps showing the areas of search in the Planning Statement show the primary and secondary retail areas for Windsor and Maidenhead (as defined in the Adopted Local Plan Proposals Map), and not the town centre boundaries. Notwithstanding this, officers accept that there are no edge of centre sites that could accommodate this quantum of development.

7.3.5 Even if it was the case that a scheme with fewer buildings could be provided (and would still remain commercially viable), it is not considered that there would be sequentially preferable sites which could accommodate the holiday villages.

#### Impact Assessment in relation to proposed Holiday Villages

7.3.6 An Impact Assessment to demonstrate that the development would not have a significant adverse impact on town centres is required for certain out of centre and edge of centre proposals. The Impact Assessment is required for retail, office and leisure out of centre or edge of centre developments over a certain threshold (with development with a floorspace of 2,500 square metres in accordance with the National Planning Practice Guidance).

7.3.7 In this case, the holiday villages are considered to fall into a tourism use (a main town centre use), but tourism is not a use that would be subject to the town centre impact assessment.

### **7.4 Issue III- Provision of Visitor Accommodation-Relevant to Proposed Holiday Villages**

7.4.1 Adopted Local Plan Policy TM7 is of relevance, and is generally supportive of development which will assist in the diversification of recreational activities at Legoland, provided such activities are compatible with its designation as Green Belt. In this case, the holiday villages are not compatible with the Green Belt designation, as explained in section 7.2 of this report.

7.4.2 Policy VT1 of the emerging Borough Local Plan given significant weight in the determination of this application. The policy is generally supportive of visitor development, but puts the emphasis on major visitor development being located in Maidenhead and Windsor Town Centres, and when such development is located in the Green Belt, that it meets the relevant criteria. This proposed Holiday Villages does not accord with the criteria for being appropriate development in the Green Belt. The proposal does however, provide visitor accommodation. There is a demand for visitor accommodation within the local area and this is discussed at Section 7.16 of this report under the case of Very Special Circumstances.

7.4.3 The application does not therefore fully comply with either policy TM7 or VT1 as it would be inappropriate development within the Green Belt.

### **7.5 Issue IV- Natural Environment**

#### Impact on the adjacent SSSI and SAC

- 7.5.1 The application site is situated adjacent to the Windsor Forest and Great Park SSSI (Nationally important) and SAC (European or International Importance) which are designated to protect biodiversity/habitats.
- 7.5.2 The proposed Holiday Villages, reconfiguration of car parking, and re-use of St Leonards Farm, have the potential to significantly impact on the adjacent SSSI and SAC.
- 7.5.3 Natural England (NE) has advised that without appropriate mitigation, the application would have an adverse effect on the integrity of Windsor Forest and Great Park Special Area of Conservation, and would damage or destroy the interest and features of the Windsor Forest and Great Park Site of Special Scientific Interest. NE advises that in order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:
- ☐ A Construction Environment Management Plan (CEMP) for the development
  - ☐ A planting scheme for the development site, specifically including the buffer zone adjacent the SAC and SSSI.
  - ☐ A lighting strategy
- 7.5.4 Natural England also recommend a condition for detailed management proposals for mature and veteran trees, and hedgerows within the site, but this is to protect ecologically important trees on the site, rather than in the adjacent Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).
- 7.5.5 Due to the proximity of the proposal to the Windsor Forest and Great Park SSSI and SAC care would need to be taken to ensure works do not have an impact on this designated site. This is particularly relevant to the sustainable drainage (SUDS) ponds, a number of which are located close to the SSSI and SAC boundary. A detailed CEMP that clearly sets out how any impact to the SSSI, SAC and the root protection zone of any mature or veteran trees within or adjacent the site would be avoided is considered necessary in order to secure adequate protection on the adjacent SSSI and SAC. A detailed CEMP has not been provided at this stage, however, it is considered that a CEMP could be secured by planning condition.
- 7.5.6 The Supplementary Environmental Statement shows a buffer zone is proposed to be planted around the perimeter of the site (adjacent the SSSI and SAC), however, no details are currently included as to the species mix to be used. Given that the buffer area is adjacent to the designated site, Natural England advises that it is important that the planting is appropriate to avoid any inappropriate species being introduced to the SSSI/SAC, and that the planting mix also has the opportunity to enhance the adjacent SSSI/SAC as this would provide enhanced supporting habitat for invertebrates associated with the mature woodland of the designated site. Subject to a satisfactory Landscape Environment Management Plan (LEMP) being submitted that would detail appropriate species to be planted, it is considered that the adjacent SSSI and SAC would be adequately protected during construction and operational phases. A LEMP could be secured by planning condition.

#### **On site biodiversity**

- 7.5.7 This section is relevant to the entire proposal.

#### **Bats**

- 7.5.8 All bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2010, as amended, the Countryside of Rights and Way Act 2000 and the Wildlife and Countryside Act 1981, as amended. Seven bat species are also considered Species of Principal Importance (SPI's) under Section 41 of the NERC Act 2006.

## **Breeding Birds**

- 7.5.9 When dealing with cases where a European protected species may be affected, a planning authority is a competent authority within the meaning of the Habitats Regulations, and therefore has a statutory duty under regulation to have regard to the requirements of the Habitats Directive in the exercise of its functions.
- 7.5.10 Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended.

## **Reptiles**

- 7.5.11 All native species of reptile are protected from killing and injury under the Wildlife and Countryside Act (1981) as amended. In addition, all common native species of reptile are Species of Principal Importance under Section 41 of the NERC Act 2006 and receive further protection through national planning policy.

## **Priority Habitats**

- 7.5.12 Priority habitats are all habitats listed in Section 41 as being Habitats of Principal Importance for the Conservation of Biodiversity in England as required under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006.

## **Holiday Village 1**

- 7.5.13 There are a number of ecologically valuable habitats within the proposed development site including broadleaved woodland, hedgerows and ponds all of which are priority habitats.
- 7.5.14 The majority of these habitats are to be retained during and following the development and two new ponds are proposed within the site footprint, which would increase the ecological value of these areas. Areas of new planting including tree, shrub, wetland and wildflower planting are to be incorporated into the landscaping and all species should be native and of local provenance.
- 7.5.15 There are a number of proposed paths (projected site wide paths) through the woodland/hedgerow areas to the north west of the proposed development area. These areas are priority habitat and the creation of paths through this area would likely result in the removal of dangerous trees, standing and fallen deadwood and increased recreational pressure that could cause soil compaction around the roots of trees, which would likely have a detrimental effect on the woodland area and species associated with it. Two of the proposed pathways have now been removed from this part of the site; these paths were causing concerns over the impact on ecology and so the removal of these links removes the concern in relation to ecology impacts.
- 7.5.16 A reptile survey was undertaken across Phase 1 of the holiday village and low populations of grass snakes and slow worms were recorded. The majority of the reptile habitat, which is the base of hedgerows and woodland, scrub habitat and the pond, is to be retained following development and new habitat in the form of ponds, native planting and wildlife meadows are to be incorporated into the development design.
- 7.5.17 The severance of woodland and hedgerows for access is not likely to have a major impact on bats as long as the severance is minimal and would be undertaken sensitively. Many of the trees within the woodland and hedgerows have the potential to support roosting bats but it is understood that none of these trees are to be removed to facilitate development.
- 7.5.18 An invertebrate survey was undertaken at the site. The field and waterbodies were found to be of low importance to invertebrates, however, the surrounding hedgerows and woodland were found to be of national importance especially to saproxylic and arboreal canopy invertebrates. A number of recommendations have been provided within the invertebrate report to prevent impacts on invertebrates and their important habitat during development and include re-routing the winding paths through the hedgerows and woodland to the grassland, minimising breaches in

the hedge and avoid breaches that would impact any mature or veteran trees, any oak standing deadwood and its root protection area (RPA) and elms and their RPAs.

- 7.5.19 The woodland, trees, hedgerow and scrub have the potential to support breeding birds and a number of breeding birds were recorded within the site including notable species such as song thrush and dunno. The applicant's ecologist has provided information with regards to sensitive timing of vegetation removal and protective measures with regards to breeding birds, and such measures could be secured by planning condition.
- 7.5.20 Lighting, without appropriate mitigation could have a severe detrimental effect on bat species by disturbing foraging and commuting lines and discouraging bats from roost sites.
- 7.5.21 Details of lighting (following Bat Conservation Guidelines) could be secured by planning condition.

### **Reconfiguration of car parking**

- 7.5.22 The majority of the works with regards to the car parking would be situated on areas of hard standing and bare ground, which has little ecological value. However, the pond within carpark Area E (not currently covered in hardstanding), which is a priority habitat, would be removed to facilitate this development. Priority habitats are protected under the National Planning Policy Framework (NPPF), which states that 'council policies should, promote the preservation, restoration and re-creation of priority habitats'. the council should have regard for conserving this habitat'. Ideally the pond would be retained on site and managed appropriately for wildlife. If this is not possible, the loss of priority or ecologically valuable habitat should be replaced in order to ensure a net gain in biodiversity at the site.
- 7.5.23 The pond would be lost as a result of the changes to car Park E, however, other projects in this hybrid application offer net biodiversity gains through the creation of SUDS ponds and buffer planting. There is a 'wiggly path' proposed through vegetation between car parks B and C, this would need to be removed if planning permission was being granted.
- 7.5.24 The existing vegetation within the Corporate Area, the disabled car park area and car park Area A are to be lost. The ecological features are limited to young trees and low shrubs, and as such offer only limited potential for nesting birds, and no potential for roosting bats.
- 7.5.25 Many of the trees within the woodland and hedgerows have the potential to support roosting bats but it is understood that none of these trees are to be removed to facilitate this development.
- 7.5.26 Lighting, without appropriate mitigation could have a severe detrimental effect on bat species by disturbing foraging and commuting lines and discouraging bats from roost sites.
- 7.5.27 Details of lighting could be provided within a lighting strategy (following Bat Conservation Trust guidelines) and this detail could be secured by planning condition.

### **St Leonards Farm**

- 7.5.29 There would be a small loss in woodland habitat (a priority habitat) to facilitate the access route into the farm area from the Legoland Resort. However, tree and hedgerow planting is proposed along the west and northern boundary of this development which would increase the connectivity of the site to the wider area and compensate for the loss of the breach within the woodland.
- 7.5.30 No trees with bat potential would be removed to facilitate the access road.

### ***Bats***

- 7.5.31 Internal and external inspections of the buildings at St Leonard's Farm were carried out in August 2016. Two buildings were assessed to be of high potential to support roosting bats and therefore further survey was undertaken. The remaining buildings within the farm complex were assessed to have negligible potential to support roosting bats and therefore no further survey was required.

The further survey revealed that bats were roosting within Building 2 (general store). Small numbers of brown long-eared bats and common pipistrelle bats were recorded roosting within the building, which is likely to be a non-maternity, transient roost based on the level of activity observed.

- 7.5.32 There is no intention under this planning application to change the current use of Building 2 (an open barn), which is the only structure at St Leonard's Farm playing host to a bat roost. This building is currently used infrequently for storage of small items.
- 7.5.33 Without any proposal for renovation, additional lighting, or alteration of any physical parameters, European Protected Species licence is not required. However, a LEMP (which could be conditioned) would include a detailed mitigation plan to ensure that procedures are in place to ensure that Building 2 remains a viable bat roosting habitat, and this would include prohibiting use of lighting, ensuring that current access points remain open, and avoiding any actions with any potential to disturb bats.
- 7.5.34 The buildings have the potential to support breeding birds and during the breeding bird survey, swallows and pied wagtail were recorded as possibly breeding within them. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. Given that these buildings are not proposed for demolition (only for re-use), the impact on breeding birds would be acceptable.
- 7.5.35 Lighting, without appropriate mitigation could have a severe detrimental effect on bat species by disturbing foraging and commuting lines and discouraging bats from roost sites
- 7.5.36 Details of lighting could be provided within a lighting strategy (following Bat Conservation Trust guidelines) and this detail could be secured by planning condition.

### **Haunted House**

- 7.5.37 An extended Phase 1 habitat survey and great crested newt survey were undertaken at the area of the Haunted House in 2014. The habitats were found to be of limited ecological value and no great crested newts were found in any of the ponds surveyed. The applicant's ecologist provided recommendations for protection of breeding birds, and amphibians. The survey is now out of date, although following a site visit in 2016, the habitats remained relatively unchanged and heavily managed. Under this application development of Haunted House would not commence until 2021 and therefore an up to date extended Phase 1 habitat survey and great crested newt survey would need to be undertaken prior to the commencement of development. Any further surveys or mitigation strategies required would also be required prior to development commencement. Further surveys could be secured by planning condition.

### **Project 8 - Phases 2 and 3 of the holiday village**

- 7.5.38 There are a number of ecologically valuable habitats within the site, including broadleaved woodland and hedgerows, which are priority habitats.
- 7.5.39 There are a number of proposed paths (projected site wide paths) through the woodland/ hedgerow areas within the proposed development area on the indicative layout. These areas are priority habitat and the creation of paths through this area would likely result in the removal of dangerous trees, standing and fallen deadwood and increased recreational pressure that could cause soil compaction around the roots of trees, which would likely have a detrimental effect on the woodland/ hedgerow areas and species associated with them. However, as this project is made in outline, with 'scale' only for consideration, the layout in this part of the site could be amended at a reserved matters stage to avoid a detrimental impact.
- 7.5.40 The majority of the reptile habitat (which is the base of hedgerows and woodland and the scrub habitat) is to be retained following development and new habitat in the form of ponds, native planting and herbaceous planting is to be incorporated into the development design. A reptile mitigation strategy would be required to be submitted to the local planning authority for approval which would detail how reptiles would be protected during and following development and what

habitats would be provided for this species including scrub and grassland habitats and creation of log piles and hibernacula.

- 7.5.41 The severance of woodland and hedgerows for access is not likely to have a major impact on bats as long as the severance is minimal and would be undertaken sensitively. Many of the trees within the woodland and hedgerows have the potential to support roosting bats but it is understood that none of these trees are to be removed to facilitate development.
- 7.5.42 The woodland, trees, hedgerow and scrub have the potential to support breeding birds and a number of breeding birds were recorded within the site including notable species such as song thrush and dunno. The applicant's ecologist has provided information with regards to sensitive timing of vegetation removal and protective measures with regards to breeding birds.
- 7.5.43 The original appraisal of the site did recommend that a wintering bird survey be conducted. However, in light of the full scope of the works becoming apparent, and the desk study of previous records showing no large aggregations of notable species at or near the site, it was determined that wintering bird surveys be scoped out of the technical work at the site.
- 7.5.44 Lighting, without appropriate mitigation could have a severe detrimental effect on bat species by disturbing foraging and commuting lines and discouraging bats from roost sites.
- 7.5.45 Details of lighting could be provided within a lighting strategy (following Bat Conservation Trust guidelines) and this detail could be secured by planning condition.
- 7.5.46 The impact on ecology arising from the hybrid application are considered to be acceptable, subject to appropriate planning conditions, and a revised layout for Holiday Villages 2 and 3 in a reserved matters application. .

## **7.6 Issue V- Landscape Character and Visual Impact**

- 7.6.1 The site proposed for Holiday Villages 2 and 3 is on land which has the following landscape characteristics:
- ☐ This site is an area of agricultural land to the west of St Leonard's Hill extending from Windsor Forest which has some evidence of former parkland character and is predominantly agricultural use (pastoral/equestrian)
  - ☐ There are generally small to medium size fields, many with hedgerows and trees on the boundaries
  - ☐ There are small blocks and belts of deciduous woodland and mature individual trees within fields
- 7.6.2 The submitted Landscape and Visual Impact Assessment acknowledges that the proposed Holiday Villages locally have a moderately adverse direct effect on LCA:3 Tarbay Farm but it is not significant in the context of the wider landscape character assessment. Open fields with mature oak trees in hedgerows are not rare within the wider landscape character area. The proposed holiday villages are visually contained from the rest of the character area.
- 7.6.3 With regard to Visual Impact, the site for the proposed holiday villages are entirely enclosed by the surrounding woodland and shelter belts and not visible from anywhere other than within the site and the Public Right Of Way (PROW) that runs through the site. It is not considered that the proposals would have a significant adverse impact on views in to the site, even without mitigation.
- 7.6.4 Within the site, unmitigated views for users of the PROW would have a minor adverse impact as for much of the route they would only have glimpses. For views from the wider landscape (Standinghill Woods/ Windsor Forest SSSI and other adjacent woodland/ hedgerows) an unmitigated scheme would have a moderately adverse impact, as it brings some urbanising elements to a dominantly rural location. Mitigation for the wider views would take longer to be effective, but with time, the visual impact of the final development within the wider landscape would be negligible.



- 7.6.5 It is considered that the development (with all projects in the application taken into account) would not have a **significant** environmental impact on landscape character or visual impact. The mitigation proposed is through new landscaping; indicative landscaping has been provided, however, a detailed landscaping scheme (and its retention) would need to be secured by planning condition.

#### Loss of agricultural land

- 7.6.6 The Agricultural Land Classification ('ALC') Survey identifies the land to the west of the existing Resort, which is proposed to be developed as Holiday Village Phases 2 and 3 (HV2 and HV3), as Grade 3 (Good to Moderate) quality land. The ALC Survey does not identify any land which is considered to be Grade 1 (Excellent) or Grade 2 (Very Good) land, and as such there is no objection to the loss of the agricultural land as it is not considered to be the best and most versatile agricultural land.

### **7.7 Issue VI- Design**

#### **Holiday Villages**

- 7.7.1 The lodges and barrels in Holiday Village 1 would be set out in a formal arrangement with the lodges and barrels located closely together. The Design and Access Statement sets out the evolution of the design and how this layout was finalised. It is explained that the design has been informed by the need to avoid impact on trees and hedgerows, the topography of the site, and the applicant's case that number of lodges is needed to make the scheme commercially viable.
- 7.7.2 It is considered that a scheme of fewer units in a less formal layout could have responded to the landscape in a better way. However, from a landscape character perspective the layout is not considered to have a significant adverse environmental impact. The proposed club house, lodges and the barrels have been designed to fit with a brand and have a woodland theme. Whilst the buildings are not considered to be of a high quality design, they are considered to be acceptable within the context of the site.
- 7.7.3 The proposals for Holiday Villages 2 and 3 are made in outline with only 'scale' for consideration, the layout and appearance of the development in holiday villages 2 and 3 cannot be assessed and this would need to be considered at a reserved matters stage. In terms of the indicated scale, the plans shows that the floorspace would not exceed 17,000 square metres and no building would exceed 10 metres in height. The maximum parameters for scale are considered to be acceptable. It is considered that the scale of the development would not have a significant environmental impact on landscape character or visual impact.
- 7.7.4 Section 7.10 of this report identifies likely harm caused to significant trees that would arise from this proposed development. It is not considered that the quantum of development proposed could be achieved without causing harm to significant trees. It should be noted that there are many significant trees (shown to be retained) that would require protection during operation of the development. Details of these measures are not shown, but could include fencing which would impact on the appearance of the scheme.
- 7.7.5 The re-configuration of the permanent car parks is considered be an acceptable design.
- 7.7.6 The proposed hard surfacing of car park E is considered to be acceptable from a design/appearance perspective.
- 7.7.7 The application specifies that the buildings at St Leonards Farm would not be altered. From a design/character point of view the creation of the internal access from the Farm to Legoland would be acceptable.

- 7.7.8 This extension to the existing guest services building within 'The Beginning' to provide an admissions area would be the same height as the existing guest services building and would be in materials to match the existing. The columns would be in Lego colours. This is considered to be of an acceptable scale and appearance. With regard to the extension to the existing toilet block to provide additional toilets, this extension has been designed to match the height of the existing building and would be of a similar appearance; its scale and design is considered to be acceptable.
- 7.7.9 The proposed entrance portal in the 'Beginning' would create a bolder and more defined entrance to the Legoland Resort than the existing entrance. The height at circa 10 metres is considered to be acceptable within this part of the site.
- 7.7.10 The new gates to the existing turnstiles are considered to be of an acceptable height, and would be in colours to match the theming in this part of the site.
- 7.7.11 The proposed queuing area with the canopies over the queue area are considered to be of an acceptable scale and appearance within this part of the site.
- 7.7.12 Within the 2019 attraction, this project is made in outline, with details of scale for consideration only. In terms of scale, the application details the 2019 attraction would have a maximum height of 13.1 metres above finished floor level. The submitted plan shows the finished floor level slightly lower than existing ground levels in this area, and so the scale is considered to be acceptable in this part of the site which is built up and it would sit within the existing developed resort which has tall buildings/structures on land at higher ground levels.
- 7.7.13 The project for the Haunted House site is made in outline, with details of scale for consideration only. With regard to the indoor ride for the 'Haunted House' site. The maximum height for this ride would be 13.2 metres above finished floor level; this is not shown to be significantly above ground level. Given the location of this attraction within the developed part of the site which has tall structures, the scale is considered to be appropriate.
- 7.7.14 The height of the extension to the 'Big Shop' would not exceed the height of the existing 'Big Shop'. The scale of the extension is considered to be acceptable in terms of appearance.

#### Designing out Crime

- 7.7.15 Paragraph 58 of the NPPF explains that planning decisions should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The NPPG also sets out that taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits. Crime includes terrorism, and good counter terrorism protective security is also good crime prevention.
- 7.7.16 The public right of way which runs in between the car parks and the proposed holiday villages will have openings to allow those in the resort to cross into the holiday villages. There is a concern over the risk from those using the public right of way having the potential to go into the holiday villages where a large number of guests would be residing, and the risks of an unauthorised individual entering the holiday villages. It would mean that measures would need to be implemented to ensure the proposal does not allow for unauthorised persons to access the villages from the public right of way. Such measures would need to be designed in connection with Thames Valley Police and could include additional barriers/gates to the openings across the public right of way (PROW). This is not considered to be an ideal design solution, and is not likely to complement the appearance of the development. However, given the location of these areas within the site and their limited public visibility it is not considered to be a reason for refusal.
- 7.7.17 Although boundary treatments have been proposed, additional details to ensure the PROW is not permeable to the general public would need to be provided, and this could be secured by a appropriately worded planning condition.

## **7.8 Issue VII: Development affecting a Public Right of Way**

- 7.8.1 The proposed development would affect the Public Right of Way (Bridleway Number 9) in the following ways:
- ☐ New vehicular crossing into St Leonards Farm from the Legoland Resort would cross a public right of way
  - ☐ Vehicular crossing over the PROW into overflow car park NE (detailed planning)
  - ☐ A vehicular access crossing over the PROW from car park E into proposed HV3
  - ☐ Indicative paths/walkway over the PROW are indicated from HV1
  - ☐ New crossing for a land train over the PROW
- 7.8.2 Policy R14 of the Adopted Local Plan sets out that the Council will safeguard and enhance the public rights of way network and in particular will resist proposals which would prejudice the route or detract from the users' enjoyment. This policy is considered to be broadly consistent with the NPPF, which sets out that Planning policies should protect and enhance public rights of way and access.
- 7.8.3 Policy IF5 of the emerging Borough Local Plan is given significant weight in the determination of this application. The policy sets out that development proposals would be supported provided that they protect and safeguard the existing rights of way network and do not adversely affect the recreational and amenity value of the existing rights of way network. Comments on the application from some objectors raise concerns over the conflict with the vehicular crossing that exists from temporary car park E into the land labelled overflow car park G which is used as an overflow car park. The existing vehicular crossing already impacts on the enjoyment to users of this right of way, however, this impact would be for a limited part of the year.
- 7.8.4 The proposed vehicular crossings would be used in connection with the eventual permanent car parking area for the holiday villages (450 spaces) and the proposed overflow car parking area NE. As such, the vehicular crossings would be more intensively used as a result of this development compared to one access being used on a temporary basis. The applicant would need to install some form of barriers/signs to ensure drivers using these crossings are aware they are crossing a public right of way, so that the disturbance caused to users of the PROW is managed. This is not an ideal solution and the proposed development will undoubtedly result in disturbance to users of the Public Right of Way. However, subject to appropriate controls being put in place to warn drivers of the public right of way, it is considered that this conflict could be managed.
- 7.8.5 The views from the public right of way around Holiday Village 1 would change. This part of the PROW is not screened by vegetation like the rest of the PROW running through the site. Views would change from open grassed areas to a built up area. New landscaping would eventually grow up to screen the views the built form. Although the view from the Public Right of Way at this section would change, it is not considered that it would be of such a long-term significant impact on the users of the Public Right of Way to warrant refusal of the application.
- 7.8.6 In summary the impact on the PROW is considered to be negative and does not weigh in favour of the application, however, measures could be put in place to manage likely conflicts with the drivers and users of the public right of way and long-term landscaping would help to mitigate the impact on views.

## **7.9 Issue IX- Heritage Assets, including Archaeology**

- 7.9.1 The Windsor Great Park, a Grade I Registered Historic Park and Garden (RHPG), is a receptor of high significance and sensitivity; the westernmost boundary of the RHPG is located circa 0.5km to the east of the application site.

- 7.9.2 The fields for the proposed Holiday Villages are mainly defined by broadleaved mature woodland along boundaries with dry ditches and hedgerows. The site is on the opposite (west) side of St Leonards Hill ridgeline from the Windsor Great Park. Given the screening of the site and the relationship with the Historic Park and Garden, it is not considered that the development would substantially affect the significance of these heritage assets.
- 7.9.3 The scheme is considered to accord with paragraph 129 (significance of heritage assets) of the NPPF.
- 7.9.4 The farm complex at St Leonards Farm has a historic brick farmhouse and historic brick farm; both date from the early 19<sup>th</sup> century and are considered to be non-designated heritage assets in accordance with the NPPF and Historic England Guidance. It is not considered that the change of use of the buildings would directly affect the heritage value of the site.

#### Archaeology

- 7.9.5 Paragraph 141 of the NPPF states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.
- 7.9.6 The potential to impact on archaeology is relevant to Projects 1, 2, 3 and 8
- 7.9.7 The outline approach to the strategy to mitigate the impacts of the development on the buried archaeological heritage are summarised in the 'Heritage' section of the Environmental Statement and further explained in PCA heritage's email of 4th September 2017.
- 7.9.8 The proposed strategy would comprise a staged programme of archaeological works to be undertaken prior to construction. This will entail an archaeological watching brief (monitoring) of geotechnical site investigations, or a rapid excavation of archaeological test pits (principally in Areas E (proposed for permanent car parking and F proposed for Holiday Village 1), to determine whether archaeological features and deposits exist/survive within the site. It is set out that if the test-pitting and/or the monitoring of geotechnical works indicate there is merit in doing so, the nature, extent and preservation of archaeological remains would be investigated by means of trial trench evaluation, whose scope would be determined in consultation with Berkshire Archaeology.
- 7.9.9 In the event that significant archaeological remains are proven to exist within the site, the measures to mitigate the effect of development can involve mitigation by design, in which disturbance to archaeological remains is avoided by design and construction management. Where preservation by design cannot be executed, the mitigation may take form of a targeted watching brief (monitoring) of the construction groundworks or systematic pre-construction excavation and recording of archaeological remains, in areas determined in consultation with Berkshire Archaeology, so that a record survives in archive form.
- 7.9.10 This approach set out is considered to be proportionate to the significance to the potential archaeology. Berkshire Archaeology, the Council's adviser, has recommended a planning condition to secure appropriate details.

#### **7.10 Issue X- Trees**

- 7.10.1 Following much discussion, including meetings out on site, the Council's Tree Officer remains of the professional opinion that the rating that has been given to a number of trees on site within the applicant's tree survey is incorrect, and would categorise a number (approximately 31 additional Veteran trees compared to the survey) of them as Veteran trees. This is of relevance, because Veteran trees have additional levels of protection compared to other trees. Paragraph 118 of the NPPF sets out that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. Veteran trees are also afforded protection through Policy NR2 of the emerging Borough Local Plan which is afforded significant weight in the determination of this application.

- 7.10.2 There are a number of veteran trees on the site (and adjacent to it), but not all have been given an 'A' category rating, although it is considered that they are deserving of it. In the publication 'Ancient and other veteran trees: further guidance on management', a definition of a veteran tree is given on page 6 paragraph 1.2.3: this term describes a tree that has survived various rigours of life and thereby should show signs of ancientness, irrespective of its age. In order to qualify as a veteran, the tree should show crown retrenchment and signs of decay in the trunk, branches or roots, such as exposed dead wood or fungal fruit bodies. A sign of crown retrenchment would be having significant amounts of dead branches in the crown. The NPPF says that 'aged and veteran' trees should be protected from development. It does not define a girth size for veterans.
- 7.10.3 In terms of stem diameter size, nearly, if not all of the trees considered by the Council's tree officer are lapsed pollards, so their stem diameter growth is likely to be less when compared to a maiden tree. Therefore, had they not been pollarded their stem diameters are likely to have been greater for their age. This should be taken into account when looking at any diameter thresholds for veteran trees.
- 7.10.4 The BS cascade chart for tree quality assessment states that trees of high quality ie. 'A' rated are *'trees, groups or woodland of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture); trees, groups or woodland of particular visual importance as arboricultural and/or landscape features; trees that are particularly good examples of their species, especially if rare or unusual or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and /or principal trees within an avenue).'* The lines of trees marking the field boundaries could all be classified as 'A' category if assessed as groups.
- 7.10.5 The Arboricultural Advisory and Information Service (AAIS) publication 'The Ultimate Size and Spread of Trees Commonly Grown in Towns' list Oak as having a normal ultimate height of 22m in an urban situation. This measurement is less than what is likely to be achieved in a rural area, where growing conditions are considered to be better. The tallest known Oak mentioned in the publication was 42m. However, it would be sensible to take the 22m as the lower of the likely values. Therefore should a tree fail, it would not be anticipated that it would cause harm or damage if the exclusion zone was at 22m + 2m from the stem of the trees or midpoint of the hedge-line.

#### Holiday Village 1

- 7.10.6 Many trees along the woodland edge of the Special Area of Conservation (SAC) and those growing along the historic field boundaries are considered by officers to be Veteran trees. These may be important ecologically, but a safety issue would arise if new targets were introduced close to the trees, such as introducing access for members of the public. This in turn would result in pressure to carry out detrimental pruning or even tree removal. An exclusion zone, so that any tree which fails will not impact on a visitor area, would be needed to ensure the trees and historic hedge-lines (susceptible to trampling pressure) are not compromised now or in the future for the life of the development.
- 7.10.7 Currently a number of lodges and associated amenity space are proposed to be sited within this buffer zone (22+2m) which is considered to be unacceptable and fails to comply with Policy NR2 of the BLP.

#### Car park reconfiguration

- 7.10.8 The British Standard BS 5837:2012 (Trees in relation to demolition and construction) explains that it is recommended that no construction, including the installation of new hard surfacing, occurs within the Root Protection Area of a Veteran tree.

- 7.10.9 The proposed access road to be created over the existing public right of way would come within the Root Protection Area of a veteran Oak, tree no. 180, contrary to the advice in the British Standard. Although the applicant's arboriculturist considers that a technical solution for the road within the RPA can be achieved to avoid harm, it is considered that the creation of this access within the RPA of this tree would likely result in its loss.
- 7.10.10 A service connection is proposed to run in between tree numbers 291, 293 which are considered to be Veteran Oak trees by officers. Installing this would make an incursion into the Root Protection Areas which is in conflict with the guidance set out in the British Standard, and this would likely result in their loss, contrary to policy.
- 7.10.11 Trees within and on the perimeter of car parks A and B are shown for removal. The Council's tree officer objects to their removal, it is not considered that this would warrant a reason for refusal in its own right as the trees are of not of any particular individual merit, but provide a collective value. Whilst the loss of the trees themselves is not considered to warrant a reason for refusal, the lack of adequate replacement planting within the car parks would result in an unrelieved hard landscape, at odds with the wider sylvan character of the site. The applicant contends that there is sufficient replacement planting within the site as a whole. However, it is considered that the majority of the new landscaping would be visually separated from the car parking areas and so would not mitigate the harm of the proposed removals.

#### Project 3 St Leonards Farm

- 7.10.12 It is proposed to remove hedgerow to facilitate the proposed vehicular access. There is no objection from an arboricultural perspective to this.
- 7.10.13 The proposed ticket sales/collection area within 'The Beginning' will result in the loss of a small group of trees. These are on artificially raised ground. Although it would be beneficial to retain these trees by moving the building slightly further to the north or replace them with a linear planting belt, there is no objection to their loss.

#### Project 5- The 2019 attraction

- 7.10.14 The proposal will result in the loss of trees which include 2 Crack willow, 1 Black pine, 2 groups of cypress, 4 English oak, 2 Red oak, 5 Cherry and 2 Hornbeam. However new landscaping is proposed. Given the nature of this site, which is developed and the fact that new landscaping would be implemented, it is not considered reasonable to refuse the scheme on the loss of these trees.

#### Project 6 - Haunted House Site

- 7.10.15 This project would result in the loss of 11 trees. These are young trees and comprise 3 English oak, 3 Silver birch, 3 Silver maple and 2 Corsican pine. However, new tree planting and soft landscaping can be incorporated into the scheme and this would compensate for the loss of these trees.

#### Holiday Villages 2 and 3

- 7.10.16 Although the layout is purely indicative for Holiday Villages 2 and 3, with the detailed layout for consideration at reserved matters stage, it is necessary to consider whether the number of units proposed can be achieved on the site without causing harm to significant trees. In this case the indicative layout would mean a number of lodges, amenity space and part of the car park would be within the buffer zone (22+2m).
- 7.10.17 With regard to Holiday Village 3, a projected site wide path is shown to run between trees 257 and 260, which the Council's tree officer categorises as Veteran Trees. As this project is in outline, details of the path have not been shown, however, it would be anticipated that this path would need to be wide enough to allow service vehicles for the resort to access. Laying down a path at this location would make an incursion into the RPA of these trees, which is against the advice in the British Standard and is likely to result in the loss of these trees contrary to policy.

- 7.10.18 A projected site wide path is indicated between holiday villages 2 and 3 between Veteran Oaks 241 and 242. The project is indicative only, however, putting in a path at this location would come within the Root Protection Area of these trees, which is considered to be unacceptable and would cause harm to these veteran trees. In addition to the paths being located in the Root Protection Areas, locating the paths in this proximity to the trees would also give rise to increased duty of care and more work is likely to need to be carried out to these trees for safety reasons. There are no other gaps /breaks between trees around this part of the site where a path could be put in without likely causing harm to significant trees. For this reason it is not considered that it is achievable to develop this part of the site without causing harm to significant trees, and the applicant has not demonstrated that another alternative could be achieved.
- 7.10.19 Given the concerns outlined above, it is not considered that the quantum of development proposed under this project could be achieved, without causing harm to significant trees, and the applicant has not demonstrated that this could be achieved whilst incorporating the 22+2metre buffer and providing paths without causing harm to significant trees which is contrary to policies N6 and emerging policy NR2 as well as guidance set out in the NPPF.

## **7.11 Highways**

### Construction Traffic

- 7.11.1 The Construction Management Statement (CMS) is included in Appendix C2 of the Environmental Statement. The CMS reports that during the construction period business as usual? will continue at the resort and that the works area would be segregated from the public. The applicant predicts a timeframe of 7 years for these multiple projects.
- 7.11.2 Section 4 of the CMS states that all vehicles accessing the site will use the main park roundabout from the B3022 Winkfield Road, before passing the Legoland Windsor Resort Hotel, and taking the sweeping park access road up towards the main entrance/car parks. The contractor's traffic marshals and clear signage will direct construction traffic to the appropriate phase of works, ensuring minimal interaction with public vehicles.
- 7.11.3 Deliveries will take place between 10am and 4pm and all suppliers and contractors would be monitored and pre-booked in a weekly diary. The CMS states that, in the unlikely event that multiple deliveries arrive unexpectedly, the vehicles with the least priority would be instructed to leave the area, re-circulate and park in a holding zone. No commentary is provided on the location of the holding zone.
- 7.11.4 To prevent construction materials migrating onto the theme park access road and the public highway the applicant proposes various control measures which are acceptable.
- 7.11.5 Details of the predicted HGV trips associated with the construction works are contained in the Environmental Statement (ES) Section H5.0 Table H5.1 (Construction Traffic Impact Assumptions) provides an estimate of the daily number of HGVs per day for each element (project) as well as the estimated duration for the works.
- 7.11.6 The ES reports a worst case scenario of 160 two way movements per day or 80 HGVs. Based on the existing traffic flows in the area the construction traffic would lead to a 1.18% increase in vehicular activity. The applicant proposes phasing the timing of the construction delivery traffic to occur outside the network and the resort peak periods.
- 7.11.7 Based on the information contained in the CMS and ES the measures proposed to minimise disruption on the public highway network and during the continuing operation of the resort is acceptable.

## Traffic- during operation

7.11.8 The projects for The Beginning, the extension to the shop and St Leonards Farm are not considered to alter traffic attraction to the Resort and were not assessed under the Transport Assessment.

7.11.9 These elements of the scheme are considered to be acceptable on highways grounds.

7.11.10 The methodology for modelling traffic increases for the new attractions/rides follows the methodology used by the Inspector for the Haunted House appeal (which was based on a pro-rata up-lift in vehicular numbers based on the proposed increase in the covered floor area at Legoland). It is not considered that the proposed attractions within the Major Developed Site boundary would result in an uplift in traffic that would warrant refusal on highways grounds, as it is not considered to be severe as set out by paragraph 32 of the NPPF.

### Traffic Generation relating to the Proposed Holiday Villages and car park reconfiguration

7.11.11 The Transport Assessment reports that, based on numerous worst case assumptions, the trip generation of visitors associated with the proposed developments has been calculated to be a net zero movements.

7.11.12 The applicant's assertion is that people who would otherwise have been day visitors would become short break visitors and those that have stayed in local hotels will elect to stay at the new holiday village instead.

7.11.13 The Highway Authority questioned this methodology and disagreed with the conclusions in the TA, as such the applicant modelled the traffic impact taking into account the concerns raised by the Highway Authority and this was presented in the Supplementary Environmental Statement (SES).

7.11.14 The SES modelled the traffic impact from the proposed holiday villages. Based on the sensitivity testing the worst case scenario reports that the development could lead to 450 additional arrivals and 450 departures, the assessment explains these would occur outside the peak periods. The applicant remarks that the impact arising from the development is not significant.

### Changes to Car parking

#### *Permanent car parking*

7.11.15 The Design and Access Statement sets out that an echelon arrangement would be provided when reconfiguring the existing permanent car parks.

7.11.16 The number of parking spaces within the existing and proposed **permanent** car parks are set out in table 7.1

**Table 7.1**

Car park	Existing	Proposed (HV1)	Proposed (HV1-HV3)	Change to number of permanent car parking spaces
A	3037	560	560	
B		1083	1083	
C		314	314	
D		1060	1060	
Disabled in A and C	106	190	190	
<b>Car park E</b>	0 (currently has planning)	1,135	1,135	



	permission as a temporary car park)			
<b>HV</b>			450	
<b>Total</b>	<b>3,143</b>	<b>4,342</b>	<b>4,792</b>	<b>+1,649</b>

Source of information: Taken from Table 3.1 of Transport Assessment

#### *Temporary car parking*

7.11.17 Table 7.2 shows the existing and proposed **temporary** car parks. The table shows there would be a reduction in the number of temporary car parking spaces.

**Table 7.2**

<b>Car park</b>	<b>Existing</b>	<b>Proposed (HV1)</b>	<b>Proposed (HV1-HV3)</b>	<b>Change to number of temporary car parking spaces</b>
E	790 (permission allows for 1000 spaces).			This would be lost as it would become a permanent car park.
T	580			This would be lost as it will accommodate Holiday Village 1
G	1320			This would be lost as it would become holiday Village 3.
NE		660	660	
<b>Total</b>	<b>2,690</b>		<b>660</b>	<b>-2,030</b>

Source of information: Taken from Table 3.1 of Transport Assessment

7.11.18 The applicant sets out that the 450 units would be provided with 450 parking spaces, which are required to cater for the overlap between two sets of guests staying on subsequent nights, i.e. the first set of guests remains on-site for the next day, while the second set of guests will arrive the same day and would be in the park at the same time.

7.11.19 The applicant explains that the rationale for the provision of 450 additional parking spaces and the additional permanent spaces is based on the summer peak period when the resort provides circa 5,043 spaces. The applicant states the additional permanent spaces are required to cater for increased demand in the peak periods. However, there is no information to support the increase or to conclude that the existing permanent parking (3,143) in the resort is operating at maximum capacity.

7.11.20 It is considered that there is a difference between car parking that can be used for 20 or 28 days of the year, and car parking that can be used all year round, in terms of the potential to increase traffic. It is also not clear from the application why an overflow car park is proposed when the permanent car parking would also increase.

7.11.21 The Highway Authority advises that the Holiday Village may change the travel patterns for some visitors, and disagree with the assertion that the development would not lead to a net increase in visitor numbers. The development has the potential to lead to an increase in overall vehicular activity onto the local highway network.

7.11.22 The applicant states that the resort has an overall visitor capacity, but this is not stated and the applicant does not explain whether there are measures in place to control the number of visitors

to the resort, or deter visitors from attending during the peak periods and providing the appropriate incentives to attend during the off-peak periods.

7.11.23 It is considered that there is no guarantee or firm evidence to suggest that guests currently staying at other local hotels would transfer to stay at LLW, or that day visitors would become short break visitors. The submission fails to acknowledge a scenario whereby a proportion of visitors staying at the new Holiday Village would be additional to the day visitors or could use this as a base to visit Windsor and other local attractions.

7.11.24 The development proposes the increase of the Resort's parking provision from 3,143 to 5,452 permanent spaces and this is likely to result in additional vehicular activity during the off peak periods.

7.11.25 Although the applicant maintains the proposed holiday villages would not increase traffic, it has modelled a worst case scenario. The Highway Authority considers that the additional 450 units would increase vehicular activity onto the local highway network. However, the increase is likely to occur throughout the day and not necessarily during the 'normal' peak period or at the resort's peak opening period.

7.11.26 The Highway Authority disagrees with some of the assumptions set out in the Transport Assessment, however, advises that these assumptions are not so significant to warrant a refusal on highway grounds, as the proposed holiday villages would not cause a severe traffic impact as set out by paragraph 32 of the NPPF.

#### Travel Plan

7.11.27 It should be noted that the Travel Plan has not been submitted to mitigate a traffic impact from this proposed development, but the applicant has submitted a site-wide travel plan to manage travel patterns. The Highway Authority advises that the travel plan satisfies the council's requirements in nearly all respects. However, in order for the Travel Plan to be approved, the travel plan must commit to undertaking regular / ongoing surveys of hotel guest and visitor travel. A revised travel plan could be secured by legal agreement.

### **7.12 Air Quality**

7.12.1 The SES has assessed the Air Quality impacts associated with the Sensitivity Testing undertaken for traffic generation. The approach and methodology used, based on semi-quantitative assessment is acceptable and demonstrates that under worse-case scenarios, the AQ impact in concentration of nitrogen dioxide, PM10 and PM2.5, at all receptors point is negligible.

7.12.2 The Air Quality assessment and the SES have considered the impact of the proposed development at 14 receptors points, most of which are within St Leonards/Imperial Road AQMA. This Air Quality Management Area is the nearest to the development site and most sensitive to the potential impact of the proposed development. Predicted concentrations in this area are well below the air quality objective, this indicates that the impact within Windsor AQMA will also be negligible.

7.12.3 The information in the SES is sufficient to confirm that the AQ impact of the proposed development is negligible.

### **7.13 Noise**

7.13.1 An assessment of construction and operational noise and vibration associated with the proposed development has been undertaken. Noise levels have been estimated at the nearest noise sensitive receivers that are representative of the area, including: Houses on Dower Park, The Lodge on St Leonard's Hill, Houses on Drift Road and Kennels & Cattery on Tarbay Lane.

7.13.2 The assessment demonstrates that noise levels from construction and operational phases of the development can be sufficiently mitigated to reduce the impacts to acceptable levels. A Noise Management Plan (NMP) has been submitted with the application.

7.13.3 The assessment highlights that all future attractions are to comply with the Noise Management Plan (2017). The NMP is to ensure that the noise level at the nearest sensitive receptor that are representative of the area is at least 10dB below the prevailing ambient noise. The assessment's conclusion that the potential noise effects of the scheme are considered negligible is acceptable.

## **7.14 Water Environment**

### **Sustainable Drainage**

#### Holiday Villages

7.14.1 The surface water drainage strategy utilises a balancing pond as a form of SUDS for the attenuation of excess surface water volumes. The measures within the drainage strategy include:

- Runoff from access roads, parking bays and footpaths would be drained via SUDS in the form of gravel filled filter drains.

- Roofwater runoff from the proposed buildings is shown to be drained by rainwater downpipes and a traditional network of underground pipework into the system of filter drains which in turn discharge into the balancing pond.

- Additional storage in the form of a below ground geocellular storage tank is implemented to provide additional storage enabling flows from the north of the site to be cascaded into the balancing pond at a restricted rate of discharge.(for Holiday Village 1)

- The outfall into the existing watercourse comprising of a manhole fitted with a hydrobrake flow control device to ensure surface water flows from the development are equal to or less than the greenfield runoff rates (Holiday Villages 1 and 2).

7.14.2 The Sustainable Drainage proposed for the Holiday Villages is considered to be acceptable.

#### Project 2- car park

7.14.3 In order to have an acceptable SUDS scheme, the hard surfacing for car park E would need to be permeable/porous to ensure that surface water filters through; a condition would need to be imposed to secure this design detail for this car park.

7.14.4 The surface water from project 2 (car park reconfiguration) would drain to an attenuation pond with an outfall to an existing ditch.

7.14.5 Subject to planning conditions, the Sustainable Drainage for this project is considered to be acceptable.

#### Project 3 St Leonards Farm

7.14.6 It is proposed to change the drainage arrangements at St Leonards Farm. It is not considered acceptable for any surface water run-off to go into the new foul sewer system to be provided within the resort (which would connect into the foul sewer on the Winkfield Road), and as such if planning permission was being granted, a condition would need to be imposed to get further detail from the applicant to ensure that no surface water runoff is to be directed to the new foul sewer system to be provided within the resort. The LLFA would be satisfied to leave this to be a pre-commencement condition.

#### Project 4 The Beginning

7.14.7 The surface water runoff accumulated from areas of hardstanding and buildings in this part of the site are disposed of into the `attenuation basin` located centrally within HV1 via the existing surface water drainage network.

7.14.8 The Sustainable Drainage is considered to be acceptable for this project.

#### Project 5- 2019 attraction

7.14.9 A surface water drainage strategy has been developed for the site, which confirms surface water runoff generated from additional impermeable areas comprising of new areas of hardstanding and proposed ride buildings would be drained via a traditional network of underground pipework prior to discharging into 2 below ground geocellular storage crate tanks.

7.14.10 Runoff from proposed access routes and areas of hardstanding would be drained via SUDS in the form of gravel filled filter drains.

7.14.11 The Sustainable Drainage is considered to be acceptable.

#### Project 6- Haunted House site- indoor attraction

7.14.12 The drainage strategy confirms surface water runoff generated from additional areas of hardstanding and the proposed ride building would be drained via a traditional network of underground pipework prior to discharging into the existing `main` lake via construction of a new headwall located east of the site.

7.14.13 Runoff from proposed access routes and areas of hardstanding would be drained via SUDS in the form of gravel filled filter drains.

7.14.14 The Sustainable Drainage is considered to be acceptable.

#### Project 7- Extension to shop

7.14.15 The proposed extension to the shop would be constructed on areas of hardstanding and so there would be no additional impermeable areas. Details of the surface water system would be required by condition when detailed plans are produced.

### **Water Supply**

#### Relevant to the proposed Holiday Villages

7.14.16 The impact of the proposed development on the water supply was an issue that was included within the Council's Scoping Opinion under EIA Regulations. This matter was not considered as part of the submitted ES. Thames Water has advised that upgrades would be necessary to the local water supply network as a result of the proposed development. The upgrades to the network are likely to involve the upsizing of water mains and pumps in the local area, and that the work associated with these upgrades is not considered to have significant environmental effects.

### **Sewerage**

7.14.17 Additional information was submitted in the Supplementary Environmental Statement in respect of the impact on the existing sewerage infrastructure arising from this proposed development. Within the supplementary ES it is set out that a modelling analysis by Thames Water of the existing sewerage infrastructure was published in October 2017 which identified that the foul network does not have available capacity in the vicinity and downstream of the proposed connection manhole to accept the proposed development flows. To mitigate against this the Thames Water study identifies the need for two permanent depth loggers to monitor flows downstream, and a 231m of pipe along the Winkfield Road, to provide 4m<sup>3</sup> of storage, parallel to the existing foul sewer network.

7.14.18 The map in Appendix BB of the Flood Risk Assessment shows a possible location of the new sewer to be on the Winkfield Road which is within the control of the Council (as an adopted highway). A copy of this plan can be found at Appendix E.

7.14.19 This indicative option demonstrates that there is potential mitigation to reduce the likely significant environmental impact. Although it is only an indicative option, it could be delivered as the land is within the control of the Council. A condition would need to be imposed to secure the offsite works.

## **7.15 Contamination**

7.15.1 Aside from Project 3 (St Leonards Farm), all other sites showed no evidence of contamination.

7.15.2 Within the current developed section of St Leonard's Farm, samples show some evidence of contamination associated with slightly elevated PAH concentrations and the presence of asbestos. It is considered that these contaminants are associated with previous usage of this area and possible demolition materials associated with former structures previously present in this area.

7.15.3 The proposed remediation for industrial/commercial end use is to excavate impacted soils in any shared landscaped areas to 1m; followed by the insertion of a geo-membrane separator and replacement with clean material and this is considered to be acceptable. A verification report would need to be submitted in relation to this ground contamination mitigation, and this could be secured by planning condition.

7.15.4 The projects are considered to be acceptable in relation to ground contamination.

## **7.16 The case of Very Special circumstances**

17.16.1 In accordance with the NPPF, Very Special Circumstances which outweigh the harm to the Green Belt, and any other harm, need to be established. It is considered that harm arises as the application proposes development that is inappropriate development which is by definition harmful to the Green Belt. It is also considered that the application would result in a significant impact on the openness of the Green Belt, and would result in significant encroachment into the countryside, which conflicts with one of the five main purposes of the Green Belt.

17.16.2 In addition to the harm to the Green Belt, it is considered that harm arises to significant trees, including veteran trees, and that the proposed development does not provide sufficient mitigation to compensate for this harm.

17.16.3 Harm also arises from the proposed development to the Public Right of Way, from the disturbance caused, and from the change to views, but subject to appropriate planning conditions, this harm can be mitigated. The proposed development without appropriate mitigation would also cause harm to the adjacent SSSI and SAC, and on-site ecology, but subject to appropriate planning conditions, this harm can also be adequately mitigated.

17.16.4 The Planning Statement at pages 69-94 sets out the case of Very Special Circumstances. The VSC is set out under 3 main headings which are:

- A) The need for the development
- B) A lack of alternative sites
- C) Other special reasons

17.16.5 The following tables summarise the applicant's case for Very Special Circumstances and officers' response.

### **Proposed Holiday Villages**

#### **Need for the development**

<i>Applicant's Case</i>	<i>Officer Response</i>
The success of the existing on-site resort accommodation supports the case for diversifying and expanding the resorts accommodation offer.	No evidence has been presented which shows that the hotel and its extension is operating at such a capacity which justifies the need for the additional visitor accommodation. Also the hotels are not occupied solely by visitors to the Resort. This point is not considered constitute VSC.
There is evidence of market demand for short stay accommodation at national and local level.  Providing short stay accommodation (especially more budget level accommodation) fits with the Windsor Tourism Strategy and local demand.	The demand for more visitor accommodation (weighted at more budget accommodation) within Windsor is accepted at para 7.4.2 of this report.  There is a gap in the budget level of visitor accommodation in Windsor and that they would broadly agree with the conclusions on the Windsor demand for visitor accommodation as set out in the submitted Planning statement. The provision of visitor accommodation arising from the development is given weight as per emerging Policy VT1 of the BLP, although it is considered that this provision of this accommodation is focussed at visitors wanting to go to LLW, rather than for visitors looking to stay in Windsor generally.  Meeting the demand for visitor accommodation at the local level is a benefit and fits with the Visitor Strategy for Windsor. This is given moderate weight as VSC.
Merlin has provided on site accommodation at its major UK attractions to keep pace with overseas and domestic markets as well as diversify its offering.	It is acknowledged that the business needs for diversification would enable to the resort to continue to thrive and maintain its existing economic contribution to the local area. This is given limited weight as VSC.
The proposed lodges will represent niche accommodation not currently available in the area. The holiday villages would become part of the LLW Resort experience.  The holiday lodges will complement and diversify the range of accommodation options available in the Borough.  There has been an increase in LLW visitors choosing to stay overnight, the existing accommodation offer at the Resort is high-end as the hotel, and the hotel extension, are four-star rated. There is a need for LLW to diversify its accommodation offer to include other options for visitors to suit a range of family budgets, particularly since there is also a shortage of such accommodation in the local area	The lodges forming part of the experience at the Resort is not a material planning consideration.  However, the lodges would diversify the range of accommodation options available in the Borough where there is an identified demand for more accommodation and this is given moderate weight as VSC.
The size of the holiday village has been driven by commercial viability as building fewer accommodation would not be financially viable for LLW, due to the large initial investment in	Further information (sensitive) around this point was submitted by the applicant. This information was a reviewed by a suitably qualified consultant commissioned by the

infrastructure that would be needed.	<p>Council. It is not agreed, based on the information that LLW has put forward that 450 units of accommodation are required for the holiday village proposal to become viable.</p> <p>This point is not considered to be VSC.</p>
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#### A lack of alternative sites for the holiday villages

<i>Applicant's Case</i>	<i>Officer Response</i>
<p>It is set out that the development within the MDS part of the site was not considered a suitable alternative to accommodate the holiday villages.</p> <p>Two other alternative sites were considered that were outside of the MDS, but within the LLW resort. For the reasons set out on page 84 of the Planning Statement, these sites were discounted.</p> <p>The applicant also searched for other sites outside of the Resort to accommodate the holiday villages, but no suitable site was found.</p>	<p>It is accepted that there are no alternative sites to accommodate the proposed holiday villages. As it has been accepted there is a need for this type of accommodation in the area, this is given moderate weight as VSC.</p>

#### **Internal access and car park reconfiguration**

##### Need for the development

<i>Applicant's Case</i>	<i>Officer Response</i>
<p>Holiday village 1 occupies land which is used as overflow car parking. There is a need to re-configure the car parks to ensure there is adequate provision of spaces for both day visitors and the proposed holiday village.</p> <p>It is proposed to make more efficient use of the car parks. The car park project will help LLW smooth visitor flow to the resort as there is adequate year round car parking spaces. The current overflow car parks have poor infiltration and so they become flooded, which restricts the capacity of the resort in its shoulder seasons.</p> <p>Alterations to the internal access are intended to improve circulation and avoid block back to the public highway at Winkfield Road during the morning peak.</p>	<p>Owing to existing traffic associated with the resort, the improvements to circulation for vehicles within the site is considered to be a benefit which are given moderate weight as VSC.</p> <p>The need for all of the additional permanent car parking spaces has not been demonstrated, and is not considered to constitute VSC.</p>

##### A lack of alternative sites

<i>Applicant's Case</i>	<i>Officer Response</i>
Within the Resort, there are no alternatives for the proposed new hard standing car park area and proposed new overflow as the visitor car parks are well established.	If the need for all of the additional permanent car parking was clear, then an assessment on whether there are alternatives for car parking could be considered. This is not considered to constitute VSC.

### **Project 3: The Reuse of St Leonards Farm**

#### Need for the development

<i>Applicant's Case</i>	<i>Officer Response</i>
<p>The proposals at the Beginning involve the removal of existing storage containers at Legoland. Therefore there is a need for additional space to compensate for the removal of this space.</p> <p>As the business has grown over 20 years it requires more back of house space for staff facilities including maintenance areas, storage space and workshops. LLW also needs more workshop space for undertaking ride maintenance on site.</p> <p>A new internal link road from the resort to St Leonards farm is also needed so that the back of house space has vehicular access to enable convenient use by staff, and avoids the need to use St Leonards Hill.</p>	<p>Equipment/displays are currently being stored outside in the eastern part of the existing resort. The need for more additional storage space is accepted and is given limited weight as VSC, although the use of all the buildings on St Leonards Farm has not been clearly explained.</p> <p>The application lacks detail on what each of the buildings at St Leonards Farm would be used for, and so the need for the re-use of all the buildings is not clear.</p> <p>This is not considered to constitute VSC</p> <p>The internal access road would take traffic off St Leonards Hill, which is likely to be beneficial to those residents. This is given limited weight as VSC.</p>

#### Alternative sites

<i>Applicant's Case</i>	<i>Officer Response</i>
<p>Within the Resort there are no alternative sites for the proposed back of house space as there are no other existing buildings on-site which are available for re-use in this manner.</p> <p>The current proposal to re-use St Leonards Farm is considered to be the most suitable option as there are existing buildings which are capable of re-use.</p> <p>It is important that back of house space for staff is located on the edge of the resort to ensure there is no adverse impact on the guest experience.</p>	<p>Officers accept the principle of the need for more back of house storage, but evidence has not been submitted to show how much storage space is needed, and why this cannot be accommodated in buildings on site. This is not considered to constitute VSC as it has not been proven no alternative sites could be provided.</p>

### **The Beginning**

#### Need for the development

<i>Applicant's Case</i>	<i>Officer Response</i>
The proposed changes to the Beginning	The need for change given the age of The



are needed as this entrance has not be updated in 21 years.	Beginning and additional security requirements is accepted and is given moderate weight as Very Special Circumstances.
The changes to the entrance are needed to meet security requirements.	This need for the additional toilets in this location is accepted and is given limited weight as VSC.
The extension to the toilet block is needed (particularly near the entrance to the Resort) to ensure an adequate distributions of toilets across the Resort.	Evidence has not been presented to show there is an issue with crowding in the current shop and this is not considered to constitute VSC.
The extension to the 'Big Shop' needs to be expanded to create visitor comfort.	

It is accepted that there are no suitable alternatives within the Resort, but this is not considered to constitute VSC.

### **New Rides Attractions**

#### Need

<i>Applicant's Case</i>	<i>Officer Response</i>
This is required in order: - to maintain visitor numbers at the Resort, -Improve the visitor experience at the Resort -Smooth visitor numbers over the season	This point is accepted and is given moderate weight as Very Special Circumstances.

#### Alternative sites

<i>Applicant's Case</i>	<i>Officer Response</i>
The rides/attractions are located in the MDS part of the site, and so there is no benefit in moving them.	This is accepted, but not considered to constitute VSC.

### **C) Other special reasons**

- 17.16.4 The third part of the VSC case advanced by the applicant are the other special reasons which it has identified. The Economic benefits arising from the scheme form a part of this case. The economic benefits are set out at pages 89-94 of the Planning Statement and further explained in the Economic Statement. The Council commissioned a suitably qualified economic consultant (Regeneris) to test the economic benefits put forward by the applicant. The comments from Regeneris are accepted by officers.
- 17.16.5 For context, it is important to understand the **current** economic footprint from the existing LLW Resort. It is then important to consider the likely economic benefits arising from the proposed development, which forms part of the applicant's case of VSC.

<b>Case made by applicant</b>	<b>Officer response</b>
<b>Current Economic Input from LLW</b>	
<u>Direct Employment:</u>  It can be assumed that the total employment impact of LLW currently equates to at least 1,163 direct Full Time Equivalent (FTE) jobs.  Using data from LLW, it is estimated around 78% of the workers employed at the Resort live within the local area (which includes the nearby	It is considered that the estimate of 1,163 direct FTEs, 78% of which are filled by workers from the main impact area, is reasonable and robust. Further justification from LLW would support the assumption that 95% of jobs are filled by workers from the region.

<p>centres of Windsor, Slough, Maidenhead and Bracknell).</p> <p>It should be noted that approximately 95% of workers employed at LLW are assumed to reside within the region.</p>	
<b>Local Labour Market</b>	
<p>The scale of the operations at LLW makes it one of the most significant employers in the area, and provides major positive effects to the labour market.</p> <p>A significant proportion of employees at LLW are younger people from the local labour market (particularly over peak seasonal holiday periods). In this context, LLW also plays a leading role in the local area in providing training opportunities that help develop the skills of local people.</p>	<p>It is considered that the nature of the existing local labour market benefits are positive but this would be strengthened with further quantification of the trainee schemes and apprenticeships that are delivered on an annual basis.</p>
<p><b>Income and Expenditure – Wage Expenditure</b></p> <p>The annual wage bill supporting the current operations, facilities and services at LLW amounts to about <b>£16.7m</b>. Based on the share of workers employed at the resort who live locally (within the main impact area) it is estimated around 78% of the annual wage expenditure is retained in households within the local area, which can be assumed to be equivalent to a £13.03m injection of income into the local area</p> <p>Based upon national patterns of family expenditure, estimates can be made on the share of wages that are likely to be spent locally. On this basis, around 50% of initial wage spending by staff living locally is assumed to be retained in the main impact area and around 60% retained regionally.</p>	<p>The amount of <b>wage expenditure</b> retained in the main impact area (50%) and region (60%) has been based on national spending patterns. This may be an over estimate given the differences in living costs in the South East compared to nationally, and in particular the higher proportion of spend on rent and mortgages in the South East.</p> <p>However, the impact of reducing the wage expenditure retention to reflect regional patterns of spending would only slightly reduce the economic benefit in this instance.</p>
<p><b>Income and Expenditure – goods and services and capital spending</b></p> <p>In addition to the wage spending, the total expenditure on the supply of goods and services to LLW amounts to around <b>£31.0m annually</b>. However only a relatively small share of this expenditure is expected to be retained in the local area, as the national profile and unique operations of the resort mean the supply chain linkages are likely to extend into the region and nationally</p>	<p>It is considered that the assumptions with regards to the proportion of expenditure on goods and services and ongoing capital expenditure that is retained locally are reasonable and robust.</p>

## Economic benefits from proposed development

### Impacts from the Proposed Development

<p><b>Construction Impacts</b></p> <p>It is expected the total construction cost relating to the proposed development will equate to approximately <b>£95 million</b>.</p> <p>If the site were built-out over seven years this would support <b>134 temporary construction jobs per annum</b> during the construction phase.</p> <p>Research undertaken on behalf of the National Housing Federation indicates the construction industry has an indirect and induced employment multiplier of 2.519. Applying this employment multiplier to the 134 direct construction jobs each year derived above indicates an additional <b>203 jobs (142 FTE jobs) could be supported per year of construction</b> by the proposed development in sectors throughout the UK economy. This is in addition to the 134 direct jobs.</p>	<p>The estimate of temporary construction jobs is considered to be reasonable and robust.</p> <p>There is a concern that the multiplier applied to the temporary construction jobs to estimate indirect and induced effects is inappropriate and too high. Applying a more conservative multiplier it is estimated it would result in <b>67 spin off jobs per annum</b> compared to the <b>203 jobs</b> estimated by Lichfields.</p> <p>The Lichfields response highlighted that the construction jobs multiplier effects would be at a national level and therefore multipliers presented in the HCA Guidance would not reflect this as they only cover local or regional effects. It is accepted that at a national level the effects are likely to be higher than the multipliers presented in the HCA Guidance, however, it is considered that applying a multiplier that is based on housing industry research is not appropriate.</p>
<p><b>Operational Employment Impacts</b></p> <p>It is estimated that the proposed development at LLW could support around 60 additional permanent full-time jobs. The employment impact of the long term plan will therefore result in <b>60 FTE jobs</b>.</p> <p>With approximately 78% of current employees at LLW living in the local area it could be assumed that local workers will also fill around 47 of the new FTE jobs at LLW.</p> <p>Combining the existing 1,163 FTE jobs (i.e. permanent and seasonal positions) at LLW with the assumed new jobs generated by the proposed development results in a total employment impact of <b>1,223 FTE direct employment roles</b> at LLW once the proposed development is built out and is fully operational.</p> <p>At least two additional apprenticeships could be supported by the projects included in the planning application.</p>	<p>It is estimated the proposed development will generate 60 FTE jobs. The Economic Statement would benefit from greater explanation as to how this has been estimated and how they will likely be distributed across the various elements of the Application. It is assumed the large majority would be associated with the holiday village.</p> <p>The assumptions used to estimate operational employment benefits, including the proportion of jobs filled by local workers, as well as income and expenditure benefits are considered reasonable and robust.</p>
<p><b>Visitor Economy benefits</b></p>	
<p><u>Room Nights and visitor numbers</u></p> <p>In order to support additional overnight visitors to LLW to have significant value to the local visitor economy,</p>	<p>The estimate of available room nights and likely occupancy is considered to be robust. The expectation the additional occupied room nights would</p>

<p>the proposal at LLW is to introduce a holiday village which, when completed, will include approximately 450 units. This has the potential to deliver an additional 93,000 room nights each year, which will help alleviate pressure on the existing facilities over peak holiday periods in May, July, August and October.</p> <p>Taking the average occupancy rate at the existing LLW Hotel for 2016 of 69%, it is possible to assume these new room nights could support a further <b>64,170 occupied accommodation nights</b> at LLW each year. Given the unique nature of the LEGOLAND accommodation to be 'themed' accommodation that is marketed to families with children, it is likely these additional sold room nights related to the holiday village will have limited effects on the existing hotel trade.</p>	<p>be filled by day trippers converting to shortbreaks, with no increase in overall visitor numbers and no effect on local accommodation providers is considered to be unrealistic.</p> <p>It is considered that there remains a lack of evidence to support the assumption that <b>the combination</b> of the attraction (i.e. LLWR) and additional overnight accommodation will not result in additional visitor numbers.</p> <p>It is considered that it would be prudent to assume the provision of an additional 450 units of overnight accommodation at LLWR may have an impact on existing off-site providers of accommodation.</p>
<p><b>Visitor Spending</b></p> <p>It is estimated that the new holiday village will create an additional <b>£27.3 million</b> in visitor spending (based on the assumption of four guests for each occupied lodge night and an average spend of £106.30 per guest in 24 hours<sup>12</sup>). Cumulatively this results in a total visitor spend of <b>£104.4 million</b> annually from all day and night visitors to LLW (including the potential spend from guests to be accommodated in the new hotel extension in July 2017) once the holiday village is built out.</p>	<p>Concern was raised regarding the average spend of £106.30 applied per guest. According to the submitted Economic Statement this figure was based on the Tourism South East Windsor Visitor Survey 2016. However, on review of this survey it was found that the reported average daily spend to be £57.79. In response, the Lichfields Briefing Note 19th January 2018 refers to paragraph 3.34 of the Economic Statement which suggests 'some 59% of guests at the LLW hotel spend more than £100 at LLW (excluding accommodation, car parking and entry costs)'. There is no reference to the Tourism South East Windsor Visitor Survey in the Briefing Note.</p> <p>The additional information provided by Lichfields specifically refers to spend at LLW and is based on a small survey size and therefore not sufficient to justify the spend figure that is applied to each guest in relation to benefits to the local visitor economy in the submitted Economic Statement.</p>

17.16.6 It is apparent that the existing Legoland Windsor Resort makes an important contribution to the local economy and for tourism.

17.16.17 It is accepted that the proposed development is likely to have significant economic benefits arising from the creation of construction jobs, the contribution to the local labour market, and contribution to the visitor economy. Even though some of the economic benefits estimated by Lichfields are considered to be an exaggeration, there are still clearly economic benefits associated from the proposed development. The provision of economic benefits and growth is important, as it is in accordance with the aims of the NPPF, where at paragraph 19 it states that *'significant weight should be placed on the need to support economic growth through the planning system.'*

17.16.18 Planning applications should be determined on their own merits. However, for information, details are set out below of a scheme where VSC was considered to outweigh the substantial harm to the Green Belt. A Centre Parcs scheme was permitted in Bedfordshire (in 2007); this was a tourism led scheme of a significant size that was permitted in the Green Belt by the Secretary of State (SOS), where the SOS rebalanced the likely economic benefits arising from the scheme, and considered this outweighed the Green Belt harm. The table below summarises the details of the project, and the economic benefits.

<b>Resort</b>	<b>Size of development</b>	<b>Likely economic benefits</b>
Centre Parcs, Bedfordshire (allowed by SOS)	Development and use of land as a forest holiday village including 700 Villas, 75 bedroom hotel, 12 bedroom spa accommodation, 1400 space car park, lakes, hard and soft landscaping and forest management works, together with associated works and activities.	It was estimated the village would employ the equivalent of between 900-1000 people full time. SOS gave weight to the need to encourage more employment opportunities into the whole of the Milton Keynes South Midlands Growth Area as identified in the Government's Sustainable Communities Plan of Feb 2003

17.16.19 The economic benefits arising from the proposal identified in the planning statement and summarised in this report are considered to constitute VSC of significant weight.

### **Environmental Benefits**

<b>Case made by applicant</b>	<b>Officer response</b>
The use of the farm will enable a tidier site at the Resort as current external storage areas could be relocated to the many existing buildings at the farm. There is an external 'mound' storage area to the south west of the staff facilities building. This area currently has an untidy appearance and the ability to re-use the buildings at St Leonards Farm for storage, maintenance and workshops will enable this area to be tidied up. This will result in environmental improvements which will have a positive effect, particularly given the proximity of this current storage area to the SSSI to the south west. The appearance of the Resort, within the Green Belt, would be improved which results in an environmental benefit.	It is agreed that moving the storage would result in an improvement to the visual appearance of this part of the site, but it is not considered that this would benefit the adjacent SSSI. This is not considered to constitute VSC.

### **Social and Community Benefits**

<b>Case made by applicant</b>	<b>Officer response</b>
The Planning Statement at paragraphs 13.133 and 13.134 explains that LLW undertakes a wide range of community and charity initiatives through their own programmes and in partnership with other organisations.  It is only through the continued success of the Resort, which the projects comprising this long term plan will support, that LLW can continue to support these community initiatives.	This is a benefit which weighs in favour of the proposal. However, no evidence has been presented which shows that without this development going ahead that Legoland could not continue to provide these community benefits nor that any of these are directly arising from the proposed development. This is not considered to constitute VSC.

### **Sustainability**

<b>Case made by applicant</b>	<b>Officer response</b>
<p>The proposed projects comprise sustainable economic development as they will enable the continued success of the resort, which would be of benefit to the local economy and community.</p> <p>The proposed holiday village would be sustainable and the LEGO Club House building has been designed to achieve a BREEAM 2014 'Very Good' rating. A heat pump system would be used to contribute towards the development's overall heating and cooling demand, and also satisfy 50% of the hot water demand.</p> <p>Extending and diversifying the accommodation offer at the Resort will enhance sustainable tourism at the site by creating more longer/overnight stays, increasing the propensity for 'linked trips' which can have a positive impact on the local economy. The Hotel guest surveys undertaken in 2016-2017 identified that 'staying guests' visit other local attractions as part of their short break at the Resort; 22% visited Windsor town centre, 22% visited Windsor Castle and 29.3% visited 'other' local attractions.</p> <p>The proposed holiday village would have a neutral, and potentially, a positive impact on managing visitor numbers to the Resort as a larger proportion would be staying longer on-site and therefore, the dwell time in Windsor increases. Each 'staying guest' has two visits to the Resort per stay. It is put forward that 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. A site wide Travel Plan has been submitted for staff and guests which identifies measures to manage arrivals and departures from the Resort.</p>	<p>As referred to above, the continued success of the resort is given limited weight as VSC.</p> <p>In terms of achieving a BREEAM Very Good rating, this is not considered to constitute VSC, no weight is given.</p> <p>Turning to the 'linked trips', it is accepted that some visitors may go on to visit other attractions in Windsor and this weighs in favour of the application by contributing to the wider local economy. This is considered to have significant weight as VSC.</p> <p>A Travel Plan may help change visitor and staff travel patterns, but with an increase in permanent car parking, it is questioned how effective the travel plan would be in changing travel patterns. The submission of a travel plan is given limited weight as VSC.</p>

#### **Measures to overcome traffic harm as a result of the Resort**

<b>Case made by applicant</b>	<b>Officer response</b>
<p>The Transport Assessment concludes that there would be no adverse traffic impact as a result of the proposed long term plan projects. The holiday village project is expected to have a net beneficial impact on peak traffic conditions as a consequence of bringing existing multi-day visitors into the Resort and multi-day visitors avoiding peak travel times on the local highway network. Therefore, providing additional accommodation at the Resort is a positive measure in itself which helps to manage Legoland traffic.</p> <p>The proposed car park and internal access project will improve the flow of LLW vehicles off the local highway network and seek to prevent blocking back into the public highways at Winkfield Road. The internal access alterations remove any decision making for visitor vehicles to keep them moving within the Resort. This</p>	<p>This is given limited weight as VSC, given the Highway Authority does not agree there would not be an adverse impact on traffic, although it is accepted that the accommodation could assist in reducing traffic at peak times. This benefit is given limited weight as VSC</p> <p>This is a benefit, and is given limited weight as VSC.</p>

would be a benefit compared to the existing situation during the morning peak periods in particular.	
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### Other reasons

Case made by applicant	Officer response
<p>The re-use of St Leonards Farm will ensure that the buildings avoid dereliction and the possibility of vandalism.</p> <p>Therefore, there are other security reasons for the project which will also benefit the local community and that LLW also requires secure back of house areas as materials/products etc. may be stored and the farm provides a secure site that can be re-used.</p>	<p>It is has not been demonstrated why security of St Leonards Farm is needed.</p> <p>In respect of Legoland having secure back of house storage, this point is accepted and is given limited weight as VSC</p>

## 7.17 Summary of the VSC, and weight attributed to them

- 17.17.1 The benefits arising from the proposal that are considered to constitute Very Special Circumstances and the weight afforded to them are summarised in the table 7.3.

VSC	Weight afforded
Economic benefits arising from the proposed development	Significant weight
Creation of short-stay accommodation will create more linked trips to Windsor	Significant weight
The evidence of demand for more visitor accommodation at the National and Local level	Moderate weight
There is demand for more visitor accommodation at the LLW Resort, particularly at the budget end to diversify the offer.	Moderate weight
Lack of alternative sites for holiday villages	Moderate weight
The proposed changes to the internal access roads and parking arrangements will improve traffic flow that will have benefits for traffic on the Winkfield Road	Moderate weight
The Beginning area requires updating/refreshing and the areas needs to be re-configured for security reasons	Moderate weight
The new rides/attractions will refresh the resort and smooth visitor numbers	Moderate weight
Creation of accommodation will shift traffic out of peak travel times	Moderate weight
The new internal road to St Leonards Farm will take traffic off St Leonards Hill which is a benefit to those residents.	Limited weight
Need for more toilets in the Beginning area	Limited weight
Submission of a site wide-travel plan	Limited weight
Providing accommodation would fit with Merlin's strategy, and ensure the Resort keeps pace with the competition which will in turn provide economic benefits	Limited weight
Need for additional storage space and workshops to support resort	Limited weight

## 17.18 Planning Balance and Conclusion

17.18.1 As the application comprises elements which are inappropriate development in the Green Belt, the entire application is therefore inappropriate development in the Green Belt. As set out in paragraph 87 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

17.18.2 It is therefore important to identify the harm that would arise from the proposed development and identify the weight attributed to this harm, so that this can be considered in the balancing exercise. The table below summarises the identified harm that would arise from the proposed development, and the weight attributed to that harm.

<u>Harm</u>	<u>Can VSC/mitigation overcome harm?</u>	<u>Weight attributed to harm</u>
Inappropriate development in the Green Belt	No	<u>Substantial</u>
The harm to the Green Belt by reason of the loss of openness and through encroachment into the countryside	No	<u>Significant</u>
Impact on significant and veteran trees	No	<u>Significant</u>
Impact on PROW, through visual change and disturbance	Yes, through sensitively worded planning conditions to secure appropriate mitigation.	N/A
Impact on adjacent SSSI and SAC	Yes, through securing a detailed CEMP and LEMP through appropriate planning conditions	N/A
Impact on ecology	Yes, through securing mitigation by appropriate planning condition	

17.18.3 The weight afforded to the Very Special Circumstances is set out in Table 7.3. Taking into account harm arising from the proposed development and the weight attributed to this harm, it is not considered that a case of VSC exists which outweighs the Green Belt harm and other identified harm. The application therefore fails to comply with the requirements of the National Planning Policy Framework or with the Development Plan. In accordance with Section 38 (6) of the Planning Act, permission should not be granted.

17.18.4 Furthermore, it is not considered that it has been demonstrated that the quantum of development proposed in Holiday Villages can be achieved without causing harm to significant trees, including veteran trees. The proposal fails to comply with adopted and emerging policy in this regard.

## 8. CONSULTATIONS CARRIED OUT

### Environmental Impact Publicity

A site notice advertising the proposal as EIA development was placed at the main entrance (off the Winkfield Road) on the 26<sup>th</sup> June 2017.

An advert was placed in the Maidenhead Advertiser advertising the scheme as EIA development on the 29<sup>th</sup> June 2017



### Supplementary Environmental Publicity

An advert was placed in the Maidenhead Advertiser on the 8<sup>th</sup> February 2018 to publicise that further information on the Environmental Statement had been submitted.

All consultees were notified of the further information on the Environmental Statement

### Publicity for Planning Application

An advert was placed in the Maidenhead Advertiser publicising the application as a Major Development and a Departure from the Development Plan on the 29<sup>th</sup> June 2017. An advert was placed in the Maidenhead advertiser on the 17<sup>th</sup> August advertising the development as affecting a Public Right of Way.

A site notice was posted by the main entrance of the Winkfield Road on the 26<sup>th</sup> June 2017 which advertised the development as Departure from the Development Plan.

A site notice was posted close to the main entrance on the Winkfield Road on the 3<sup>rd</sup> September 2017 advertising the development as affecting a Public Right of Way.

618 occupiers were notified directly of the application.

### **Comments from interested parties**

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

<b>Comment</b>		<b>Where in the report is this considered</b>
1.	The plans appear to allude to a new access road to the site, approximately 3-400 yards from the main entrance, but there is no detail of the access road?	This represents proposed drainage connection. This is not a new road.
2.	There are appears to be no detail of the volume of proposed construction vehicles over the development period or how this increased traffic would be mitigated against.	7.11
3.	Concerns over the increase in traffic from the proposal, how will the increase be mitigated for?	7.11
4.	The proposed development will surround an existing bridleway and cross it in three places. The current parking facilities cross the bridleway and can be dangerous to cross, especially when encountered by animals. Considers that the bridleway should be moved before any other works starts, so that public access to the land is safe and secure while the work is being done and before the change of use starts.	7.8
5.	Resident of St Leonards Hill raise concerns over noise and disturbance- they already experience noise and disturbance from the Park.	7.13
6	We already suffer from traffic pollution and disruption as well as the noise and effect this is having upon quality of life for Windsor residents.	7.11 and 7.13
7	Do Legoland seriously expect residents and the council to believe that they are running a business with huge expansion plans costing many millions and honestly expect visitor numbers are not going to increase.	Noted.
8	Annual Report, states "GROWING THE EXISTING ESTATE	Noted.

	THROUGH PLANNED INVESTMENT CYCLES; Adding new rides and features to our attractions to drive customer satisfaction, increase capacity and provide a compelling new proposition to guests. It is clear from this that increasing visitors is a key part of their business strategy.	
9	Could we please make public the full business plan for the financial justification for this expansion with specific reference to visitor numbers remaining static post the development?	This information has not been submitted.
10	Concerned over the impact of the development on wildlife.	7.5
11	Concerned over the use of St Leonards Farm, and the light pollution and noise disturbance this will cause to The Cottage, Lower Farm	7.13
12	No sound checks/monitoring have been undertaken at surrounding farm buildings, which may have been more appropriate.	7.13
13	Concerns over noise and disturbance arising from Holiday Villages (when in operation) to nearby residential properties. Would expect strict mitigation to reduce noise and disturbance from this.	7.13
14	The holiday villages will require a significant amount of lighting which will result in light pollution. They ask the Council to consider light pollution and the necessary conditions to control lighting.	7.13
15	Concerns over impact on important ancient trees and hedgerows from holiday villages.	7.10
16	Concerns over impact on public right of way, and how this will operate with the proposed development.	7.8
17	Mitigation is required, through improving road junctions on the highway network, as there are serious backlogs that arise from visitor going to Legoland.	7.11
18	Will the holiday villages be used all year round? Concerns over traffic.	7.11
19	The plans for St Leonards Farm are vague, which is a cause for concern.	Noted.
20	If the Council approves this scheme, it is requested the hours of operation are carefully controlled, as residents already experience noise and disturbance.	Appropriate conditions could be applied to any planning permission to limit impacts on local residents.
21	Consider it ludicrous that such a large application is made in outline- if approved it would give Legoland a carte blanche approach for development. Each project should be considered individually.	The applicant is entitled to make an outline application for this development.
22	The existing roads are not designed for current volumes of traffic; any increase will result in congestion, and there is no scope to improve the roads.	7.11
23	If this scheme is approved, Legoland would become a one stop venue with all amenities provided on site, and this will impact on restaurant and hotel trade in the town centre. The sheer congestion from this proposal, will deter non-Legoland visitors from visiting Windsor.	7.3
24	This is a massive development in the Green Belt and contrary to	7.2

	planning policy.	
25	This business is successful without this development and it is not an exceptional circumstance warranted to override the green belt status of the land	7.16
26	Over development of the site	Noted.
27	Inappropriate change of use of the land from agricultural/green belt	7.2
28	The scheme would increase the amount of permanent car parking by 52%. This increase permanent car parking will have adverse impacts on traffic congestion.	7.11
29	Currently residents are protected as overflow car parking is for 28 days of the year, whereas this plan will allow use all year round.	7.11
30	Improving profits for the Merlin Group cannot be described as a Very Special Circumstance.	7.16
31	Legoland now has legal access along St Leonards Hill, through St Leonards Farm. It means people will use St Leonards Hill as a way to bypass traffic on the A332.	7.11
32	Do not believe the claim that this scheme won't increase visitor numbers.	Noted.
33	Public right of way is well used, and it would become dangerous to use (with vehicles passing over).	7.8
34	Surely a yellow site notice should have been placed outside St Leonards Farm, as this is where residents would have expected to see it.	A site notice was posted at the vehicular entrance.
35	Concerns over construction traffic	7.11
37	Argue that the hotels built have not reduced traffic, but have increased it.	Noted.
38	Legoland is a viable business, and does not need the holiday villages to keep running.	7.16
39	The land proposed for holiday villages has been owned by Legoland for some time, and were a valuable resource for the local community. This is has not been the case since the expansion plans came forward.	Noted
40	Residents of Park Ward already experience noise from Legoland	7.13
41	States that the public consultation before the application was submitted was poor, and only selected residents were invited to the exhibition.	Noted
42	This scheme looks similar to a Centre Parc development.	Noted
43	The change of use of the agricultural buildings is inappropriate development in the Green Belt.	7.2
44	Concerned over impact to SSSI adjacent to the site.	7.5
45	If this scheme is approved, residents of St Leonards Hill need to be protected and no construction vehicles should be allowed up this road.	7.11
46	There are no socio-economic grounds which justify a development of this scale.	7.16
47	There is no need for this development identified to the local community or residents	7.16
48	Concern over loss of trees	7.10
49	If this development is permitted by the Council, it should be on the condition that there is 50% reduction of holiday lodges and construction should be confined to weekdays between certain hours.	Planning permission is not being sought for a lesser development.
50	Where is the bat survey?	This is not

		published, but the ES chapter on ecology is publicly available
51	Where is the assessment on the impact on air quality?	Within the submitted ES and SES
52	Has Legoland produced a major incident plan?	This has not been submitted to LPA
53	Support car park E going to a permanent car park, but asks that car park G and NE is kept as overflow car parking.	Planning permission is not being sought for this
54	Questions if the development is CIL liable?	No
55	Feels Legoland has broken their trust- in the past, they said development would be kept to core area	Noted
56	Concerns over the loss of temporary car parks and replacement with permanent car parking, and the impacts on traffic this could have Legoland already use St Leonards Hill to access the farm - this access will be used as a rat run for staff.	7.11
57	Increased noise during construction period	7.13
58	Adverse impacts of the development on wildlife, scheme does not put forward adequate mitigation	7.5
59	Such a large expansion has not been put forward in the Local Plan and so this has not been consulted upon in the wider community	Noted
60	Consider the application should be refused, but ask that if planning permission is granted, the following conditions are impose: St Leonards Farm -introduce restrictions at St Leonards Farm to safeguard residential amenity -put restrictions on noise and light pollution -require additional planting/screening at St Leonards Farm Holiday Villages -controls on noise and light pollution -Additional screening and planting - Introduce extra monitoring sanctions at extra residential locations -review the density of development proposed -impose strict conditions to ensure important mature trees are not removed -introduce additional indigenous planting St Leonards Farm -Introduce a tunnel to provide access which is less disruptive to the public footpath -provide more detail over how the proposed crossings will work  Introduce controls over hours of operation	Noted.

In the region of **59** letters of support were received. In the region of **45** of those letters of support were received from employees of Legoland.

The letters received from employees of Legoland supported the application for the following reasons:

- ☐ Welcome the significant investment in the Resort which will bring benefits to what Legoland has to offer and to the local area
- ☐ Keen to see LLW provide increased employment opportunities for more local people
- ☐ More on-site accommodation will enable more overnight stays, thereby changing the patterns of visitors from peak arrivals and departures to other times of the day.
- ☐ It is essential that these proposals are approved. Without them Windsor would miss out on the opportunity to secure improvements for the benefit of the wider community

The other letters of support received supporting to the application are summarised below.

Comment		Where in the report this is considered
1.	They welcome the consultations that Legoland did with the community before making the planning application.	Noted.
2.	Legoland is a major contributor to the local economy.	7.16
3.	Welcome the visitor accommodation which will help reduce traffic congestion during peak traffic times.	7.11
4.	Contributes to the Borough's aspiration to promote Windsor as a short break destination.	7.16
5.	Encourage indoor rides, as it means visits to the Park would be spread across the year, rather than mainly in summer time.	7.11
	Considers the Environmental Statement is robust, and welcomes the mitigation put forward by Legoland.	Noted
6	Considers the Very Special Circumstances to be robust.	7.16
7	Introducing overnight accommodation will change traffic patterns	7.11
8	would meet the councils objectives of providing more overnight accommodation	7.16
9	A comprehensive noise management plan has been submitted	7.13
10	The scheme will formalise the public right of way arrangements	7.8
11	A detailed VSC case has been presented.	7.16
12	Legoland has to modernise and move with the times	Noted
13	Impressed with the design with the lodges and how they have been designed to blend in with the landscape	7.7
14	Should applaud Legoland for their transparency in setting out their long-term plan	Noted
15	Reconfiguration of car parks will improve traffic flow	7.11
16	The plans are unique to the resort and cannot be repeated elsewhere (in that this can't be repeated elsewhere in the Green Belt)	7.16
17	Would be a boost to local economy and would benefit other local attractions	7.16

18	provides employment locally, should be supporting an important local employer	17.16
19	If this scheme is not approved, traffic patterns will remain the same.	Noted
20	Welcome surface water drainage strategy	7.11
21	Scheme will create jobs and boost the tourism offer	7.16
22	Essential that the plans are improved so that Leogland can compete with other theme parks which provide accommodation	7.16
23	Refers to a holiday village granted in Rotherham which was allowed on VSC	Each application is considered on its merits.
24	Scheme has will have major economic benefits	7.16
25	Would help boost short stay visitors to Windsor - recent hotel racecourse application supports this	Noted
26	Welcomes the creation of the internal access, as traffic will be taken of St Leonards Hill (private road)	7.11
27	Welcomes the offer of a free shuttle bus from LLW to Windsor town centre	Noted
28	If this scheme is not approved, the resort will will remain mainly focussed on day visitors with an ever worsening impact on traffic	Noted.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Natural England	<p><b>No objection, subject to appropriate mitigation being secured.</b></p> <p>We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Windsor Forest and Great Park Special Area of Conservation, and would damage or destroy the interest features for which Windsor Forest and Great Park Site of Special Scientific Interest has been notified.</p> <p>In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:</p> <ul style="list-style-type: none"> <li>-A lighting strategy and plan for the development site</li> <li>- A Construction Environment Management Plan for the development</li> <li>- A planting scheme for the development site, specifically including the buffer zone adjacent the SAC and SSSI.</li> <li>- Detailed management proposals for mature and veteran trees, and hedgerows within the site.</li> <li>-Detailed layout plans for phases two and three of the Holiday Village which avoid development in close proximity to mature and veteran trees, and hedgerows.</li> </ul>	7.5

	We advise that appropriate planning conditions or obligations are attached to any planning permission to secure these measures.	
Environment Agency	No objection to this development.	Noted
Historic England	Do not wish to offer any comments	7.9
The Gardens Trust	Do not wish to comment on the proposals at this stage	7.9
Local Lead Flood Authority	<p><u>Project 1: Holiday Village 1</u> The Sustainable Drainage strategy for Holiday Village 1 is considered to be acceptable.</p> <p><u>Project 2: Car Park re-configuration</u></p> <p>In order to have an acceptable SUDS scheme, the hard surfacing for car park E would need to be permeable/porous to ensure that surface water filters through; a condition would need to be imposed to secure this design detail for this car park.</p> <p>The surface water from project 2 (car park reconfiguration) would drain to an attenuation pond with an outfall to an existing ditch.</p> <p>Subject to planning conditions, the Sustainable Drainage for this project is considered to be acceptable.</p> <p><u>Project 3: St Leonards Farm</u></p> <p>LLFA would be prepared to accept the imposition of a planning condition requiring submission of details of the proposed surface water drainage arrangements at the St Leonards Farm development (specifically this condition would need to provide assurance that no surface water runoff is to be directed to the new foul sewer system to be provided within the resort). This would need to be a pre commencement condition.</p> <p><u>Project 4- The Beginning</u> The Sustainable Drainage is considered to be acceptable for this project.</p> <p><u>Project 5- 2019 attraction, project 6 (Haunted House).</u></p>	7.14

	<p><u>Project 7 (extension to shop)</u></p> <p>The sustainable drainage strategy for these schemes is considered to be acceptable.</p> <p><u>Project 8-( Holiday Villages 2 and 3)</u></p> <p>The Sustainable strategy for this project is considered to be acceptable.</p>	
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#### Other consultees

Consultee	Comment	Where in the report is this considered
Highways Authority	<p>The rationale for the provision of 450 additional parking spaces and the additional permanent spaces is based on the summer peak period when the resort provides circa 5,043 spaces. The applicant states the additional permanent spaces are required to cater for increased demand in the shoulder peak periods.</p> <p>However, there is no information to support the increase or to conclude that the existing permanent parking (3,143) in the resort is operating at maximum capacity.</p> <p>The applicant states that the resort has an overall visitor capacity, but does not explain whether there are measures in place to control the number of visitors to the resort, or deter visitors from attending during the peak periods and providing the appropriate incentives to attend during the peak periods.</p> <p>The worst case scenario is based on an August peak period. It is our conclusion that the additional 450 hubs will increase vehicular activity onto the local highway network. However, the increase is likely to occur throughout the day and not necessarily during the 'normal' peak period or at the resort's peak opening period.</p> <p>Whilst we disagree with some of the assumptions made by the applicant's highway consultant, these assumptions are not so significant to warrant a refusal on highway grounds.</p>	7.11
Environmental Protection	<p>Recommends conditions for:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Plant noise</li> <li><input type="checkbox"/> Reversing sirens or beepers for HGVS</li> <li><input type="checkbox"/> Dust</li> <li><input type="checkbox"/> Emission</li> <li><input type="checkbox"/> Lighting</li> <li><input type="checkbox"/> Contaminated land</li> <li><input type="checkbox"/> Noise Levels – Construction phase</li> </ul>	7.12. 7.13 and 7.15
Thames Water	Upgrades would be necessary to the local water supply network. However our initial investigations have	7.14



	<p>concluded that the proposed development will not have likely significant Environmental effects in relation to water supply. The upgrades to our network are likely to involve the upsizing of water mains and pumps in the local area. The work associated with these upgrades is not considered to have significant environmental effects. We are therefore of the view that a water supply environmental assessment is not required as part of the developer's Environmental Impact Assessment. A planning condition is recommended to secure this detail.</p> <p>The revised environmental statement contains the completed impact study for this development site. An outline design solution has been identified for the site and Thames Water require consultation concerning the phasing of the development site to align the detailed design and delivery of the required solution.</p> <p>The proposed surface water drainage strategy does not communicate with a Thames Water sewer and as such Thames Water cannot comment.</p> <p>Thames Water emphasises that the existing animal pen drainage, that was previously treated onsite, cannot be connected to the proposed on-site foul sewer network. This is to ensure no surface water is connected to the foul sewer following the farm's change of use.</p>	
<p>Council's Public Rights of Way Officer</p>	<p>There are extensive views across open countryside from this section of the bridleway. Views from other parts of the bridleway are more enclosed, which serves to emphasise the openness of view from this section. The open views would almost be entirely lost following the construction of HV1, although in time the proposed planting would partially screen new buildings, the open character of the views from this part of the site would be permanently lost.</p> <p>Furthermore, a number of crossing points are proposed between HV Phase 1 site on the eastern side of the bridleway, and the H Phase 2 and HV Phase 3 sites on the western side of the bridleway, and these would also have a significant adverse effect on the recreational and amenity value of the bridleway both in terms of visual and noise disturbance.</p> <p>There is ample scope for the creation of new public rights of way within the application site to compensate for the adverse impact on the public right of way. For example a new section of bridleway could be created around the permitted of the western part of the site, linking with the north-south section of the existing public right of way to form a circular walk, and thereby opening up new views and accessible routes to help off-set the views from the existing bridleway.</p> <p>In the absence of mitigation/compensation, I recommend refusal of the application as it is contrary to Local Plan policy.</p>	7.8

Winkfield Parish Council	<p>It was proposed by Cllr Tarrant, seconded by Cllr Warren and unanimously RESOLVED that:-</p> <p>WPC is broadly supportive of the proposals but would ask that due consideration is given to:</p> <ul style="list-style-type: none"> <li>- provision of safe cycle paths</li> <li>- effective traffic management and improvements to access arrangements to avoid exacerbation of Congestion on Winkfield Road.</li> </ul>	7.11
Old Windsor Parish Council	<p>The hotel expansion represents further encroachment into the green belt. We cannot see how this Expansion meets the 'exceptional circumstances' requirement.</p> <p>The documentation states that there would be a net benefit reduction in vehicle journeys. This does not equate to the need of 3 extra permanent car parks. Additional staff, additional on-site hotel</p> <p>Accommodation will necessitate extra journeys. The documentation references peak traffic times whereas the main local arterial routes (A308, A332) have high flows throughout the day, this will just add to an already congested road network.</p> <p>We note, with considerable alarm, that there is no mention as to whether there is the capacity within the existing sewage network to cope with the increased waste from the site. A key issue, particularly for Old Windsor, is where the waste is going and, if to Ham Island Works, the ability to process it.</p>	<p>7.11 and 7.14.</p> <p>Thames Water has not raised an objection based on the impact to the Ham Island Works.</p>
Windsor, Eton and Ascot Town Partnership	<p>Following consultation with the Windsor, Eton and Ascot Town Partnership board we are writing to support in principal the above planning application. They comment that:</p> <ul style="list-style-type: none"> <li>-Supporting this development will reduce this additional traffic and will provide the opportunity to shift the arrival patterns of visitors away from the peak traffic times, minimising the impact on the local road network.</li> <li>-The proposal will provide a very different style of accommodation that is not available anywhere else locally, the style and feel of which we believe is sympathetic to the surrounding landscape</li> <li>-We understand that there are issues with a visitor attraction the size of Legoland. We would expect any changes to the resort would include a review of the existing transport infrastructure arrangements to ensure that they continue to minimise the impact on residents.</li> <li>-Legoland Resort is a significant employer for local residents in the Royal Borough and provides opportunities across numerous sectors including, marketing, operations and customer service, all of which provide a great experience and establish long term careers within the</li> </ul>	Addressed in report

	<p>attraction industry</p> <p>-Holiday Villages fit in with the Council's vision to increase overnight stays.</p>	
Conservation Officer	<p>In view of the existing development of the Legoland Resort it is considered that overall the proposed development would not have a significant impact on the setting of Windsor Great Park and its significance as a Grade I Registered Park Historic Park and Garden or St Leonard's Farm, a non-designated heritage asset. There are therefore no objections to the proposals in principle subject to the submission of further acceptable details of the motel buildings as reserved matters and conditions relating to:</p> <p>-Landscape screen planting -lighting scheme</p>	7.9
Berkshire Archaeology	<p>Berkshire Archaeology concurs with outlined approach and therefore proposes the following condition:</p> <p>'Prior to the commencement of each 'Project' or phase of the development, the applicant, or their agents, or successors in title, will secure and implement a programme of archaeological works in accordance with a Project-specific written scheme of investigation for that phase of the development which has been submitted by the applicant and approved by the local planning authority. The archaeological evaluation results for each 'Project' or phase shall inform archaeological mitigation measures that may be required for that particular 'Project' or phase, to be agreed by the local planning authority, and all works would be carried out in accordance with an agreed overarching archaeological strategy that defines appropriate methods and approaches.'</p>	7.9
Landscape Consultant	<p>We consider that the enhanced biodiversity benefit promised as a result of the offset of loss of character still needs to be understood and measurable. It should be further explored through careful detail design and proven through documentation to satisfy a Planning Condition.</p>	7.6
Council's Ecologist	<p><u>Project 1: HV1</u> Raises no objection to the scheme, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>- Submission of a CEMP to ensure adequate protection of the adjacent SSSI and SAC</li> <li>- Submission of a reptile mitigation strategy</li> <li>- Submission of a lighting strategy</li> <li>- Condition to ensure protection of invertebrates</li> <li>- Submission of details of biodiversity enhancements</li> </ul> <p><u>Project 2: Car park re-configuration</u></p>	7.5

	<p>The pond within carpark Area E, which is a priority habitat, would be removed to facilitate this development. Priority habitats are all habitats listed in Section 41 as being Habitats of Principal Importance for the Conservation of Biodiversity in England as required under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. Priority habitats are further protected under the National Planning Policy Framework (NPPF), which states that <i>'council policies should, promote the preservation, restoration and re-creation of priority habitats? the council should have regard for conserving this habitat'</i>. Ideally the pond should be retained on site and managed appropriately for wildlife. If this is not possible, the loss of priority or ecologically valuable habitat should be replaced in order to ensure a net gain in biodiversity at the site.</p> <p>.</p> <p>No objection subject to conditions to secure:  -net biodiversity gains are achieved to compensate for loss of priority habitat  -submission of a lighting strategy  -invertebrate strategy</p> <p><u>Project 3- St Leonards Farm</u></p> <p>No objection subject to conditions for the submission of a LEMP which details how bats would be safeguarded, and the submission of a lighting strategy.</p> <p><u>Project 4 (The Beginning) and Project 5 (2019 attraction)</u></p> <p>No objections</p> <p><u>Project 6- Haunted House</u>  An extended Phase 1 habitat survey and great crested newt survey were undertaken at the area of the Haunted House in 2014. The habitats were found to be of limited ecological value and no great crested newts were found in any of the ponds surveyed. The applicant's ecologist provided recommendations for protection of breeding birds, amphibians. The survey is now out of date, although following a site visit in 2016, the habitats remained relatively unchanged and heavily managed. It is understood that the development of Haunted House is not going to commence until 2021 and therefore it is recommended that an up to date extended Phase 1 habitat survey and great crested newt survey is undertaken prior to the commencement of development and provided to the LPA for their approval. Any further surveys or mitigation strategies required would also be required prior to development commencement. Should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice be incorporated into a suitably worded condition.</p> <p><u>Project 7- Extension to Shop</u>  No objection</p> <p><u>Project 8- Holiday Villages 2 and 3</u></p>	
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	<p>There are a number of proposed paths (projected site wide paths) through the woodland/ hedgerow areas within the proposed development area. These areas are priority habitat and the creation of paths through this area will likely result in the removal of dangerous trees, standing and fallen deadwood and increased recreational pressure that could cause soil compaction around the roots of trees, which will likely have a detrimental effect on the woodland/ hedgerow areas and species associated with them. The paths through the woodland and hedgerows should be avoided and re-routed within the areas of grassland around the edge of the woodland in order to preserve the woodland/ hedgerow areas.</p> <p>The breaches within the woodland and hedgerow should be minimised and carefully sited and avoid any mature or veteran trees, any oak standing deadwood and its root protection area (RPA) and any elms and their RPAs.</p> <p>It is recommended that a reptile mitigation strategy is prepared and provided to the local planning authority which will detail how reptiles would be protected during and following development and what habitats would be provided for this species including scrub and grassland habitats and creation of log piles and hibernacula</p> <p>The severance of woodland and hedgerows for access is not likely to have a major impact on bats as long as the severance is minimal and would be undertaken sensitively. Many of the trees within the woodland and hedgerows have the potential to support roosting bats but it is understood that none of these trees are to be removed to facilitate development. If the plans change and require the removal of any tree that has the potential to support bats, further survey would be required prior to the determination of this application.</p> <p>Recommends conditions for:</p> <ul style="list-style-type: none"> <li>-measures for invertebrates</li> <li>-lighting strategy</li> </ul>	
Bray Parish Council	<p>Recommends refusal:</p> <p>Inappropriate development within the Green Belt. The applicant has failed to demonstrate that there are any special circumstances which would outweigh harm to the Green Belt. The development would have an impact on the openness of the Green Belt and harm the character due to the scale, siting and design</p> <p>The applicant has failed to provide sufficient information on existing trees, hedgerows and ancient woodland would be p or what the flood risk would be from the creation of the holid</p>	7.5 and 7.10
Bracknell Forest Borough Council	<p>Bracknell Forest has reservations over the assertion that the proposal will have no net impact on the local road network. Observations over time indicate that there are peak demands on the local road network that are outside typical daily peaks and additional traffic at those times</p>	7.11

	<p>may well exacerbate conditions.</p> <p>The 702 bus service is still being operated, although by another bus company, and thus commentary on this should be included in any revised submissions. The references to free shuttle buses from the development to serve the locality for residents at Legoland are noted, but more detail on how this would operate and the impact it could have on the commercial service running in the area is required. The long-term impact on bus travel in the area is an important consideration in reducing car travel and helping support sustainable travel especially for staff from the wider area including Bracknell Forest.</p> <p>There does not appear to be any further commentary in respect of the wider working group that looks at the impacts on strategic and local road networks. It is evident from the submissions that the extent of the likely impact the development may have is not yet agreed and the need for a longer-term access strategy in that regard may still be relevant.</p> <p>As demonstrated in the ES it is evident that visitor numbers have increased since the inclusion of the hotel on site (although it is noted that this may not translate directly to peak period traffic impacts). Including existing outstanding planning consents and the scale of the new proposal it is fair to suggest that further marked increases in visitor numbers will occur. The extent of such changes and how this reflects on peak demand on the road network needs to be agreed with the responsible Highway Authority.</p> <p>In BFC's view the long-term access solution for the site, and the appropriate management of traffic into and out of the site, is likely still to require alterations to the main access and approaches.</p>	
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## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed block plan for Holiday Villages
- Appendix C – Proposed block plan for LLW Resort
- Appendix D - Site broken into 3 areas for the purposes of the site description
- Appendix E- Possible location of new sewer on the Winkfield Road
- Appendix F- Elevations of the standard lodge and barrels

## 10. RECOMMENDED REASONS FOR REFUSAL

- 1 The proposed development constitutes inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The proposed development would result in a significant impact on the openness of the Green Belt, and would result in significant encroachment into the countryside. The development would also result in harm to significant and Veteran trees. The Very Special Circumstances put forward are not considered to outweigh the harm to the Green Belt by reason of its inappropriateness, and other harm by reason of the impact on openness and encroachment, and through harm caused to significant trees. The proposal fails to comply with paragraphs 87, 88, and 118 of the National Planning Policy Framework. The proposal also fails to comply with Policies GB2 (part A), and N6 of the Adopted Local Plan, and with Policy NR2 of the emerging Borough Local Plan.

- 2 The application fails to demonstrate that the quantum and layout of development in Holiday Village 1 (full planning) and the quantum of development proposed in Holiday Villages 2 and 3 (outline) can be achieved, without causing harm to significant trees, including Veteran Trees. The proposal fails to comply with paragraph 118 of the National Planning Policy Framework, Policy N6 of the Adopted Local Plan, and Policy NR2 of the emerging Borough Local Plan.

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## Appendix B- Proposed Block Plan – Holiday Villages and Car parking

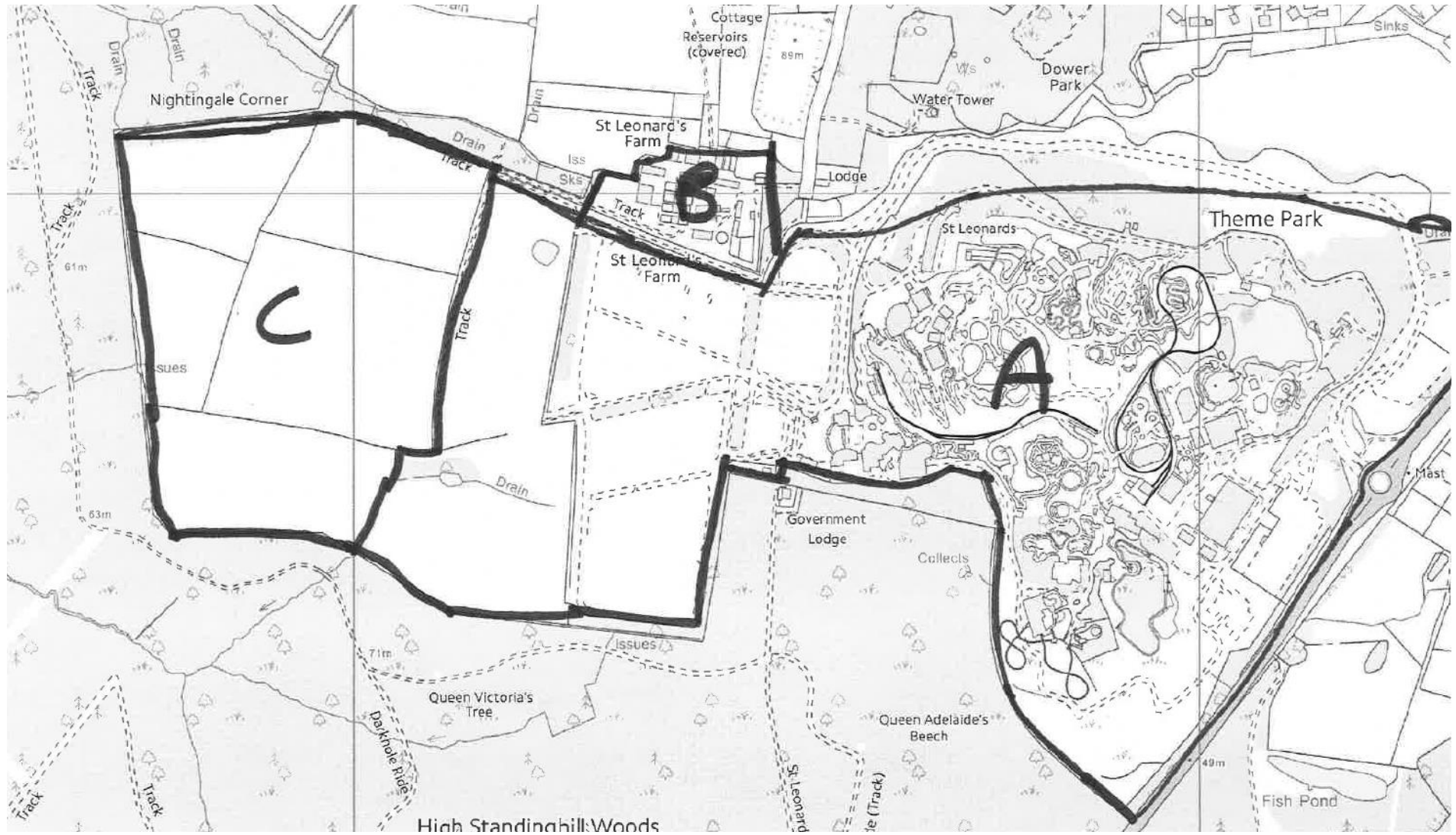




## 74

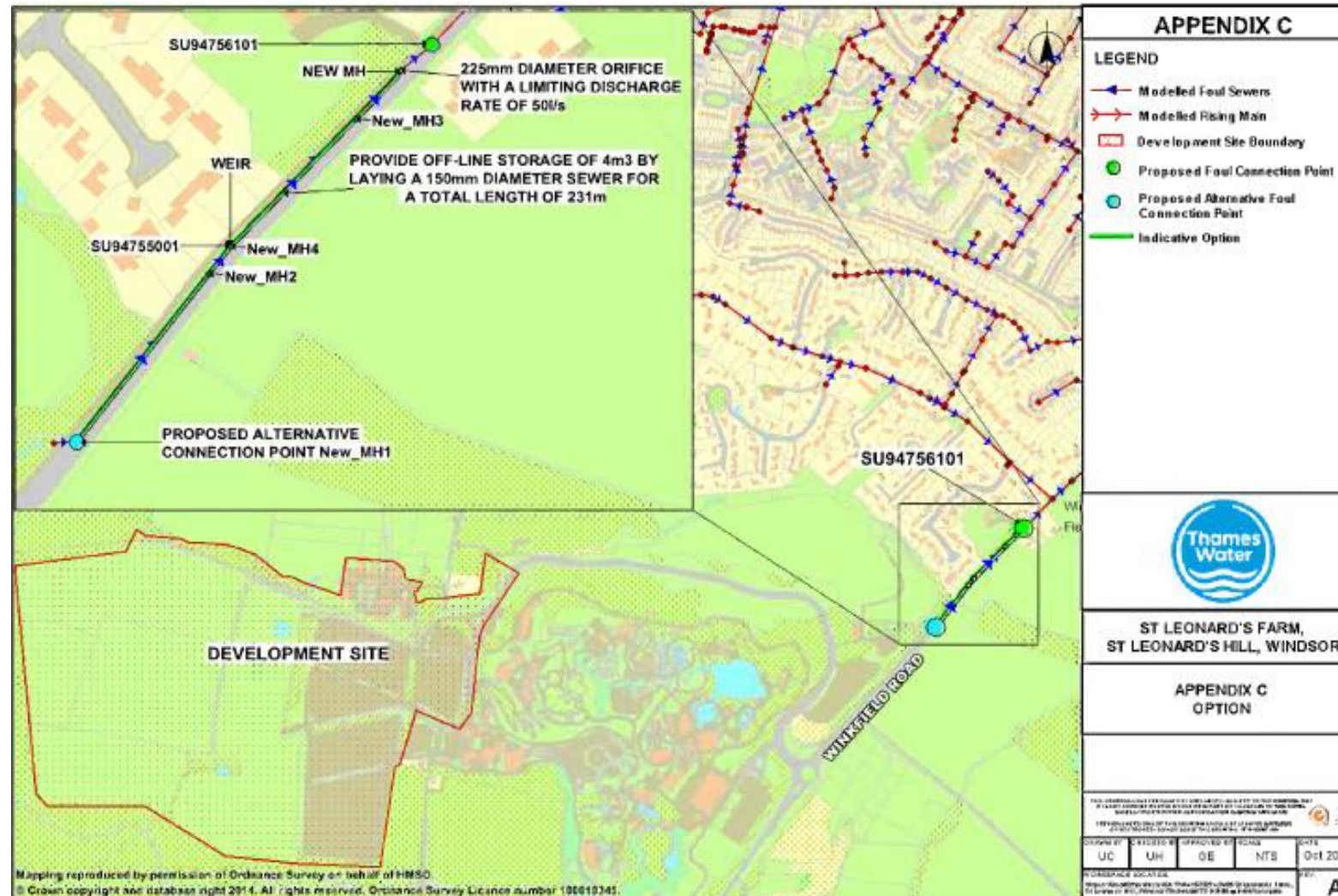


**Appendix D- Site broken into 3 areas for the purposes of the site description**

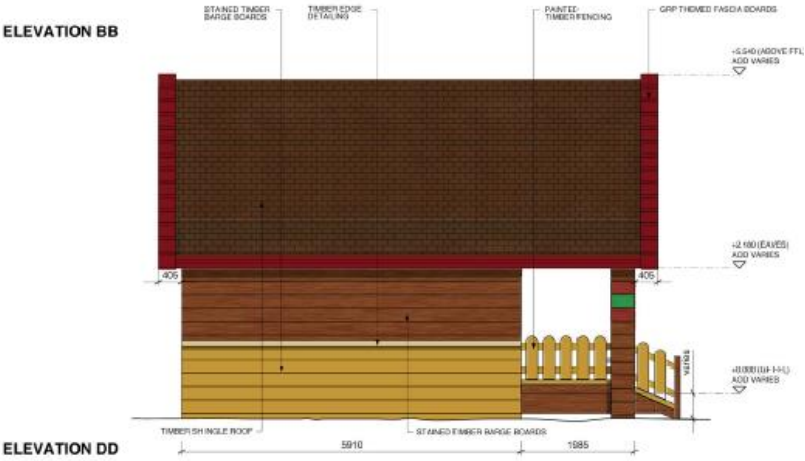
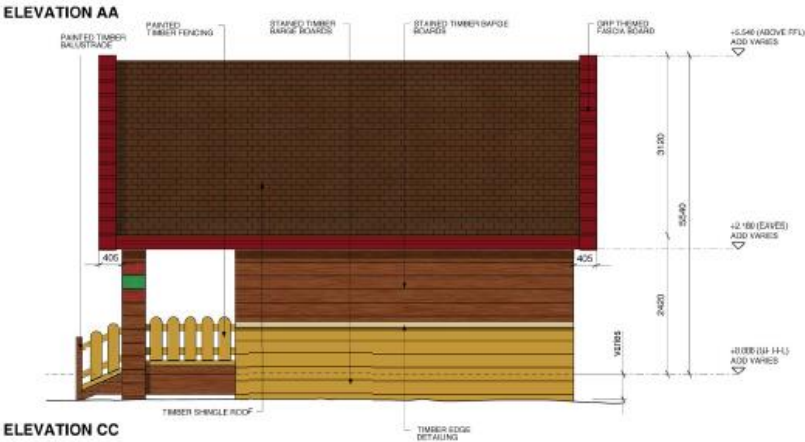
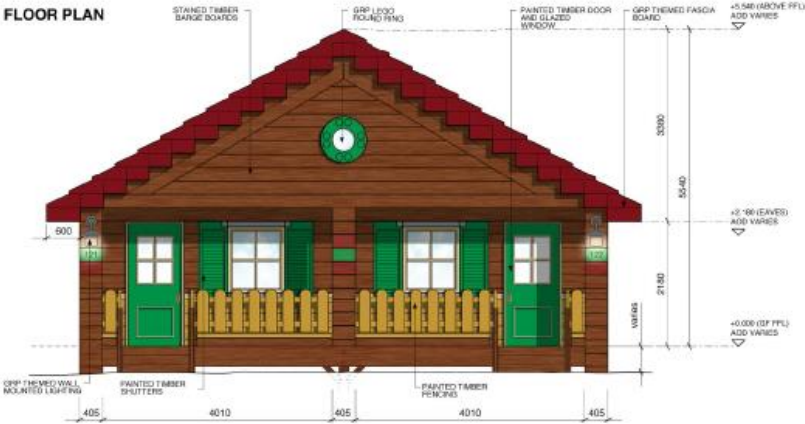




# Appendix E- Possible location of new sewer on the Winkfield Road



APPENDIX F- Elevation of Standard Lodge and Barrel





EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION