

DEVELOPMENT CONTROL PANEL

8 January 2020

Item: 6

Application No.:	19/02007/FULL
Location:	Legoland Windsor Resort Winkfield Road Windsor SL4 4AY
Proposal:	Redevelopment of Adventure Land including the erection of new buildings, ride and play equipment, hard and soft landscaping with associated infrastructure, following demolition of various existing buildings.
Applicant:	LEGOLAND Windsor Park LTD
Agent:	Mrs Sarah Moorhouse
Parish/Ward:	Windsor Unparished/Clewer And Dedworth East
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal comprises of the re-theming and redevelopment of 'Adventure Land' including a new drop tower ride, play equipment and seating area, a 'photo-opportunity' building and Main Attraction Building and associated development.
- 1.2 The proposal was previously considered under the hybrid application 17/01878/OUT as 'Project 5'. However, in order to open in 2021 the construction of this project will have to include periods when the park is open to the public. Therefore the applicant has sought an alternative location which can be readily closed off from the park.
- 1.3 The proposal is considered to represent in policy terms inappropriate development in the Green Belt, which is afforded substantial weight against the development, and there is limited harm to trees and ecology which are both afforded limited weight against the development. Balanced against this, the proposal is not considered to conflict with any of the stated purposes of the Green Belt and there are a number of economic benefits in respect of the tourism economy, employment and operational spend. There are also community and charitable benefits. Therefore, it is considered that a case of very special circumstances has been demonstrated to outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness.
- 1.4 The proposal is considered to be acceptable in relation to character and appearance, heritage assets, trees, ecology, highways and parking, neighbouring amenity and sustainable drainage.
- 1.5 This proposal, although in the different location, has already been considered acceptable under 17/01878/OUT. If minded to approve, it is recommended that this is subject to a S106 to ensure that only one of the scheme is implemented.

It is recommended the Panel defers and delegates to Head of Planning the Grant of Planning Permission with the conditions listed in Section 13 of this report subject to the completion of the satisfactory S106 to ensure either the proposal or project 5 under 17/01878/OUT is implemented but not both.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel as the proposal results in a gross new floor space of 1171sqm (1097sqm, net) which exceeds the 1000sqm threshold set out in the constitution.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Legoland is a theme park located approximately two miles to the south-west of Windsor town centre. Within the main theme park there is an extensive range of built structures including rides, marquees, kiosks, WC facilities, retail outlets, cafes, storage/maintenance facilities and office space set within a well landscaped site where the topography and tree covered on the site screens the majority of the park from view. Within the main theme park, towards the east of the site is a 150 bedroom hotel with a 61 bed extension. The main theme park is delineated by a service ring-road. On the outer edge to the west of the theme park are car and coach parks for day-visitors, and a parking area for the hotel to the east. To the north and north-east is a landscape buffer between the theme park and the residential properties on St Leonard's Hill. The access road leads off the existing roundabout junction with the B3022 Winkfield Road. There is wider access from the strategic road network including the M3, M4, M25, M40, A404(M) and A308(M).
- 3.2 The application comprises of approximately 0.92ha towards the eastern part of the theme park, to the north of an existing service building and south of the lake, and currently comprises of 'Adventure Land', part of an internal service road, and grassed service area that is used for a back-of-house area for staff and temporary storage / maintenance purposes.

4. KEY CONSTRAINTS

- 4.1 Legoland and the site is located on the edge of the built-up area of Windsor which lies to the north-east of the theme park. To the south lies Windsor Forest and to the east is Windsor Great Park. Windsor Great Park is designated as a historic park and garden, while both Windsor Forest and Windsor Great Park are designated as a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Windsor Great Park is designated as a historic park and garden. The site, Legoland as a whole, and land to the north (in part), east, west and south lies in the Green Belt. The site, Legoland, and immediate surrounds also lies in an Area of Special Landscape Importance. The north-western section of 'Adventure Land' is covered by a TPO that protects all Oak, Elm, Fir, Ash, Beech, Birch, Chestnut, Thorn and Poplar. The area to the south-east forms part of a Woodland TPO designation covering all species ref: 003/1963/TPO. A Public Right of Way (Public Bridleway 9 Windsor) runs west and south of the existing Resort.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal comprises of the re-theming and redevelopment of 'Adventure Land' including the following:
- A new drop tower ride to the centre of the application site with two steel drop towers with gondolas measuring approximately 13m in height and partial covered queue line to the south-east of the ride.
 - To the north of the application site and to the east of the existing Harbourside Fish and Chips restaurant, new play equipment and seating area is proposed. The height of the play equipment varies in form and height, but the tallest play piece would be approximately 10.5m.
 - To the western part of the application site is a new 'photo-opportunity' building with the front facade measuring a maximum of 7.5m in height before stepping down to a minimum height of 2m to the rear. To the north-east of the photo-opportunity building is a queue line bounded by a 1.1m high fence.
- 5.2 To the south of the site within the grassed area currently used for temporary storage/maintenance purposes and back of house staff, a new attraction ride is proposed in a building measuring approximately 13m in height with a floor area of approximately 1070sqm over 5 floors (basement, ground floor, first floor, second floor and plant floor). To the south-east of the site is a

queue area covered by a steel framed canopy with tensile fabric measuring approximately 4m in height. To the front of the building is a paved courtyard area. Around the perimeter, associated landscaping and a 2m high fence is proposed. This part of the proposal is referred to as the 'Main Attraction Building' in the submitted Planning Statement and for consistency is referred as the same in this report.

5.3 Other works are proposed, which do not form part of the application as used for or in connection with the entertainment of the public within the amusement park they benefit from permitted development rights under Schedule 2, Part 18, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, for completeness, the works include:

- 1 A games / photo collection kiosk with a maximum height of 4.1m and a footprint of approximately 38sqm.
1. Plant room with a maximum height of 4.4m and a floor area of approximate 27sqm.
2. Operators Cabin in association with the drop tower with a maximum height of 2.7m and a footprint of approximately 9sqm.

The re-theming and refreshing of the existing 'Squid Surfer' ride and Harbourside Fish and Chips restaurant are not considered to be development. It should also be noted that are various billboards, entrance portals, models and directional signs are considered to be advertisements under the definition under Section 336 of the Town and Country Planning Act 1990 (as amended).

5.4 The proposal was previously considered under the hybrid application 17/01878/OUT as 'Project 5'. Due to investment cycles, the aim for Legoland was to progress this particular project to open in 2021. However, due to the time taken to determine 17/01878/OUT and subsequent Judicial Review, in order to open in 2021 the construction of this project will have to include periods when the park is open to the public. Therefore the applicant has sought an alternative location which can be readily closed off from the park.

5.5 There is significant planning history for the site, the most recent being:

Reference	Description	Decision
09/01184/OUT	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 - 07.10.2009
09/02094/FULL	Replacement storage building,	Approved – 09.11.2009
09/02647/VAR	Erection of a 150 bedroom hotel with landscaping, drainage, alterations to internal access road and parking as permitted by Outline application 09/01184 without complying with condition 4 of that permission relating to total floorspace not to exceed 9000sqm gross external floorspace, to allow the total floorspace not to exceed 9450 sqm gross external floorspace.	Approved – 09.02.2010
10/00064/FULL	Erection of a covered terrace area, to the West of Pirate Falls Ride	Approved – 22.02.2010
10/00106/FULL	Proposed paid parking exit system comprising four parking barriers, a ticket kiosk and works to realign/widen and internal road.	Approved – 01.03.2010

10/00155/FULL	Reserved matters pursuant to outline planning permission 09/01184/OUT for the construction of a 150 bedroom hotel with landscaping, sustainable drainage, alterations to internal access road and parking to provide 321 spaces and associated works.	Approved – 19.04.2010
10/01122/FULL	Erection of an indoor Sealife attraction building, including canopy, terrace and associated landscaping	Approved – 08.07.2010
10/02813/FULL	Extension to the Adventureland toilets and boardwalk	Approved – 04.01.2011
11/00526/FULL	Installation of a timber canopy over the Dino Dipper ride	Approved – 04.04.2011
11/00802/FULL	Installation of new show seating at the Johnny Thunder Adventures' Show	Approved – 03.05.2011
12/02314/FULL	Construction of a new 'Traffic Games' kiosk style fairground unit	Approved – 07.01.2013
13/00043/FULL	Construction of a new plant enclosure within the 'Duploland' area of the park	Approved – 11.02.2013
13/00190/FULL	Construction of a new 'Traffic Games' kiosk style fairground unit	Approved – 11.03.2013
13/01168/FULL	Erection of timber food and beverage kiosk	Approved – 10.07.2013
13/02393/FULL	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 – 11.03.2013
14/01251/FULL	Installation of a new attraction including a haunted house building, queue line area, landscaping and alterations to an existing pathway within the resort	Refused – 20.08.2014 Appeal Allowed – 27.11.2015
15/02105/FULL	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/FULL	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	Approved – 15.02.2016
16/00851/FULL	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 – 17.06.2016
17/01878/OUT	Hybrid planning application seeking permission for the following Full (detailed) projects: Project 1 - the	Approved – 10.04.2019 Judicial Review - Pending

	<p>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.</p>	
19/02163/CPD	Certificate of lawfulness to determine whether the proposed installation of a coaster ride, control cabin, photo booth and enclosure is lawful.	Approved – 07.10.2019

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2, GB9
Character and Appearance	DG1, N1
Highways and Parking	T5, P4
Trees	N6
Historic Parks and Gardens	HG1

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving Sustainable Development

Section 4 – Decision-making

Section 6 – Building a Strong, Competitive Economy

Section 9 – Promoting Sustainable Transport

Section 12 – Achieving Well-Designed Places

Section 13 – Protecting Green Belt

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Green Belt	SP1, SP5
Character and Appearance	SP2, SP3
Sustainable Transport	IF2, IF5
Trees and Ecology	NR2, NR3
Historic Environment	HE1, HE2
Visitor Development	VT1
Environmental Protection	EP1, EP3, EP4

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Green Belt	SP1, QP5
Character and Appearance	QP1, QP3
Sustainable Transport	IF2, IF5
Trees and Ecology	NR2, NR3
Historic Environment	HE1, HE2
Visitor Development	VT1
Environmental Protection	EP1, EP3, EP4

- 7.1 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

These documents can be found at:

<https://www3.rbwm.gov.uk/blp>

Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Landscape Character Assessment
- RBWM Parking Strategy

8. CONSULTATIONS CARRIED OUT

The planning officer posted a notice advertising the application at the site on 01.08.2019 and the application was advertised in the Local Press on 17.10.2019.

No letters were received supporting or objecting to the application.

Consultee	Comment	Where in the report this is considered and officer comment.
Arboriculture Officer	<p>Raises objections over harm to the landscape character which identifies trees and woodland, some of which are ancient and veteran, as a key characteristic. The loss of existing trees indicated on the tree removal plan would erode the landscape character of the site, and the proposal does not provide sufficient mitigation.</p> <p>Hardstanding structures would intrude into the buffer zone of trees and the layout would bring additional pressure to harm trees within the site.</p> <p>The removal of the large dead tree sculpted into a totem pole, and relocation of a replacement tree would isolate oaks within the Picnic Grove with the belt of trees to the south-east.</p> <p>Confirmation is required that there will be no utilities which will impact on trees.</p>	<p>Section 9 (iv)</p> <p>Replacement and new tree planning would result in a net gain, which would mitigate the impact of the proposal, and a condition is recommended to secure this.</p> <p>While there would be some new hardstanding within the buffer zone, there would also be some removal and reinstatement to natural state which equate to approximately the same area. Together with mitigation to ameliorate the soil environment, this is considered acceptable. It is recommended that this is secured by condition as part of a Landscape and Ecology Management Plan.</p> <p>Based on the layout, any</p>

		<p>potential excavation will be limited to the outer edge of the buffer zone, and therefore considered acceptable. A condition is recommended to ensure any excavation is hand dug.</p> <p>Given the modest separation distance from the oaks to the belt of trees, this is considered to cause only limited harm.</p> <p>Condition recommended requiring submission of details and approve of underground utilities</p>
Bray Parish Council	<p>Raises concerns relating to the impact on the historic views of Windsor Great Park (Grade I registered Park and Gardens), and impact on the local highway network due to the additional number of visitors, and therefore recommends refusal.</p>	<p>Section 9 (ii), (iii) and (vi)</p> <p>The submitted Landscape Visual Appraisal demonstrates there would be no effect or negligible views of the tops of rides from Windsor Great Park.</p> <p>It is established that new visitor attractions is not a visitor trip generator in itself, and would therefore not result in an increase in pressure on the local highway network.</p>
Conservation Officer	<p>No objections as there would be minimal impact on views from open areas of the historic Windsor Great Park.</p>	<p>Section 9 (ii) and (iii)</p>
Ecology	<p><u>Special Area of Conservation</u> Given the distance of the proposed development to Windsor Forest and Great Park Special Area of Protection, a screening assessment for an appropriate assessment should be undertaken.</p> <p><u>Habitat</u> Natural England recommends a buffer around veteran trees, and within the buffer native species should be planted. Trees to be lost must also be replaced on a like for like</p>	<p><u>Special Area of Conservation</u> Given the nature of development it is considered that an appropriate assessment is not required as the development alone and in combination with other development would not have a significant effect on Windsor Great Forest and Great Park.</p>

	<p>basis. This can be secured by condition.</p> <p><u>Bats</u> The carved totem pole was recorded as having the potential to support roosting bats and a soprano pipistrelle bat was recorded emerging from the structure during previous surveys and the most recent bat surveys. It is proposed to remove the totem pole. Details of mitigation measures should be provided prior to the determination of this application to ensure that the populace of bats, at a favourable conservation status in their natural range, will be maintained.</p> <p>A wildlife friendly lighting strategy can be secured by condition.</p> <p><u>Reptiles and Amphibians</u> No objections.</p> <p><u>Invertebrates</u> Trees of invertebrate interest, deadwood and stumps should be left in situ but if not possible they should be relocated to another part of the site as recommended with in the ecology report. This can be secured by condition.</p> <p><u>Biodiversity Enhancements</u> Details of biodiversity enhancements can be secured by condition.</p>	<p><u>Habitat</u> Where the hardstanding within the buffer of veteran trees is being restored to a natural state, a condition is recommended to secure submission and approval of details including species to be included as part of a Landscape and Ecology Management Plan.</p> <p>A condition to secure details of location and species of replacement trees as part of a Landscape and Ecology Management Plan is recommended.</p> <p><u>Bats</u> All species of bats are protected including their roosts, therefore a European Protected Species Licence from Natural England will be required. To be obtained this would include details of mitigation. If minded to approve this can be subject to a condition to require a Licence to be obtained and carried out in accordance with the Licence.</p> <p>Condition for a wildlife friendly lighting strategy as part of a Landscape and Ecology Management Plan recommended.</p> <p><u>Invertebrates</u> The tree stump identified at TN4 in the Preliminary Ecological Appraisal and Bat Survey is to be removed and relocated. A condition requiring submission and approval of details as part of the Landscape and Ecology Management Plan is recommended.</p> <p><u>Biodiversity Enhancements</u> Section 9 (v) and condition recommended.</p>
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Garden Trust	Have considered the information provided and wish to make no comment. This does not signify approval or disapproval of the proposal.	Noted.
Historic England	No comments received.	Noted.
Highways Officer	No objection.	Section 9 (vi)
Lead Local Flood Authority	The preliminary surface water drainage strategy is acceptable subject to a pre-commencement condition requiring the submission of full details of the proposed surface water drainage system including supporting calculations confirming compliance with the Non-Statutory Standards for Sustainable Drainage, and its maintenance arrangement.	Section 9 (viii) and condition recommended.
Natural England	No objections as the proposed development will not have a significant adverse impacts on statutorily protected nature conservation sites or landscapes, and refers the Local Planning Authority to Natural England's generic advice on other natural environmental issues.	Section 9 (v)

Other Interested Parties

Group	Comment	Where in the report this is considered
Access Advisory Forum	No information submitted on the accessibility of the amenities in Adventure Land.	Noted.
Thames Water	No objections in relation to waste water and sewage treatment infrastructure capacity. Informatives recommended in relation to approval from Thames Water to discharge to a public sewer, water pressure, and the use of mains water for construction.	Noted and informatives recommended.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Character and Appearance
- iii Heritage Assets
- iv Trees
- v Ecology
- vi Highways and Parking

- vii Neighbouring Amenity
- viii Sustainable Drainage
- ix Planning Balance

i Green Belt

- 9.1 The entire site lies within the Metropolitan Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the NPPF states that new buildings in the Green Belt would be regarded as inappropriate development with some exceptions, while paragraph 146 of the NPPF goes on to list other forms of development that are also not inappropriate provided that they preserve its openness and do not conflict with the purposes of including land within it.
- 9.2 Local Plan policy GB1 also sets out what may be considered appropriate development in the Green Belt, which includes redevelopment of designated major sites in accordance with GB9. However, while the Development Plan comprises of the Local Plan, policies GB1 and GB9 were prepared in accordance with the cancelled PPG2 Green Belts and not entirely consistent with the NPPF. As such, GB1 and GB9 are given limited weight for the purposes of this assessment. The NPPF is considered to be the most up-to-date expression of Government intent and given significant weight.
- 9.3 In this context, paragraph 145 (g) of the NPPF states that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), need not be inappropriate development in the Green Belt. This is subject to the development not having a greater impact on the openness of the Green Belt than the existing development.
- 9.4 Appendix 2 of the NPPF defines previously developed land as 'land which is or was occupied by a permanent structure including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure'. On the basis of this definition it is considered that the site would fall under the definition of previously developed land as the site lies within the main theme park and its curtilage.
- 9.5 Turning to the impact on openness, the concept of openness relates to the lack of development or built form, however *Turner v SSCLG* and *East Dorset Council [2016]* and *Goodman v SSCLG [2017]* established that the impact of openness of the Green Belt should be assessed taking into account both its spatial and visual impact, while *Euro Garages Limited v SSCLG [2018]* establishes that greater floor area and/or volume does not necessarily mean that there is a greater impact and it is also necessary to consider "the impact or harm, if any, wrought by the change". This Case Law is a material consideration, and in response to this case law the National Planning Policy Guidance (NPPG) which supports the NPPF advises that in addition to volume the visual impact of the proposal may also be relevant and the degree of activity likely to be generated.
- 9.6 The new drop tower ride, play equipment and photo-opportunity building would be sited in between existing rides and buildings, and would not exceed the height of the highest structure within the main theme park (The Jolly Rocker ride, which measures approximately 17.5m above ground). In the context of the main theme park it is considered that the new drop tower ride, play equipment and photo-opportunity building would not have a greater impact on openness of the Green Belt than the existing. However, the Main Attraction Building would be sited on open grassland which is used as back-of-house and for temporary storage / maintenance purposes at the outer edge of the theme park. There is currently no permanent structures on this part of the site. Measuring approximately 13m in height with footprint of approximately 603sqm and a floor

area of approximately 1070sqm over 5 floors (basement, ground floor, first floor, second floor and plant floor) it is considered that the Main Attraction Building would be a substantial building. The resultant mass and bulk of the proposed Main Attraction Building, together with its strident materials and colour as shown on the proposed elevations, drawing ref: LLWR-SA-01-XX-DR-A-0401 rev. 3, is considered to result in a greater spatial and visual impact upon openness of the Green Belt than the existing development. The degree of activity in this part of the site is also likely to increase as part of the main theme park rather than back of house. Overall it is considered that the proposal would result in a moderate harm to openness. Therefore, the proposal is not an exception under paragraph 145 (g) of the NPPF and considered to be inappropriate development in the Green Belt. In accordance with paragraph 144 of the NPPF this is given **substantial weight against** the development.

- 9.7 Paragraph 143 of the NPPF states that where a proposal would be inappropriate development in Green Belt that development should not be approved except in Very Special Circumstances (VSC). Paragraph 144 of the NPPF states that VSC will not exist unless the potential harm to the Green Belt by reason of its inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations. In terms of any other harm, it is considered that there is very limited harm to landscape character and limited harm to ecology, which is given **very limited and limited weight against** the development, respectively. This is discussed further in sections iv and v below.
- 9.8 The applicant advances that the proposal is appropriate development, they also put forward a case for VSC within the submitted Planning, Design and Access Statement which is set out below. The decision-taker has to exercise a qualitative judgment and ask whether the circumstances, taken together, are very special.
- 9.9 In relation to benefits of the scheme, the applicant has put forward a case for Very Special Circumstances (VSC) which are each is assessed in turn.

Need for Development

- 9.10 The Council's Tourism Plan indicates that Attractions and Entertainment accounts for £46 million of tourism spends in 2015, and it has been put forward that Legoland accounts or a significant proportion of this figure. It has therefore been put forward that the theme park is important locally and regionally in terms the tourism economy. The leisure / tourism market is highly competitive commercial market, and there is cyclical investment into Legoland to keep with the latest trends to maintain its status as a leading regional theme park and the benefits to the local economy. Furthermore, in addition to maintaining visitor numbers, it has been put forward that the proposal would smooth visitor numbers over the season with two indoor (poor weather) attractions. This is accepted. Direct expenditure generated by visitors and tourism in the Borough in 2017 was £441.8 million and additional indirect and induced effects (which generate a further £124.7 million) translates to £566.5 million worth of income for local businesses. Legoland is one of Britain's most popular paid for tourist attractions with over 2.3 million visitors per year in 2018, and considered to contribute to the tourism value. Proportionally, this is given **moderate weight in favour** of the development.

Alternative Sites

- 9.11 A realistic fall back consideration is a material consideration. The proposal was considered in another location within Legoland under 17/01878/OUT (Project 5, New Rides Attraction). The applicant has put forward that there would be a neutral impact that would arise by relocating to the alternative site subject to this application. However, it would have been sited centrally within the resort under 17/01878/OUT and was considered to be appropriate development in Green Belt and therefore the impact on the Green Belt is not comparable. Therefore **no weight** is given.

Other Special Reasons

9.12 The third part of the VSC case advanced by the applicant are the other special reasons which they have identified. These are assessed below:

Case Made By Applicant	Officer Response
<p><u>Employment Effects</u> The direct operations jobs supported by Legoland include a combination of permanent and seasonal jobs, the total of which includes approximately 290 permanent jobs and over 1800 seasonal jobs. This equates to approximately 1163 full time equivalent jobs.</p> <p>The annual wage bill supporting the current operations, facilities and services amount to approximately £16.7million, 78% of which is retained in householders in the local area.</p> <p>The submitted Planning, Design and Access Statement that the development will create 20 jobs (permanent and seasonal).</p>	<p>It is considered that the estimate of 1,163 FTE and the estimate of 78% of wage expenditure being retained in local households is reasonable and robust.</p> <p>It is accepted that the proposal would maintain visitor numbers and thereby overall employment, in addition to creating 20 jobs (permanent and seasonal). This is given <u>moderate weight in favour</u> of the development.</p>
<p><u>Operational Expenditure</u> In addition to wage spending, the total expenditure on the supply of goods and services to Legoland is around £31million annually. Business Rates per year to RBWM amount of approximately £1.7million.</p>	<p>The expenditure on goods and services to Legoland in the local area has not been quantified, and due to the national profile and operations of the resort it is likely that the supply chain linkages would extend regionally and nationally. It is accepted that the proposal would maintain visitor numbers and thereby the viability of the business. Proportionally, this is given <u>moderate weight in favour</u> of the development.</p>
<p><u>Visitor Economy Impact</u> Legoland attracts a large number of visitors to Windsor, which has a strong positive impact on the local ecology with increase spending levels to other tourist attractions, local businesses etc.</p>	<p>It is considered that this is covered in the Need for Development to maintain visitor numbers and its contribution locally and regionally in terms of the tourism economy, which is given moderate weight in favour of the development. To avoid double counting this is given <u>no additional weight under other special reasons</u>.</p>
<p><u>Community Impact</u> Legoland undertakes a wide range of community and charity initiatives through their own programme and in partnership with other organisations which include donating approximately 8000 free tickets to Windsor School Pupils; free annual passes to RBWM foster care programme; setting up a charity partnership with Alexander Devine, the first</p>	<p>This is a benefit which weighs in favour of the proposal. However, no case has been put forward that the community and charitable benefits directly arise from the proposed development. However, it is accepted that the proposal would maintain visitor numbers and thereby the viability of the business. Proportionally, this is given <u>limited weight in</u></p>

Children's Hospice in Berkshire; and supporting Merlin's Magic Wand, an international charity that delivers magical days for seriously ill, disabled and disadvantaged children and families.	favour of the development.
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9.13 In addition to the above, while the proposal represents inappropriate development in the Green Belt and it is considered that the proposal would result in moderate harm to openness, it is not considered that there would be any conflict with the 5 purpose of the Green Belt set out in paragraph 134 of the NPPF. This is given **significant weight in favour** of the proposal.

Purpose of the Green Belt	Comment
To check the unrestricted sprawl to large built-up areas	The proposed development encroaches into open space within the site, but would be contained within the developed envelop of the resort. As such, the proposed development would not result in unrestricted sprawl to large built up areas.
To prevent neighbouring town merging into one another	The application site does not form part of the green gap between settlements, and therefore the proposal would not contribute to neighbouring town merging into one another.
To assist in safeguarding the countryside from encroachment	While the application site includes open space, the application site is not considered to represent countryside. The proposal therefore does not encroach into the countryside.
To preserve the setting and special character of historic town	The application site is located on the edge of Windsor and forms part of its parkland landscape, but the proposal is not considered to harm its setting and special character of the parkland landscape and therefore does not harm the setting and special character of Windsor.
To assist in urban regeneration by encouraging the recycling of derelict and other urban land	The rides and attractions require to be located with the resort, and comprises of previously developed land as defined in the NPPF. The proposal therefore does not conflict with this purposes.

9.14 It is considered that the harm to the Green Belt and any other harm identified in the report, which is set out below, is clearly outweighed by the VSC.

9.15 If minded to approve, it is recommended that this is subject to a S106 to ensure either the proposal under this application or project 5 under 17/01878/OUT is implemented but not both. This is because the VSC presented relies on the contribution of this proposal towards the tourism economy, employment and operational spend, and the community and charitable benefits. It has not been demonstrated that both, which could be implemented, is necessary to achieve the same.

ii Character and Appearance Including Impact on Landscape Character

9.16 Local Plan policy DG1 states that new development should not cause harm to the character of the surrounding area through development which results in the loss of important features which

contribute to that character. As a material consideration of significant weight, paragraph 124 and 130 of the NPPF advises that high quality buildings and places is fundamental to what planning should achieve and permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area.

- 9.17 The site is classified as 'Farmed Parkland' (3d Windsor Great Park West) in the Council's Landscape Character Assessment (LCA). The Windsor Great Park West landscape character includes mature parkland and deciduous woodland copses and belts on the periphery of the Crown Estate. The age of the parkland and woodland copses and link with Royal Patronage adds a historic and cultural dimension to the character of this landscape type. Legoland is located towards the centre of this landscape area, set within a wooded framework it is relatively screened from the wider landscape although there are long distance views of the area from Flemish Farm and Windsor Great Park (Queens Anne's Gate). The LCA advises that long distance views across the predominately undulating landscape, which are experienced by users on the roadways and footpaths within the locality, are important to the visual character of this identified type.
- 9.18 The Council's Landscape Strategy concludes that overall this landscape is largely intact and therefore its condition is considered to be excellent, while the capacity for change is low due to the extent of important natural features within it. In terms of issues for recreation and tourism, the Council's Landscape Strategy notes that Legoland is a large investor in tourism since it opened in 1996 but the pressure for new amenity and recreational facilities, in particular the incremental spread and increased tourist activity may have a potentially significant impact on landscape character. However, the Strategy goes on to advise on outline landscape strategies which the proposal broadly complies with. This includes the 'zoning' of visitor activities to avoid damage to sensitive areas, and the avoidance of development which would result in the loss of views across the landscape from surrounding routeways.
- 9.19 The new drop tower ride, play equipment and photo-opportunity building would be sited on land that currently comprises of 'Adventure Land' while the Main Attraction Building would be sited on land in ancillary use to the theme park, and therefore within the envelope of the theme park. It needs to be considered whether the loss of trees results in harm to the Parkland landscape character. The Council's Landscape Character Assessment identifies Legoland as part of the Parkland landscape, but it is considered that the Legoland incorporates its own distinct character. Veteran trees are part of this characteristic, but are to be retained and there are no objections in terms of impact by the proposal on their health and longevity as a result of the development. The impact on trees is assessed in section iv. In relation to the wider Parkland landscape, the Landscape Character Assessment identifies one of the key characteristics is the theme park being framed by woodland. It is considered that the proposal would not erode this characteristic and therefore acceptable in this respect.
- 9.20 In terms of general design and appearance, the overall height, form, scale, colours and materials are considered to be acceptable within the context of Legoland.
- 9.21 In terms of views, the application is supported by the Landscape and Visual Appraisal (LVA) which assesses the character, quality and value of the landscape and then considers the effects of the proposal. Based on visualisations the LVA demonstrates that there would be no effect on views from Windsor Great Park Queen Anne's Gate with only negligible views of the tops of the main attraction building from Windsor Great Park Cavalry Exercise Ground due to intervening woodland and landform. It is noted that no visualisations have been included from Flemish Farm or the south, but it is considered that direct views are likely to be minimal for the same reasons.

iii Heritage Assets

- 9.22 The Windsor Great Park, a Grade I Registered Historic Park and Garden (RHPG), is a receptor of high significance and sensitivity; the boundary of the RHPG is located circa 300m to the south-east of the application site.

- 9.23 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 of the NPPF goes on to state that substantial harm to assets of the highest significance which includes Grade I registered parks and gardens, should be wholly exceptional and should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. Paragraph 196 of the NPPF states that where a development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
- 9.24 In this case, the proposal is not considered to result in any harm to the RHPG given the screening of the site and the separation distance between the two. As such, it is considered that the proposal is acceptable in this respect.

iv Trees

- 9.25 Local Plan policy N6 states that new development should wherever practicable allow for the retention of existing trees, include appropriate tree planting and landscaping, and where the amenity value of trees outweigh the justification for development planning permission may be refused. As a material consideration of significant weight, paragraph 170 of the NPPF states that planning decisions should recognise the intrinsic character of trees and woodland, while paragraph 175 states that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient and veteran trees should be refused unless there are wholly exceptional reasons. With reference to the definition of veteran trees in Appendix 2 of the NPPF, it is considered that trees no. 3, 27, 32, 34, 45 and 46 on drawing ref: 1183-KC-XX-YTREE-TCPO1 Rev A, are veteran oaks. Appendix 2 of the NPPF defines an ancient or veteran tree as a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species.
- 9.26 The north-western section of 'Adventure Land' is covered by a TPO that protects all Oak, Elm, Fir, Ash, Beech, Birch, Chestnut, Thorn and Poplar. The area to the south-east forms part of a Woodland TPO designation covering all species ref: 003/1963/TPO.
- 9.27 A Tree Survey and Impact Assessment has been submitted to support the proposal along with a Tree Constraints Plan, ref: 1183-KC-XX-YTREE-TCP01 Rev A and Tree Protection Plan, ref: 1183-KC-XX-YTREE-TPP01 Rev B.

Veteran Trees

- 9.28 There are veteran trees within the site (no. 3, 27, 32, 34, 45 and 46). Natural England's standing advice for Local Planning Authorities states that there could be direct and indirect impacts as a result of development such as damaging or destroying all or part of them or increasing disturbance to wildlife amongst other examples therefore a buffer zone is recommended. The buffer should be at least 15 times its stem diameter. The submitted Tree Constraints Plan, drawing ref: 1183-KC-XX-YTREE-TCP01 Rev A illustrates Natural England's recommended buffer, which has subsequently been confirmed as accurate and correct by the applicant. However, there is already development within the buffer zone of veteran trees. Natural England is silent in relation to buffers and previously developed land, but taking the pragmatic approach, it is considered that the situation should not be made any worse. In this case, drawing ref: LLWR-SA-XX-XX-DR-A-0016 P4, which illustrates the buffer in relation to proposed development, indicates new hardstanding of approximately 83sqm within the buffer zone of oaks no. 3 and 27. However, there would also be some gain in the removal of hardstanding and return of land to a natural state measuring approximately 97sqm. Together with measures to ameliorate the soil environment, it is considered that the buffer environment would not be significantly worse than the existing situation and therefore acceptable. If minded to approve, it is recommended that these measures are

secured by condition through the submission and approval of a Landscape and Ecology Management Plan. There is also minor gain in the buffer zone for oak no. 45 in the removal of a kiosk south of this tree.

- 9.29 The partially covered queue line area for the tower ride is within the buffer of veteran oak no. 32. Whilst this is over existing hard standing, there are likely to be some structural supports for the roof, which may require localised excavation to the outer edge of the buffer zone. If minded to approve it is considered that hand dig method of excavation within the buffer zone for this veteran oak should be secured by condition.

Other Trees

- 9.30 The proposal includes the loss of a few trees which are rated category C, which is one of the lower category of trees. In general category C trees should not impose a constraint on the development provided that their loss is adequately mitigated with replacement planting. Replacement and new tree planting is proposed in areas across the application site as shown on drawing ref: 591/38 5. The submitted Tree Survey and Impact Assessment states that this would result in a net gain of trees. The Tree Survey and Impact Assessment also recommends that native species are proposed. If minded to approve this can be secured by condition through a Landscape and Ecology Management Plan.

Totem Pole

- 9.31 The new tower ride is sited towards the centre of the site where there is currently a dead tree which has been retained and sculpted into a totem pole. There is a legal duty to replace trees that have died under S. 206 of the Town & Country Planning Act 1990 and the Council's Arboriculture Officer has advised that it is desirable for a replacement to be planted in the same place to link veteran oaks no. 45 and 46, which are within the Picnic Grove, with the band of the trees to the south-west (nos. 28-29 and 31-39). The Council's Arboriculture Officer considered that the absence of a replacement tree in this location would otherwise isolate oaks no. 45 and 46. Natural England's Standing Advice for Local Planning Authorities when assessing the impact of development upon veteran trees notes that an indirect impact of development can include the breaking up or destroying of connections between woodland and ancient or veteran trees. However, due to the modest separation distance from veteran oaks no. 45 and 46 to the bank of trees to the south-west the loss of the visual 'stepping stone' is only considered to cause **very limited harm** to the landscape character of the area.

Utilities

- 9.32 The new sustainable drainage pipe and flow control manhole to the south of the Main Attraction Building shown on drawing ref: LLWR-HBL-XX-XX-DR-D-0753 P02 is not considered to result in any unacceptable impact to the RPA of no. 33.
- 9.33 It is noted that no details have been submitted of any other additional underground utilities required but it is considered that there is sufficient space for underground utilities to be installed without incursion into the buffer and root protection area of existing and new trees within the site. To ensure this, submission and approval of underground utility details include their location can be secured by condition.

v Ecology

Special Area of Conservation

- 9.34 The site lies within 5km and the zone of influence of Windsor Forest and Great Park Special Area of Conservation (SAC), which is a European Designated site. The primary reason for designation is the significance of old acidophilous oak woods, range and diversity of sapxylic invertebrates, and fungal assemblages. The Natura 2000 data form for Windsor Forest and Great Park reports

that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case given the nature of development the proposed development, alone and in combination with other development, is not considered to have a significant effect on Windsor Forest and Great Park, therefore an Appropriate Assessment is not required.

On Site Biodiversity

- 9.35 As a material consideration protecting and enhancing the natural environment forms part of the 'Environmental' dimension of 'Sustainable Development' and paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 175(a) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused.
- 9.36 There are a number of mature trees on site, some of which have been classified as veteran, which are likely to provide valuable habitat. Natural England's standing advice for Local Planning Authorities states that there could be direct and indirect impacts as a result of development such as damaging or destroying all or part of them or increasing disturbance to wildlife amongst other examples therefore a buffer zone is recommended. In this case, there is already development within buffer for veteran trees, and while there would be some loss with the buffer zone there would also be an approximate area being returned to a natural state, which is considered to adequately maintain the buffer. If minded to approve, a condition is recommended to secure this and details of restoration.
- 9.37 There are also a small number of trees that are to be removed as part of the proposed development however there are no objections subject to like for like replacement planting to contribute towards biodiversity.

Bats

- 9.38 A submitted Preliminary Ecology Appraisal and Bat Survey confirms that all buildings within the proposed development area were recorded as having negligible potential to support bats, and therefore it was considered that no further survey on these structures were required.
- 9.39 Trees and tree stumps within the site were also assessed for the potential to support roosting bats and a number of trees and the carved totem pole were recorded as having the potential to support roosting bats. An emergence survey was subsequently undertaken which recorded a soprano pipistrelle emerging from the totem pole. However, to accommodate the new drop tower, the proposal will result in the loss of this feature which without mitigation would result in a significant ecological impact. No details of the mitigation has been provided as part of this application, but as the totem pole is to be removed a European Protected Species Licence from Natural England will be required as all species of bats receive special protection under UK law and it is a criminal offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations), to deliberately or recklessly destroy or damage their roosts. To obtain a licence, appropriate mitigation would be required which should include details of the translocation of the carved structure or replacement of the roost, timings of the works, details and locations of the replacement roosts. If minded to approve it is recommended that this is subject to a condition requiring the developer to apply for and obtain a European Protected Species Licence from Natural England, and submit a copy to the Local Planning Authority.

Lighting

- 9.40 While the development is located within the existing resort which incorporates high levels of lighting, there is a confirmed bat roost on site (the totem pole to be relocated) and several trees that have the potential to support roosting bats. If minded to approve it is therefore recommended that a wildlife friendly lighting strategy is prepared to ensure roosting, commuting and foraging bats will not be impacted as part of the redevelopment. If minded to approve details within a Landscape and Ecology Management Plan can be secured by condition.

Invertebrates

- 9.41 The veteran trees within the site are likely to support invertebrates in addition to the tree stump located towards the south-east of the site which is identified as TN4 in the submitted Preliminary Ecology Appraisal and Bat Survey. The applicant has confirmed that the veteran trees with invertebrate interest will be retained as part of the development, and it is considered that their protection during construction work can be secured by condition. The tree stump will be relocated, but while it is desirable that this is left in situ this is only considered to cause **limited harm**. If minded to approve details of the removal and relocation of tree stump TN4 within a Landscape and Ecology Management Plan can also be secured by condition.

Reptiles and Amphibians

- 9.42 The submitted Preliminary Ecology Survey reports that the application has negligible potential to support reptiles and amphibians and therefore no further survey for these groups of species are required.

Biodiversity Enhancements

- 9.43 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. The site is likely to have the potential to increase its biodiversity and could include native species planting, management of grassland for wildlife, incorporation of bird and bat boxes, and creation of log piles / hibernacular. No details of biodiversity enhancements have been submitted as part of this application, but details to be included within a Landscape and Ecology Management Plan can be secured by condition.

vi Highways and Parking

- 9.44 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards, and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. As a material consideration, paragraph 109 of the NPP states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Trip Generation

- 9.45 It is established that the principle of a new visitor attraction is not a visitor trip generator in itself. Past evidence presented by Legoland and accepted by the Planning Inspectorate indicates that visitor numbers do not automatically increase after investments in new attractions as new attractions would represent a small fraction of the overall draw. On this basis and in the absence of compelling evidence otherwise, it is considered the proposal would not result in a material increase in trips to the site. It is acknowledged that the highway network is under significant pressure at peak times however any increase in traffic generated by the proposal would not be significant in the context of the daily and seasonal fluctuations in flow and therefore would not be

materially harmful in itself or cumulatively to the operation of the local highway network. Additionally, it is noted that Legoland have been proactive with steps to manage trips to and from the site and part of their wider strategy is to encourage sustainable methods of travel.

Parking

- 9.46 For visitors Legoland currently has 3,143 permanent car parking spaces and 10 cycle stands, allowing parking for up to 20 cycles. There are no proposed changes to this provision. This is considered acceptable as it is considered that there is unlikely to be any material increase in trips to the site and thereby any additional demand for car or cycle parking.

Access

- 9.47 There are no changes to the existing access to the site or intensity of use, and so there are no concerns over highway safety that over and above the existing situation.

vii Neighbouring Amenity

- 9.48 Paragraph 127 of the NPPF states that planning decisions should create a high standard of amenity for existing and future users. The nearest residential properties to the proposal are located over 350m away to the north-west (Chestnut Drive, Gratton Drive, Fairlawn Park and St Leonards Hill). Given the significant separation distance, it is considered that the proposal would not result in any undue loss of light, visual intrusion or loss of privacy to the nearest properties nor create issues in terms of noise and disturbance.

viii Sustainable Drainage

- 9.49 Paragraph 165 of the NPPF states that major developments such as this should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. In this case, surface water run-off from all hardstanding and roof areas will be directed via underground gravity pipe network to an attenuation tank with a flow control device for controlled discharge to the existing 300mm diameter surface water sewer pipes via an existing manhole. This is considered to be acceptable in principle, but further details of the design, construction details and maintenance would be required. If minded to approve, it is recommended that a condition is imposed to secure this.

ix Planning Balance

- 9.50 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.51 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where '*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*'. This includes Green Belt, and the proposal is considered to be inappropriate development in the Green Belt. However, for the reasons set out in section ix it is considered that there are very special circumstances to justify

the development. As such, and whilst the proposed development falls within a 'protect area(s) or assets of particular importance' there is no clear reason for refusing the proposed development on this basis. Accordingly the so-called 'tilted balance' is engaged.

- 9.52 The harm to the Green Belt is given **substantial weight against** the development by reason of inappropriateness in policy terms and moderate harm to openness. With removal of the totem pole/relocation of replacement tree there would be very limited harm in relation to landscape character, which is given **very limited weight against** the development. With the relocation of deadwood within the site there would be limited harm, which is given **limited weight against** the development.
- 9.53 The proposal would not conflict with any of the 5 purposes of the Green Belt, which has given **significant weight in favour** of the proposal. The proposal would also result in a number of economic benefits with its contribution to the tourism economy which is given **moderate weight in favour** of the development, employment which is given **moderate weight in favour** of the development, and operational expenditure which is given **moderate weight in favour** of the development. There are also community and charitable benefits, which is given **limited weight in favour** of the development.
- 9.54 It is considered that the proposal would be in compliance with national and local planning policies in relation to heritage assets, trees, highway and parking, neighbouring amenity or surface water flood risk, and therefore would not result in any harm. However, there are also considered to be no benefits, and would therefore carry **neutral weight**.

9.55 Overall, it is considered that the benefits would significantly and demonstrably outweigh the harm.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The Royal Borough of Windsor and Maidenhead implemented its Community Infrastructure Level (CIL) to help deliver the infrastructure needed to support development in the area in September 2016. In accordance with the adopted CIL charging schedule the development is CIL liable, but the chargeable rate is £0 per square metre.

11. CONCLUSION

11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in section ix it is considered that in this instance the tilted balance should be applied. For decision making this means approving development proposals any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. However such assessments are considered to be academic. This is because for reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act the proposal is in general conformity with the Development Plan overall and that there are no material considerations of sufficient weight to justify refusal.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix B – Proposed Plans and Elevations

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The development hereby permitted shall be commenced within three years from the date of this permission.

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

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

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

- 3 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, N1

- 4 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

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

- 5 All works involving excavation of soil, including foundations, erection of structural supports and the laying of services, within the buffer zone of retained trees as shown on drawing ref: LLWR-SA-XX-XX-DR-A-0016 PA shall be dug by hand.

Reason: To safeguard existing trees to be retained. Relevant Policies - Local Plan DG1, N6.

- 6 No development shall commence until a Landscape and Ecology Management Plan has been submitted to and approved by the Local Planning Authority. The Landscape and Ecology Management Plan shall set out the details of the creation, maintenance, and management of the biodiversity enhancements including native species planting, management of grassland for wildlife, incorporation of bird and bat boxes, creation of log piles and hibernaculars; details of a wildlife friendly lighting strategy for external lighting which should be prepared following Bat Conservation Trust guidelines and should include details of the prevention of increased lux and illumination levels within sensitive areas, avoidance of lighting in known or potential roosts, creation of dark corridors through the development, use of low sodium lamps or lamps with UV filters; details of the removal and relocation of deadwood stump marked TN4 in the Preliminary Ecological Appraisal and Bat Survey (July 2019); details of the removal of hardstanding and restoration to natural state of areas within the buffer zones as shown on drawing ref: LLWR-SA-XX-XX-DR-A-0016 PA including the amelioration of the soil environment and location and species to be planted which should be native; and details including location and species of replacement tree planting for the trees shown to be removed on drawing ref: LLWR-SA-XX-XX-SC-A-3001 PA and new trees which are proposed in areas shown in drawing ref: 591/38 5. The development hereby approved shall be implemented and maintained in accordance with the approved details.

Reason: In the interest of the health and longevity of existing trees, the character of the area, and biodiversity. Relevant Policies - Local Plan DG1, N1, N6 and Paragraph 170 and 175 of the National Planning Policy Framework.

- 7 A copy of the European Protected Species License for bats, issued by Natural England must be obtained and the development shall be carried out in accordance with the agreed license.

Reason: To ensure that the development will not harm the protected species and its habitat. Relevant Policies - Paragraph 170 and 175 of the National Planning Policy Framework.

- 8 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details. Supporting calculations confirming compliance with, the Non-statutory Standards for Sustainable Drainage, and the agreed discharge rate of 5 l/s from Zone 1 of the proposed development, and the attenuation volumes to be provided. Details of the maintenance arrangements relating to the proposed

surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere. Relevant Policies - Paragraph 165 of the National Planning Policy Framework.

- 9 Prior to the installation of underground utilities, details including their location shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: To ensure that the any existing and new planting is not compromised. Relevant Policies - Local Plan DG1, N6.

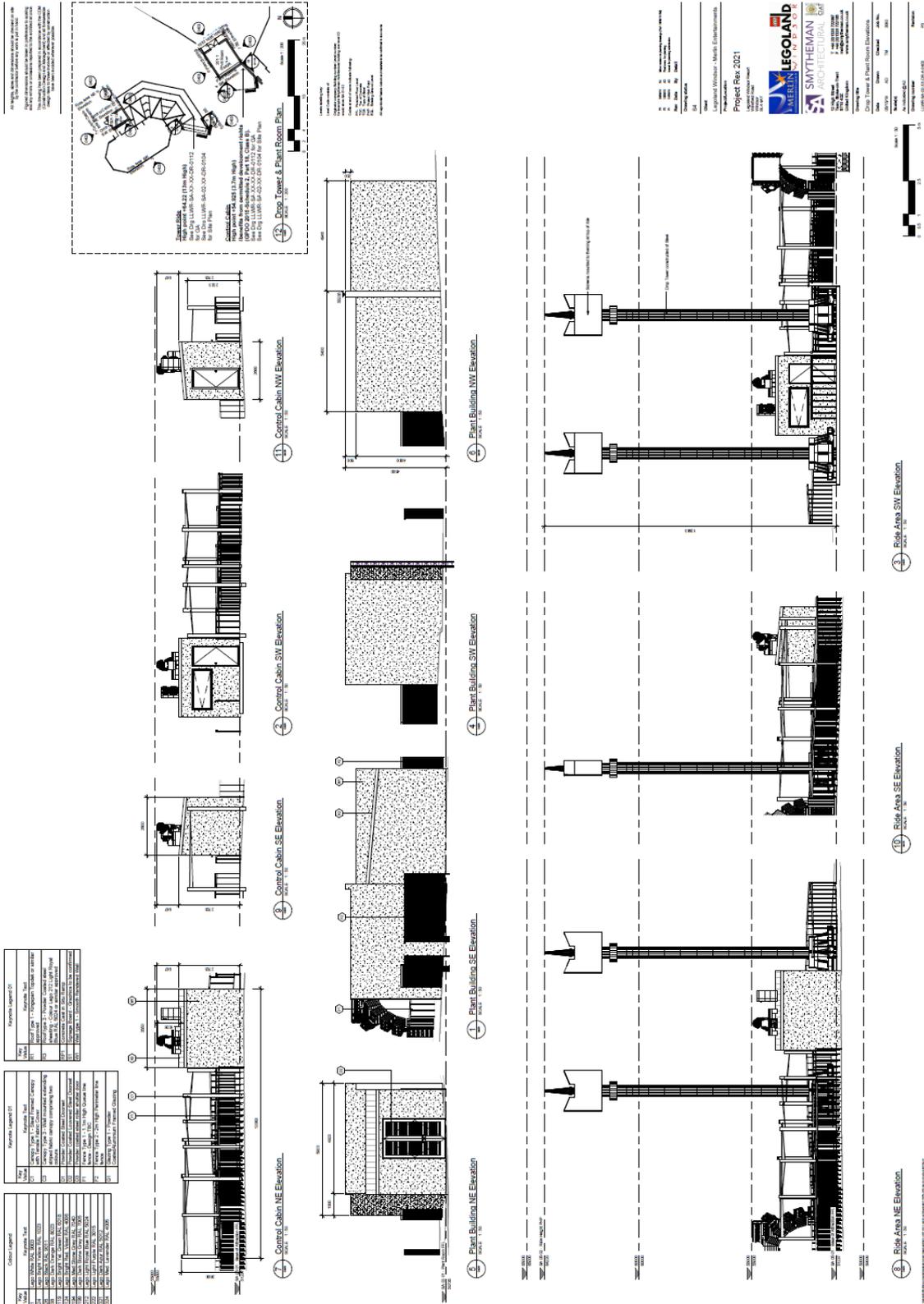
Informatives

- 1 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to: <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
- 2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 3 If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

Appendix B – Proposed Site Layout



Appendix C – Proposed Plans and Elevations



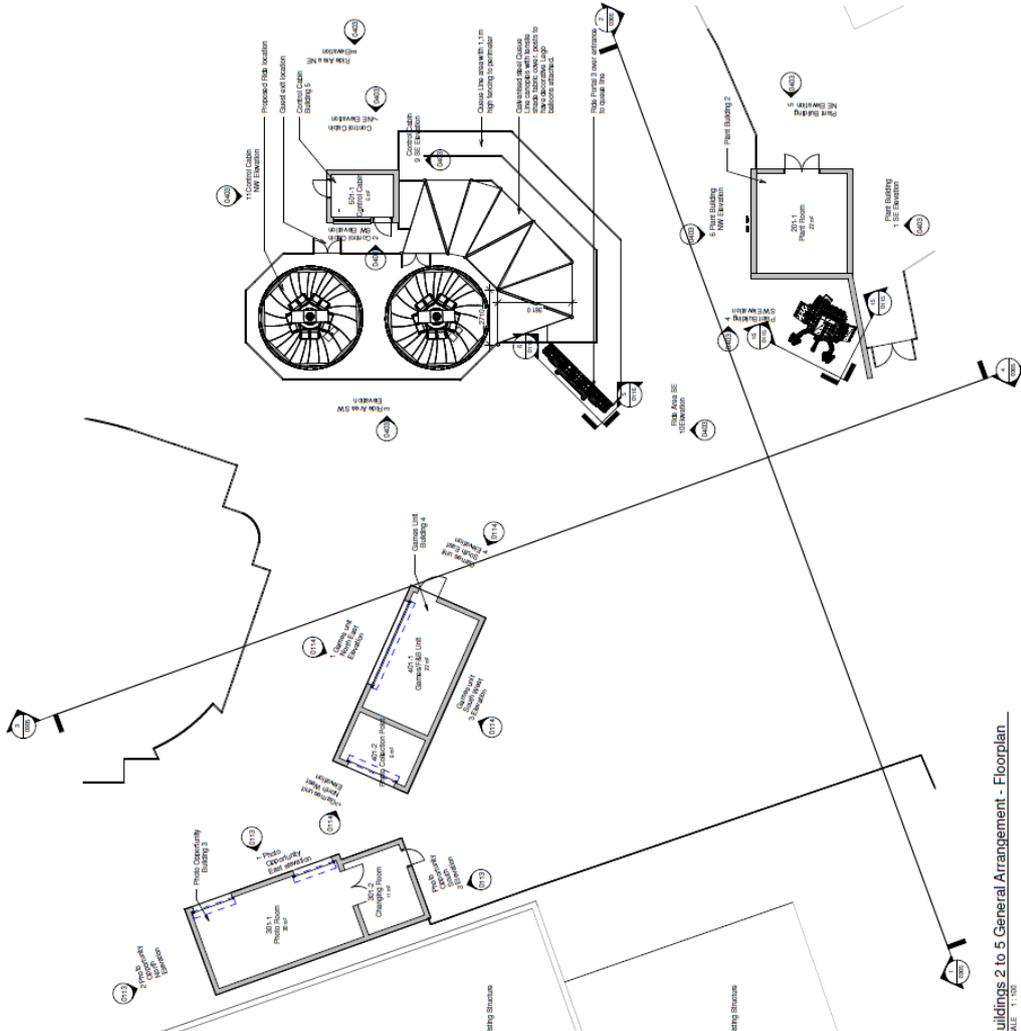
All heights, as well as dimensions should be checked on site by the contractor before any work is put in hand. The drawings are intended to be used as a guide only and are not intended to be used as a contract document. This drawing has been prepared in accordance with the CDM Regulations 2015 and the Health and Safety Regulations 2005. It is the responsibility of the contractor to ensure that all work is carried out in accordance with the relevant regulations and standards. The drawings are not to be used for any other purpose without the written consent of the architect.

FLOOR	AREA	PERIMETER	PERIMETER
2	301.1	10.00m	10.00m

FLOOR	AREA	PERIMETER	PERIMETER
3	301.1	10.00m	10.00m

FLOOR	AREA	PERIMETER	PERIMETER
4	421.2	10.00m	10.00m

FLOOR	AREA	PERIMETER	PERIMETER
5	301.1	10.00m	10.00m



Buildings 2 to 5 General Arrangement - Floorplan
SCALE 1:100

Project Name: Legoland Windsor - Merlin Entertainments
Project Location: Legoland Windsor
Project Ref: 2021
Drawing Title: Buildings 2, 3, 4 & 5 General Arrangement

LEGOLAND
WINDSOR

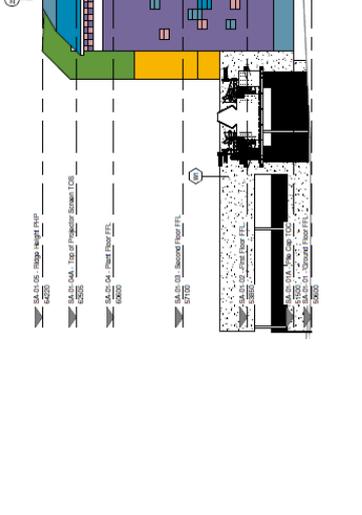
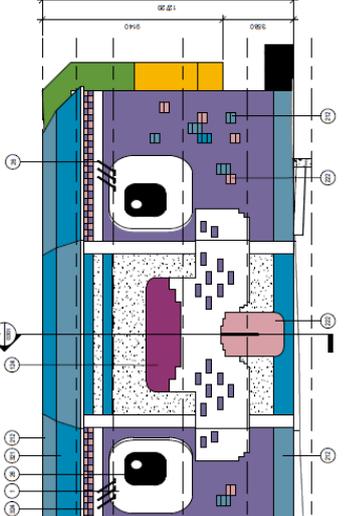
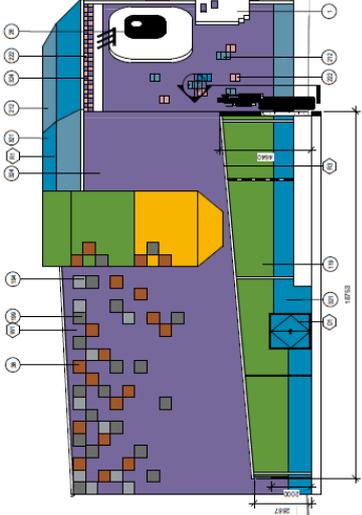
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DATE	BY	CHECKED	JOB NO.
01/10/21	AD	TM	3002

Scale: 1:100 (B.A1)
Drawing number: LUMS19A-0002-01A-0112
Revision: 01

All heights, elevations and dimensions shown are checked on site.
 All dimensions are to face unless otherwise stated.
 All dimensions are to be taken to the centre of the wall unless otherwise stated.
 All dimensions are to be taken to the centre of the window unless otherwise stated.
 All dimensions are to be taken to the centre of the door unless otherwise stated.
 All dimensions are to be taken to the centre of the roof unless otherwise stated.
 All dimensions are to be taken to the centre of the floor unless otherwise stated.
 All dimensions are to be taken to the centre of the ceiling unless otherwise stated.
 All dimensions are to be taken to the centre of the wall unless otherwise stated.
 All dimensions are to be taken to the centre of the window unless otherwise stated.
 All dimensions are to be taken to the centre of the door unless otherwise stated.
 All dimensions are to be taken to the centre of the roof unless otherwise stated.
 All dimensions are to be taken to the centre of the floor unless otherwise stated.
 All dimensions are to be taken to the centre of the ceiling unless otherwise stated.



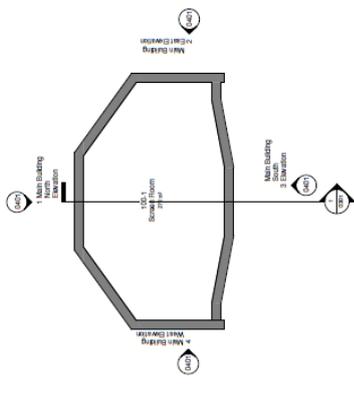
Client
 Legoland Windsor - Merlin Entertainments
 Project Location
 Project Ref: 2021
 Main Building
 Main Building Elevation as proposed

Rev Code By Date
 01 00001
 02 00002
 03 00003
 04 00004
 05 00005
 06 00006
 07 00007
 08 00008
 09 00009
 10 00010
 11 00011
 12 00012

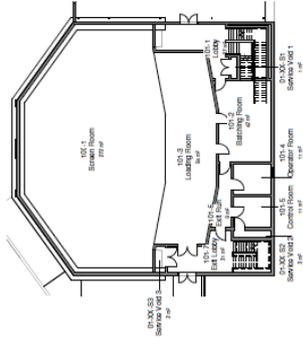
Legend
 Colour Legend
 Keynote Legend 01
 Keynote Legend 02

All heights, set out and dimensions should be checked on site by the contractor before any work is put in hand. The contractor shall be responsible for any errors and any areas of omission reported to the architect at once. This drawing has been prepared in accordance with the CDM Regulations and the contractor shall be responsible for any safety issues in their work. The architect shall not be held responsible for any safety issues in their work unless it can be shown that the architect was negligent in the design or specification of the work.

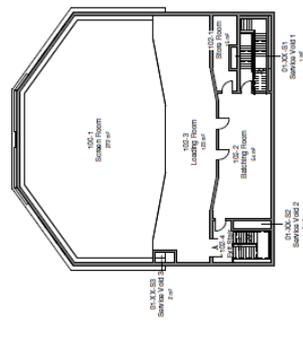
Note:
 All works to be in full height unless specified otherwise



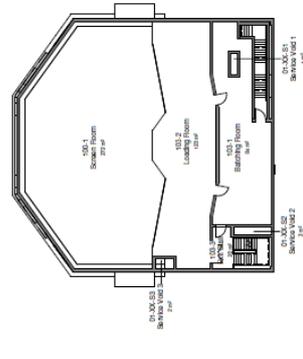
1 SA-01-00 - Basement FFL
 SCALE: 1:200



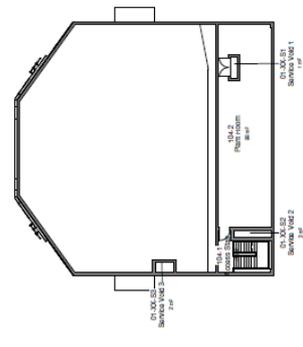
2 SA-01-01 - Ground Floor FFL
 SCALE: 1:200



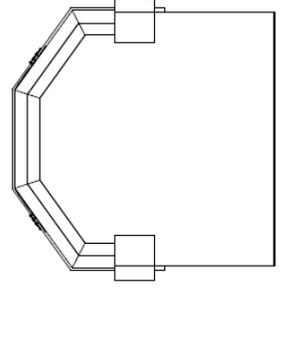
3 SA-01-02 - First Floor FFL
 SCALE: 1:200



4 SA-01-03 - Second Floor FFL
 SCALE: 1:200



5 SA-01-04 - Plant Floor FFL
 SCALE: 1:200



6 Roof Plan
 SCALE: 1:200

Floorspace Schedule - Building

Room No.	Room Name	Area (sqm)	Volume (m³)
100-1	Storage Room	27.00	108.00
100-2	Storage Room	27.00	108.00
100-3	Loading Room	12.00	48.00
100-4	Bathing Room	4.00	16.00
100-5	Storage Room	27.00	108.00
100-6	Control Room	11.00	44.00
100-7	Lorry Room	11.00	44.00
100-8	Plant Room	4.00	16.00
100-9	Storage Room	27.00	108.00
100-10	Storage Room	27.00	108.00
100-11	Storage Room	27.00	108.00
100-12	Storage Room	27.00	108.00
100-13	Storage Room	27.00	108.00
100-14	Storage Room	27.00	108.00
100-15	Storage Room	27.00	108.00
100-16	Storage Room	27.00	108.00
100-17	Storage Room	27.00	108.00
100-18	Storage Room	27.00	108.00
100-19	Storage Room	27.00	108.00
100-20	Storage Room	27.00	108.00
100-21	Storage Room	27.00	108.00
100-22	Storage Room	27.00	108.00
100-23	Storage Room	27.00	108.00
100-24	Storage Room	27.00	108.00
100-25	Storage Room	27.00	108.00
100-26	Storage Room	27.00	108.00
100-27	Storage Room	27.00	108.00
100-28	Storage Room	27.00	108.00
100-29	Storage Room	27.00	108.00
100-30	Storage Room	27.00	108.00
100-31	Storage Room	27.00	108.00
100-32	Storage Room	27.00	108.00
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100-37	Storage Room	27.00	108.00
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100-39	Storage Room	27.00	108.00
100-40	Storage Room	27.00	108.00
100-41	Storage Room	27.00	108.00
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100-80	Storage Room	27.00	108.00
100-81	Storage Room	27.00	108.00
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100-87	Storage Room	27.00	108.00
100-88	Storage Room	27.00	108.00
100-89	Storage Room	27.00	108.00
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100-94	Storage Room	27.00	108.00
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100-96	Storage Room	27.00	108.00
100-97	Storage Room	27.00	108.00
100-98	Storage Room	27.00	108.00
100-99	Storage Room	27.00	108.00
100-100	Storage Room	27.00	108.00

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Client: Legoland Windsor - Merlin Entertainments
 Project Location: Legoland Windsor
 Project Name: Project Rex 2021
 Drawing Title: Main Building General Arrangement - Floor Plans
 Drawing No: S4
 Drawing Date: 11/03/2021
 Drawing Status: For Construction
 Drawing Scale: 1:200

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Date	Drawn	Checked	Job No.
06/03/21	AD	TM	3002
Scale: 1:200			
Drawing Number: 11-200 (S4)			
Revision: L11W15.04-01-00-01A-0021			
Rev: 005			

