

DEVELOPMENT CONTROL PANEL

4 January 2023

Item: 2

Application No.:	22/01593/FULL
Location:	Legoland Windsor Resort Winkfield Road Windsor SL4 4AY
Proposal:	Construction of a new building with associated works and infrastructure to create an indoor attraction - development to dovetail with planning permission 17/01878/OUT.
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: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is to provide a building to for a new indoor Adventure Golf attraction (Birdie Project) for both day visitors and those staying overnight at the park. The building will be sited on part of one of the existing carparks near the guest entrance to Legoland.
- 1.2 The proposal is considered to appropriate development in the Green Belt as it represents limited infilling/ partial redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt that the existing development. The proposal is not considered to conflict with any of the stated purposes of the Green Belt.
- 1.3 The proposal would result in the loss of 131 existing carparking spaces; however given the occupancy rates of the existing carparks and proposed additional carparking spaces being proposed with the Holiday Village approved under 17/01878, it is not considered that the proposal would lead to any parking pressure at Legoland. Furthermore, it is considered that the new indoor attraction would lead to negligible additional traffic on the highway.
- 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.

It is recommended the Panel authorises the Head of Planning to:

Grant Planning Permission subject to completion of a Section 106 agreement to secure carbon offset contributions and with the conditions listed in Section 12 of this report;

OR

If a satisfactory S106 agreement is not secured, refuse planning permission for the failure to ensure a satisfactory environmental impact of the proposed development

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application as it is a major application. The decision can only be made by the Panel as the proposal 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).

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, lies in the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for a new indoor Adventure Golf Attraction which is described as dovetailing with a previous permission the hybrid application 17/01878/OUT. It is the applicant's intent to implement the scheme approved under 17/01878/OUT.
- 5.2 The new building is to be sited on part of an existing carpark the layout of which was approved to be altered under 17/01878/OUT. These alternations include the provision of echelon parking.
- 5.3 This current proposal seeks to follow on from the approved alterations to the carpark.
- 5.4 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	Approved - 07.10.2009

	and associated works. All matters reserved.	
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 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';	Approved – 10.04.2019

	<p>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	<p>Certificate of lawfulness to determine whether the proposed installation of a coaster ride, control cabin, photo booth and enclosure is lawful.</p>	<p>Approved – 07.10.2019</p>
19/02007/FULL	<p>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</p>	<p>Approved 14.04.2020</p>
19/02163/CPD	<p>Certificate of lawfulness to determine whether the proposed installation of a coaster ride, control cabin, photo booth and enclosure is lawful</p>	<p>Permitted development 07.10.2019</p>
20/01694/VAR	<p>Variation (under Section 73A) of Condition 2 (Approved Plans) to substitute those plans approved under 19/02007/FULL for the redevelopment of Adventure Land</p>	<p>Approved 30.10.2020</p>

	including the erection of new buildings, ride and play equipment, hard and soft landscaping with associated infrastructure, following demolition of various existing buildings with amended plans	
22/01595/LEG	Discharge of planning obligation (Travel Plan - Clause 2.1-2.2) in regards to planning application 17/01878/OUT.	Application permitted 09.06.2022
22/02369/CPD	Certificate of lawfulness to determine whether the installation of plant and machinery in the form of a 'Duelling' coaster ride and with ancillary elements including operators cabin, queue line, loading platform and perimeter is lawful.	Permitted development 02/11/2022

6. DEVELOPMENT PLAN

Borough Local Plan: Adopted Feb 2022

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

Adopted Windsor Neighbourhood Plan – policies VIE.01, BIO.01, DES.01.

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

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

Other Local Strategies or Publications

7.1 Other Strategies or publications material to the proposal are:

- RBWM Landscape Character Assessment
- RBWM Parking Strategy

8. CONSULTATIONS CARRIED OUT

- 8.1 A total of 9 properties were directly notified. No letters of objection, comment or support have been received.
- 8.2 A site notice was posted near the site entrance on 27th July 2022 and the application was advertised in the Maidenhead Advertiser on 31st August 2022.
- 8.3 No letters were received supporting or objecting to the application.

Consultee	Comment	Where in the report this is considered and officer comment.
Highways	No objection raised.	See paragraphs 9.27-9.36
Lead Local Flood Authority	A condition is recommended to secure a surface water drainage scheme	See para. 9.46. A condition will be included.
Natural England	NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.	Noted.
Thames Water	<p>This response is based on the proposal that foul water will discharge to a septic tank. If the proposal changes Thames Water will need to be reconsulted.</p> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application.</p> <p>Thames Water recommends an informative to be attached to any planning permission regarding water pressure and use of mains water for construction purposes.</p>	Noted.

9. EXPLANATION OF RECOMMENDATION

- 9.1 The key issues for consideration are:
- i Green Belt
 - ii Character, appearance and impact on local area
 - iii Heritage Assets
 - iv Highways and parking
 - v Trees and Ecology
 - vi Neighbouring Amenity

- vii Archaeology
- viii Drainage
- ix Sustainability
- x Planning balance and conclusion

i Green Belt

- 9.2 The application site is located within the southern part of the existing car park (Priority Car Park A) of the LEGOLAND Windsor Resort. The new building would occupy only a part of this carpark, nearest to the Legoland park entrance.
- 9.3 The proposed building will comprise an indoor Adventure Golf attraction available for both day visitors and those staying overnight at the Park. There will be four individually themed golf courses within the building.
- 9.4 The footprint of the building is approximately 1,536.12 sq metres. The width of the building is 30.6m, length 50.2m, height to the ridge is 5.95 metres and height of the eaves 4.2m. The exterior of the building would be finished in grey steel flat panels, with an aluminium framed curtain wall. The main entrance to the building will be on the south elevation. The pitched roof will be Kingspan panels in grey to match the walls. Theming will be limited primarily to the main entrance, with a birds nest steelwork frame and randomly placed 5mm thick colour cladding panels cut to resemble Lego bricks.
- 9.5 The applicant has confirmed that the building will not be fully enclosed with fencing. It is understood that visitors will be able to book/access the Adventure Golf separately to the main Park so the building does not need to be fully enclosed, but will have CCTV coverage.
- 9.6 Paragraph 149 g) of the NPPF allows limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development.
- 9.7 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 ...’
- 9.8 On the basis of this definition it is considered that the Legoland site falls under the definition of previously developed land. Furthermore, the carpark where the Golf Adventure building would be sited, is also considered to be within the curtilage of the developed land.
- 9.9 Regarding 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.

- 9.10 In terms of the percentage of the car park area (Priority A carpark), to be lost to the new building, this would amount to no more than 20% percent of the total area. The carpark is a level area of land that is well screened by trees on its periphery and is not readily visible from beyond the Legoland boundaries or within long range views of the landscape.
- 9.11 The applicant has submitted a landscape assessment in the form of annotated photographs showing long range views. The LPA is satisfied that the new building, with a maximum height of no more than 6 metres would not significantly affect any long range views of the Legoland site and would be well screened by existing trees. The LPA is satisfied that the proposed development would not have a greater impact on openness of the Green Belt.
- 9.12 The applicants have prepared a case of very special circumstances (VCS), to justify the proposed development, in the event that the LPA could not accept that the proposed development constituted appropriate development in the Green Belt.

The applicant’s justification (VSC) for the proposal is as follows:

-The new Adventure Golf Indoor Attraction will be a new secondary ‘support ride’. It will provide an additional indoor attraction for guests to the Park and also guests to the Hotel and future holiday villages which is open for additional periods out of season (when the main Park is closed).

-The proposal represents an important element of the Legoland Windsor (LLW) continued investment strategy at the park. In order to maintain visitor numbers, this requires a visitor attraction to invest and improve.

-Visitor numbers fluctuate daily, seasonally and yearly. Park attendance/attractiveness is limited when the weather is wet/cold due to a low number of covered attractions/facilities at the Park which account for approximately 25% of total rides and attractions. (Other covered attractions include, the 4D Theatre, Legoland Miniland, Starwars, Laser Raiders, X-box Zone, Atlantis, Ninjago, Haunted House and Mythica). The ideal visitor model for any theme park would be the same number of visitors each day, throughout the year to ensure steady employment; although it is recognised this is unrealistic. However, this application provides an opportunity to contribute to the ‘smoothing out’ of visitor flow at the Park.

-LLW provides a large number of jobs -290 permanent jobs and 1,800 seasonal jobs. Based on the share of the workers employed at the Park who live locally, it is estimated that 78% of the annual wage expenditure is retained in households within the local area.

-The proposed development will create 20 jobs (permanent and seasonal) with many positions filled by local people.

-In addition to wage spending, the total expenditure on the supply of goods and services amounts to £31.0 million annually.

-The capital expenditure generated by LLW equates to around £9.4m per year which is estimated to support 93 temporary construction jobs each year.

-LLW contributes to approximately £1.7m in business rates per year to RBWM Council. A part of these will be recycled back into the local community in the form of Council spending on services and infrastructure.

-LLW undertakes a wide range of community and charity initiatives through their own programmes and in partnership with other organisations.

9.13 The applicant thus concludes that in the context of a competitive market in the which LLW operates, the proposal is required to ensure the Park maintains current visitor numbers and therefore, retains its position as a leading visitor attraction in the south east. This in turn will ensure the Park can continue to deliver the above mentioned substantial economic benefits locally, regionally and nationally.

9.14 Whilst not needing to rely on a VSC case for this proposed development, the LPA acknowledges that there are economic benefits to the borough in ensuring the continued success and viability of Legoland and these are material considerations.

ii Character, appearance and impact on local area

9.15 Adopted Borough Local Plan policy QP3 requires new development to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where amongst other things it achieves the following design principles:

b. Respects and enhances the local, natural or historic character of the environment, paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, trees, biodiversity, water features, enclosure and materials;

e. Respects and retains existing high quality townscapes and landscapes and helps create attractive new townscapes and landscapes;

9.16 Policy VT1 of the adopted RBWM BLP states:

3. Development required to meet the changing needs of visitors at existing visitor attractions will be supported if the proposal does not have an adverse impact on local environment, amenity or traffic.

4. Development proposals for visitor development in rural locations will be supported where the proposals promote the rural economy and contribute positively towards the ongoing protection and enhancement of the countryside.

5. Visitor development proposals located in the Green Belt will be expected to demonstrate that they maintain the character of the Green Belt in that location, protect historic and heritage assets, are in conformity with current Green Belt guidance, policy and legislation, and are supported by a case of very special circumstances.

- 9.17 Policy VIE.01 of the Windsor Neighbourhood Plan states that development proposals must respect the Designated Views and Viewing Corridors. These include the St Leonards Hill landscape from across the Great Park (Landscape Panorama).
- 9.18 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.
- 9.19 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.
- 9.20 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. 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.
- 9.21 In terms of general design and appearance, the overall height, form, scale, colours and materials of the proposed building are considered to be acceptable within the context of Legoland. In terms of long range views, the LPA is satisfied that there would be no significant effect on views from Windsor Great Park.
- 9.22 The proposed use of the building as an indoor attraction which is part and parcel of the Legoland site would not significantly intensity of use of the site or result in any significant additional noise and disturbance to the local area.

iii Heritage Assets

- 9.23 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.
- 9.24 Paragraph 199 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 200 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.

- 9.25 Paragraph 202 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.
- 9.26 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 Highways and parking

- 9.27 The approved parking layout for this carpark in application 17/01878/OUT (for the Holiday Village) is shown on drawing 591/35/13 and this plan shows parking spaces reconfigured so they provide echelon parking. It is noted that the Holiday Village (HV) will be completed in three phases/projects - HV1, HV2 and HV3.
- 9.28 The applicant advises that if this current application is approved, the current proposals will be implemented following the implementation of Project 2 of the Hybrid Permission 17/01878/OUT).
The proposed block plan (drawing 102 Rev A within the Transport Statement) reflects the approved hybrid parking layout that will be implemented *before* the adventure golf proposals.
The red line includes part of the car park where changes to the approved parking layout are required to accommodate the proposals.
- 9.29 The transport assessment advises that post Covid-19 the resort has aimed at attracting circa 14,500 guests on a peak day, which they say is considerably lower than the circa 20,000 guests that was historically experienced on peak days.
- 9.30 The applicant advises:

'LLW is seeking to maintain visitor numbers at a level significantly lower to that on 'peak days' prior to the pandemic. As a result of all the changes/learnings over the past few years, it has become clear that smoothing visitor numbers over the season and easing capacity on peak days is key to improving the overall guest experience. Indeed it is also positive from a commercial perspective. The Park is seeking to do this by:

-Advance ticketing and pricing variations which allow the number of visitors to be controlled/monitored. In comparison with how tickets were sold in the past, the use of advanced/online booking systems allows a more sophisticated way of managing numbers and spreading the attendances.

-To assist the distribution of guests LLW is seeking to provide more indoor attractions, such as Project Birdie, to increase the attractiveness of the Park throughout the year, extending the number of days the Park can open

-Providing further on-site accommodation (Holiday Village), which, when complete, will allow the Park to accommodate over 2,000 guests overnight. Parking for these guests is/will be provided for in other parking areas (the hotel has a dedicated car park (321 spaces) and the Holiday Village will have a dedicated car park (450 spaces) which will come forward on the implementation of Holiday Village Phases 2 and 3).

As set out in the Transport Statement that accompanied the planning application, during the peak days at the resort in 2021 the occupancy of the car park did not exceed 65%. We acknowledge that 2021 was not necessarily a

representative year for the Park due to some remaining Covid restrictions being in place at the beginning of the season, however, as set out in the Statement from LLW, the peak capacity in 2022 did not exceed that in 2021.

Notwithstanding this, the Transport Statement Addendum demonstrates that, even if visitor numbers were to increase above the peaks experienced in 2021/2022, there is sufficient remaining parking capacity within the existing and approved car parks (including the spaces for the Holiday Village) to cater for this.

LLW explains in its Statement that a desirable peak day is around 14,500 guests. The parking requirement at the moment is about 3,300 allowing for the guests already in the hotel car park, using public transport and other means of travel (inc. coaches). In the future, once built, the Holiday Village (HV) will provide about 1,500 of those 14,500 guests. The HV will provide its own parking of 450 spaces. On this basis there will be 450 spaces that become available in the main car park and could accommodate about 1,000-1500 guests. This alone would allow LLW to overshoot the desirable guest number of 14,500 by up to 1,500.

Further to this, on busy days, Adventure Golf will only be available for use by Park and/or Hotel/HV guests. In the shoulder/off-peak periods there could be others using the attraction but on these days car parking provision will be more than sufficient to meet all requirements at LLW.

On this basis we conclude there is more than adequate parking capacity with Adventure Golf in situ.'

- 9.31 It is noted that use of Flexible ticket pricing is aimed to discourage guests from travelling to the resort on busier days effectively reducing guest numbers and therefore parking demand at such times. The transport statement also expresses the view that the 1300m uphill walking distance from the Winkfield Road roundabout to the Resort's guest entrance represents a powerful deterrent to guests parking on the public highway.
- 9.32 Further comments have been received from the Highway Officer (in November), to clarify their originally submitted comments. The Highway Officer advises that it is anticipated that any potential increase in trips associated with the development would be negligible, having regard to paragraph 111 of the Framework.
- 9.33 The Transport Assessment advises that at the time of their 2021 surveys, the Resort experienced a maximum car park accumulation in its main guest car park of circa 3,200 vehicles, which they say equates to 14,000 guests being at the Resort. The Transport Statement (TS) reports that during the August 2021 period, the car parking occupancy rate did not exceed 65%.
- 9.34 The proposal leads to the loss of 131 car parking spaces, which having regard to Permitted Hybrid Car Park HV1 equates to a loss of 2.6%, and loss of 2.4% for HV1-3. It is understood that HV1 and HV1-3 provides 5,002 and 5,454 spaces, respectively. The loss of 131 spaces in relation to HV1 would result in a total of 4,871 spaces, and a total of 5,323 spaces for HV1-3.
- 9.35 The Transport Statement predicts that with parking occupancy levels remaining at 65% this would result in 3,251 of the 4,871 spaces being occupied and 1,620 spaces

remaining empty/available. For HV1-1, 3,544 of the 5,321 would be occupied with 1,777 remaining empty/available spaces.

- 9.36 Officers conclude that the loss of 131 spaces is unlikely to lead to car parking pressures in the resort or generate significant additional traffic on the highway network.

v Trees and Ecology

- 9.37 The proposed development is to be built on an existing tarmacked carpark and there would be no loss of soft ground. There are trees on the perimeter of the carpark; however the applicant has confirmed that it is not proposed to remove any trees or impact on root protection areas as part of this proposal.

Special Area of Conservation

- 9.38 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.
- 9.39 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

- 9.40 As the building is to be sited on existing hardstanding within a carpark, there would be no loss of natural habitats as a result of the development. The applicant has submitted plans to show the provision of 4 bird boxes on the side elevation and 3 bat boxes on the rear gable of the building, and this would ensure a bio-diversity net gain on the site.

vi Neighbouring Amenity

- 9.41 As there are no neighbours in close proximity to the proposed building, there is not considered to be would be no direct loss of amenity to any neighbouring properties. The proposal is for an indoor attraction which would not give rise to any significant additional noise from the Legoland site.

vii Archaeology

- 9.42 The Council's Archaeology Consultant has commented that there are potential archaeological implications with this proposed development. Previous application 17/01878/OUT, with which this application is proposing to dovetail, had a planning condition applied for archaeology and therefore Berkshire Archaeology suggests that as this new application area was not included in the previous investigation it should also be subject to a condition.
- 9.43 17/01878/OUT included both an Environmental Statement and Archaeological Desk-Based Assessment, with which Berkshire Archaeology concurred. These categorised the overall assessment of the site's archaeological potential as 'moderate'. It was recognized that there is considerable element of uncertainty due to the limited previous archaeological interventions in the wider area. The presence of Windsor Great Park and Windsor Forest have militated against large scale archaeological interventions, the identification of soil and crop marks, and casual discoveries, which might have provided a better understanding of the site's potential.
- 9.44 The application site, therefore, falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. It is recommended that a condition is applied, should permission be granted, in order to mitigate the impacts of development. This is in accordance with Paragraph 205 of the NPPF(2021) which 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'.
- 9.45 Since this application was originally submitted, the applicants have submitted a Written Scheme of Investigation (WSI) which was subsequently revised in line with further comments received from the Council's Archaeological Consultant. The revised WSI is now considered to be acceptable. Therefore, a condition is required to secure a Watching Brief.

viii Drainage

- 9.46 The Lead Local Flood Authority has reviewed the submitted surface water drainage strategy and recommend a condition to secure a surface water drainage scheme.

ix Sustainability

- 9.47 Adopted Borough Local Plan policy QP3 states that new development will be expected to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where amongst other things it achieves the following design principles:
- a. Is climate change resilient and incorporates sustainable design and construction which: minimises energy demand and water use maximises energy efficiency; and minimises waste.
- 9.48 Policy SP 2 (Climate Change) requires that all developments will demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.
- 9.49 The Council's Interim Sustainability Position Statement (ISPS) requires that all developments (except householder residential extensions and non_residential

development with a floorspace of below 100sq.m) should be net-zero carbon unless it is demonstrated this would not be feasible.

The ISPS sets out the various criteria for achieving sustainability. These include the requirement to reduce carbon emissions.

- 9.50 Where new buildings cannot achieve carbon zero, carbon offset contributions are required and would need to be secured by way of a S106 Legal Agreement. The applicant has provided calculations of carbon emissions and the preparation of a legal agreement is currently underway.
- 9.51 The applicants have also submitted details of water consumption within the energy statement. This advises that the development will target the achievement of the equivalent of 2 BREEAM credits – so a 25% improvement over the baseline. The LPA is satisfied that this satisfies the criteria in the ISPS.

x Planning balance and conclusion

- 9.52 It is considered that the proposal would be in compliance with national and local planning policies in relation to Green Belt, heritage assets, trees, highway and parking, neighbouring amenity or surface water flood risk, and therefore would not result in any 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. The proposed building would not attract CIL payments.

11. APPENDICES TO THIS REPORT

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

12. 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 materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 Prior to commencement (excluding demolition, site clearance and enabling works) of any below ground drainage works a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
Calculations to include development runoff rates, volumes (attenuation and long-term storage) and topographic details, and any consents required from Thames Water.
Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels long sections and cross

section and relevant construction details of all individual components.

Water quality discharged from the site should be of sufficient water quality. The applicant is to provide evidence that discharge from the site would be of sufficient water quality that it would not result in detriment to any receiving water course.

Details of the proposed maintenance arrangements relating to the surface water drainage system should also be provided, confirming the part that will be responsible.

Reason: To reduce the risk of surface water flooding. Relevant Policies - adopted Borough Local Plan QP2, NR1.

- 4 The watching brief shall be carried out fully in accordance with the revised approved Written Scheme of Investigation. The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the revised approved WSI and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. Once the work is completed, the results of the watching brief will need to be submitted to the Local Planning Authority for approval, in order to confirm that the work has been completed satisfactorily, and to discharge the condition.

Reason: The site lies in an area of archaeological potential, and any possible impacts of the development can be mitigated through a programme of archaeological work. In view of the nature and scale of the development and the low likelihood of the potential archaeology, should it exist, meriting preservation in situ, an archaeological monitoring and recording exercise in the form of a watching brief is likely to represent an appropriate programme of works. Relevant policies - NPPF paragraph 194 and adopted Borough Local Plan HE1.

- 5 The bat and bird boxes shall be provided and maintained at all times in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To incorporate biodiversity in and around developments in accordance with paragraph 180 of the NPPF. Relevant policy - adopted Borough Local Plan NR2.

- 6 Prior to the installation of any external lighting, a report detailing the external lighting scheme and how this will not adversely impact upon wildlife, shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:

A layout plan with beam orientation.

A schedule of equipment.

Measures to avoid glare.

An isolux contour map showing light spillage to 1 lux.

The approved lighting plan shall thereafter be implemented as agreed.

Reason: To limit the impact of light pollution from artificial light on nature conservation (paragraph 185 of the NPPF). Relevant policy - adopted Borough Local Plan NR2.

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

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

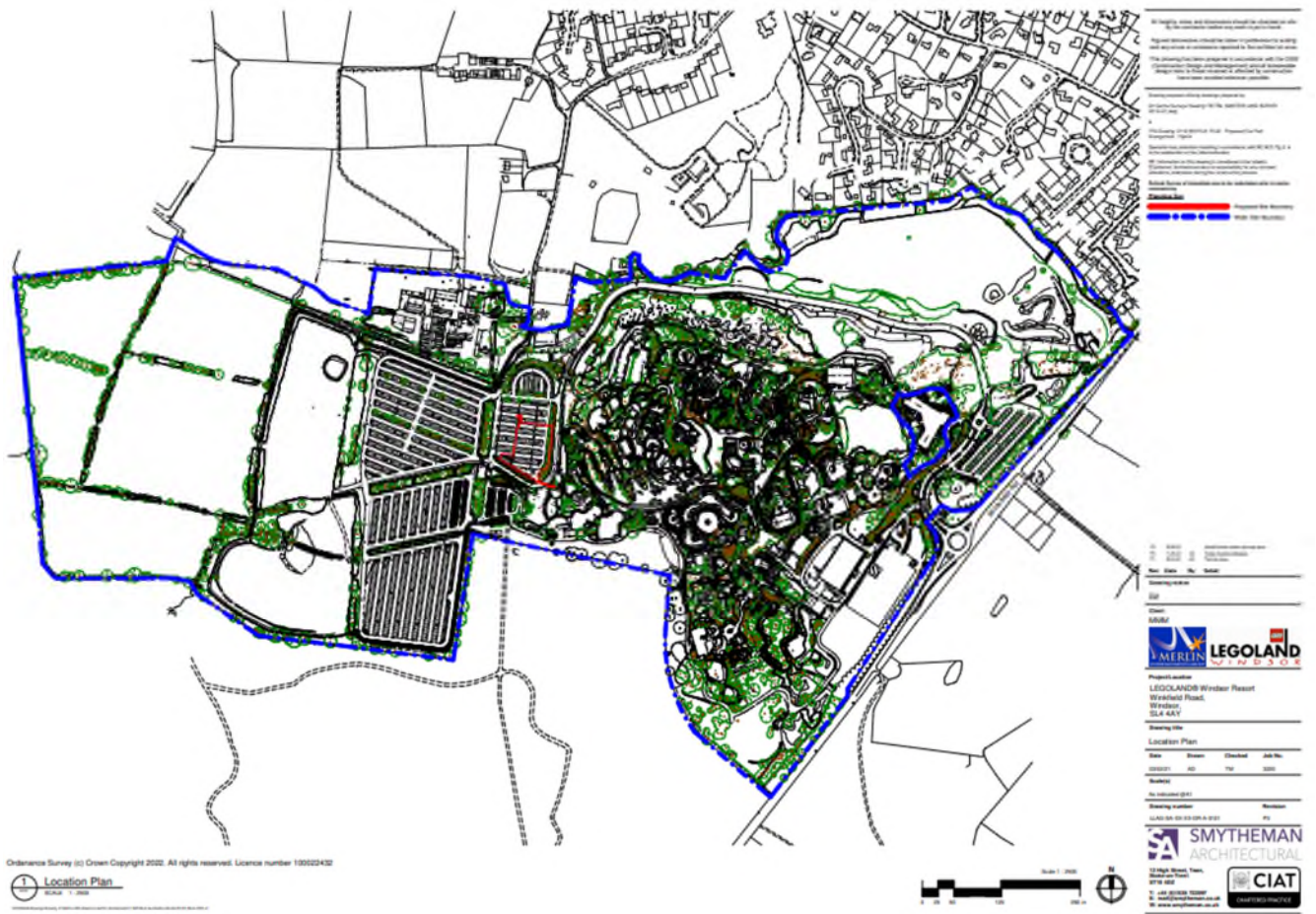
Informatives

- 1 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. 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 A

Application 22/01593/FULL

Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY



Appendix B

Application 22/01593/FULL

Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY

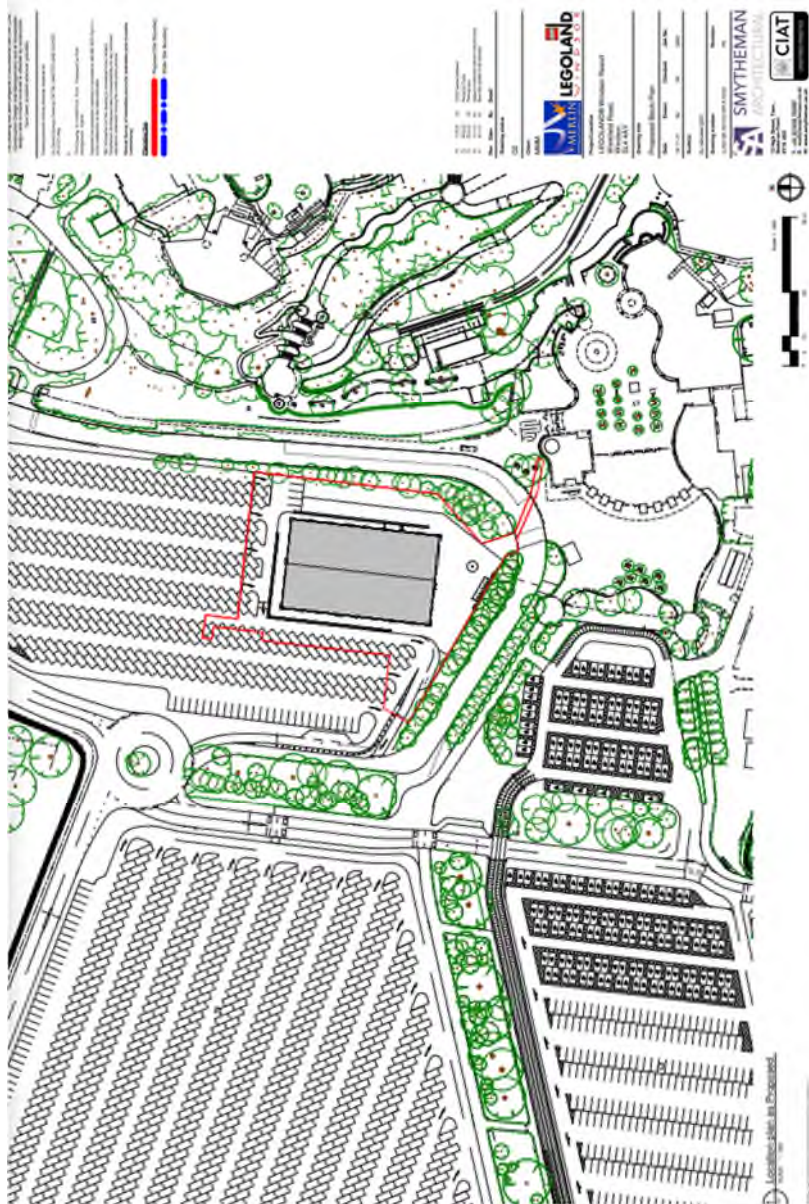
Context Plan



APPENDIX B

Application 22/01593/FULL

Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY



Application 22/01593/FULL

Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY

New building and proposed carpark layout



APPENDIX B

Application 22/01593/FULL

Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY

Floor plan

All heights, unless stated otherwise, are to the finished floor level. Please refer to the relevant drawings for more information. All dimensions are to be taken as indicated on the drawings. All dimensions are to be taken as indicated on the drawings. All dimensions are to be taken as indicated on the drawings.

Room No.	Room Name	Area (sqm)
001	Car Park	12,000
002	Car Park	12,000
003	Car Park	12,000
004	Car Park	12,000
005	Car Park	12,000
006	Car Park	12,000
007	Car Park	12,000
008	Car Park	12,000
009	Car Park	12,000
010	Car Park	12,000
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045	Car Park	12,000
046	Car Park	12,000
047	Car Park	12,000
048	Car Park	12,000
049	Car Park	12,000
050	Car Park	12,000

All Internal Linings to be Min European class B-s1, d0 spreader flame criteria otherwise.

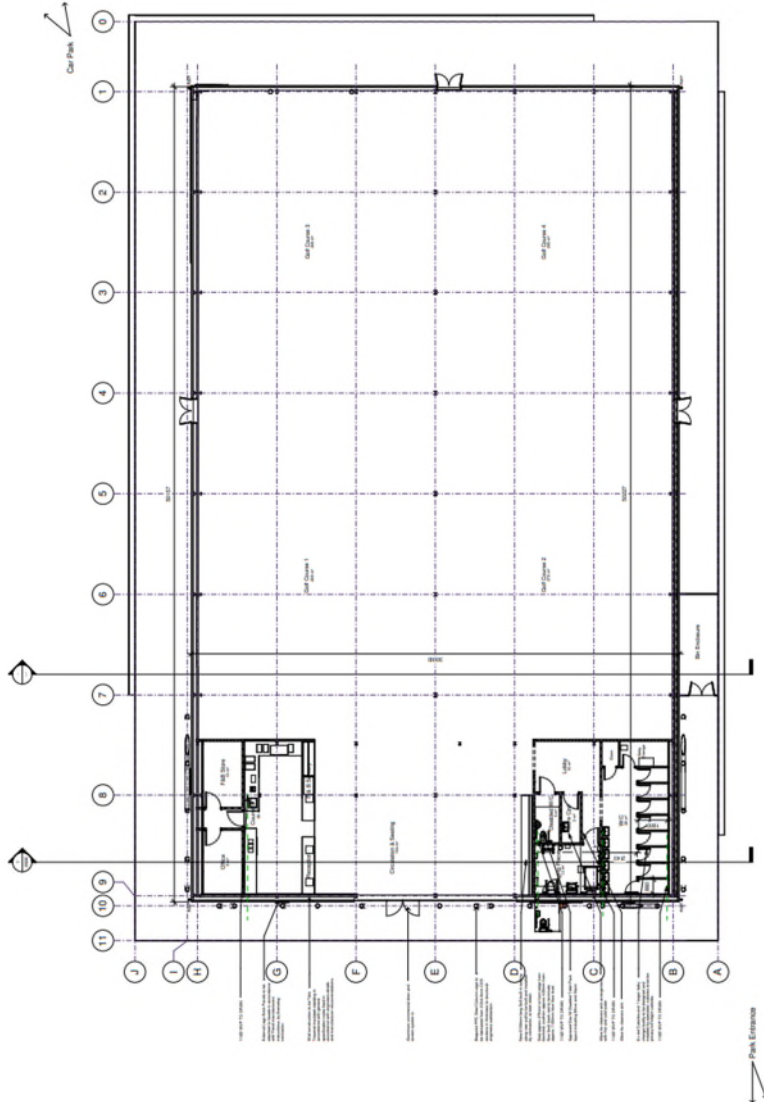
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Phase 2

Scale 1:500

Ground Floor Plan

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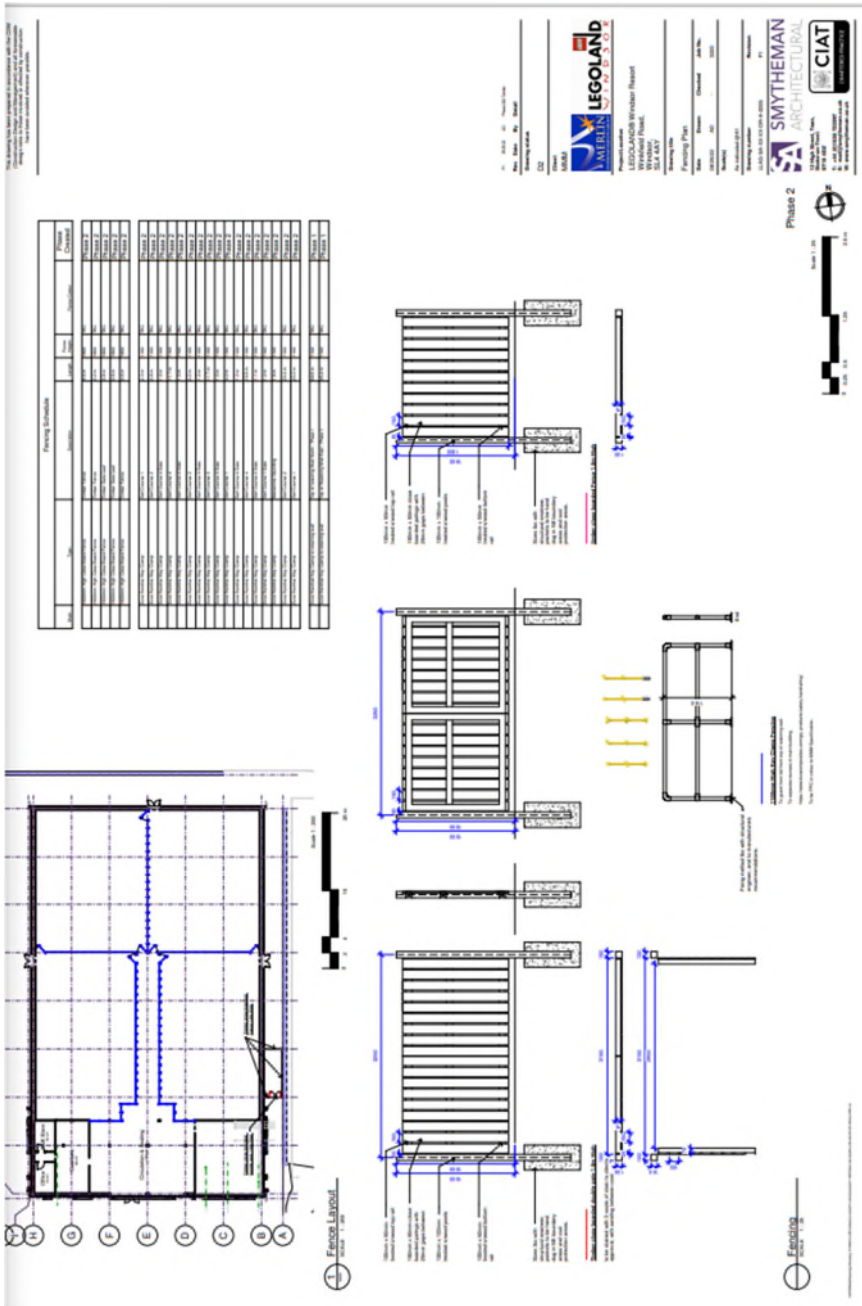
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APPENDIX B

Application 22/01593/FULL

Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY

Fence plan

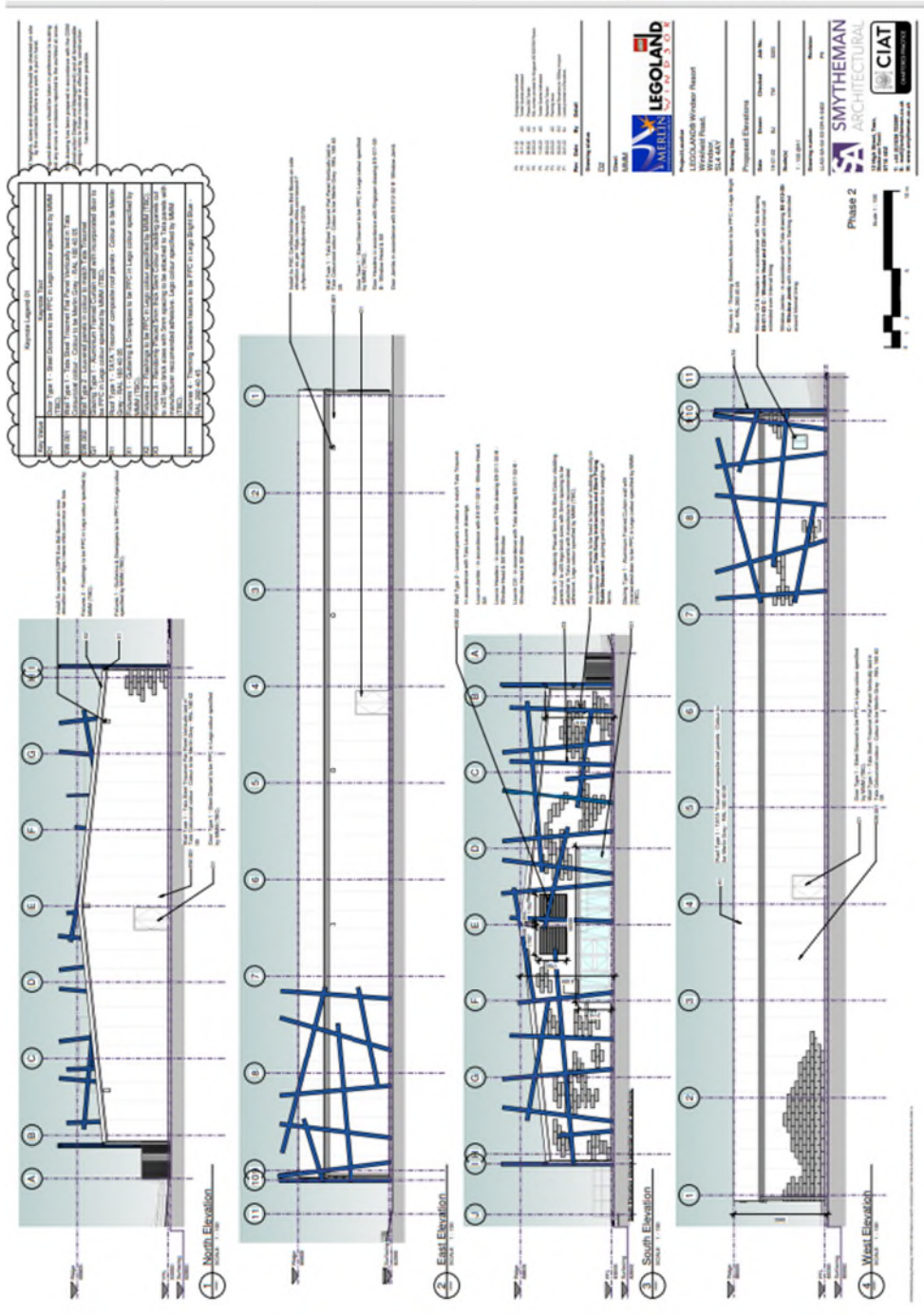


APPENDIX B

Application 22/01593/FULL

Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY

Elevations



APPENDIX B

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Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY

Long Section

