

Runnymede Borough CouncilPlanning CommitteeWednesday, 27 March 2024 at 6.30 pm

Members of the Committee present: Councillors M Willingale (Chair), P Snow (Vice-Chair), A Balkan, V Cunningham, J Furey (In place of J Wilson), T Gates, E Gill, E Kettle, A King, S Lewis (In place of C Howorth), C Mann, I Mullens (In place of S Jenkins), M Nuti, D Whyte (In place of T Burton) and S Whyte.

Members of the Committee absent: None.

In attendance: Councillors A Berardi and MD Cressey.

**68 Notification of Changes to Committee Membership**

Cllr D. Whyte substituted for Cllr T. Burton, Cllr I. Mullens substituted for Cllr S. Jenkins, Cllr S. Lewis substituted for Cllr C. Howorth and Cllr J. Furey substituted for Cllr J. Wilson.

**69 Minutes**

The minutes of the meeting held on 28 February 2024 were confirmed and signed as a correct record.

**70 Apologies for Absence**

There were no apologies for absence.

**71 Declarations of Interest**

Cllr E Gill declared a non registerable interest in RU.23/1214 due to a close association with the applicant. Cllr Gill withdrew from the chamber and took no part in the determination of the application.

Cllr T Gates declared a pre-determined view in application RU.23/1214 which he had previously expressed publicly. Cllr Gates withdrew from the chamber and took no part in the determination of the application.

**72 RU.23/1214 - Fairmont Windsor Park, Bishopsgate Road, Englefield Green, Surrey, TW20 0YL**

*Proposal: Retention of hotel including associated hardstanding. Retention of car park extension to include the change of use of this land, formerly used as a stable block. Demolition of Parkwood Estate buildings.*

A presentation was made to the committee by the Planning case officer and legal officer. Prior to the meeting a technical briefing had occurred as well as a member site visit.

The committee was addressed by Irum Khan-Williams on behalf of objectors to the scheme, and by Mandip Malhotra who spoke on behalf of the applicants.

The Chairman indicated that he understood that the meeting was being recorded. Notices had been displayed at the entrances to the chamber about the ability to record meetings under the Open Local Government Regulations.

The item then moved to committee debate. The debate considered the relevant material considerations for and against the proposal, the officer report, and sought clarity on a number of issues.

A Councillor sought reassurance that the building had been built as shown on the retrospective plans, as there was now a lengthy enforcement history at the site. Officers advised that site visits had been carried out that included spot checks of dimensions. Further spot checks were undertaken on the member site visit where members chose dimensions to spot check. The spot checks had been conducted on different parts of the building and the results of the areas spot checked showed that the dimensions were relatively accurate and within reasonable tolerances for a building of this scale. These checks had gone significantly beyond what would normally be undertaken on such an application.

Committee members acknowledged that this weight to be attributed to matters in the planning balance was open to their planning judgement. Officers made it clear to the Committee that due regard would have to be given to all material planning considerations including the fallback position relating to the extant lawful planning permission on the site for a hotel that extant permission could be implemented at any time. It was also pointed out that the planning obligations with regards Parkwood were an entirely new material consideration that had not been considered in previous applications and would have to be given appropriate consideration. The Enforcement Notice provided a mechanism to secure compliance with that extant permission or any subsequent permissions that may be granted.

Clarification was sought on the economic and employment benefits of both the existing scheme and the additionality. A member felt that the economic benefits were potentially overstated and should be given less weight.

It was noted that the original Savill Court Hotel employed around 80FTE, and that the 2016 permission had suggested that a new hotel would provide circa 144 jobs at the location, and that figure was not revised in the 2018 application. The new hotel, as built, however employs a total of 243 FTE staff and this represents an increase of 99 jobs from the original estimates. A report on the economic benefits assessment by Lichfield's had deduced that some thirty-three jobs would be lost from not retaining the additional unauthorised floorspace, along with another 14 from the supply chain in the local area, as set out in section 7.13 of the officer report. Other economic benefits were identified in the Lichfields report. The assessment had concluded that the hotel was a significant employer on both a local and regional level with clear economic benefits.

A member queried how many employees were residents of Englefield Green, the number who lived in this village who were employed by the hotel was unknown, though 20% of the jobs were stated to be to people in the Borough. It was noted that the hotel was located on the very edge of the Borough and as such it was considered likely that a greater proportion lived locally but just not in RBC administrative area. In any case, the committee's role was to consider the public interest, employment was not only a Runnymede issue but also a regional and national issue. The function planning was to work in the public interest rather than purely the interest of single villages or LPA areas, with jobs and economic benefits forming part of local and national policy. This was considered to be a significant amount of employment, the jobs already existed and as such this was not the overselling of employment benefits by an applicant, as the level of employment can be seen already on the site.

A member considered that the officer report did not give sufficient weight to the economic benefits of the scheme and that the employment and economic benefits were worthy of greater weight in the planning balance. Members noted that many employees of the hotel had attended the planning meeting.

With regards green belt impact, a member queried whether multiple sets of individual substantial weight should be applied to any possible green belt harms in relation to each test of the Green Belt. Officers clarified that harm to the green belt must be given substantial weight, though there could be a scale of harm within substantial and that was a matter for the decision maker. All the green belt harms would need to be weighed up and effectively a conclusion reached on the level of substantial harm caused to the Green Belt, this would then need to be clearly outweighed if the matter were to be approved. It would not however be correct or appropriate to apply three different and individual sets of substantial harm to different to three different purposes of the green belt.

In response to debate on Very Special Circumstances, it was clarified that the established case law was that very special circumstances were not required to be a single very special circumstance that outweighed the harm to the green belt and any other harms, but VSC could, and nearly always was (when achieved), a cumulative set of special circumstances that would be put forward in such applications.

For the reasons set out in the report, Officers believed that a cumulative very special circumstances case had been demonstrated which included the extant fallback hotel planning permission, the demolition and giving up of permissions at Parkwood Estate which had spatial and visual green belt benefits as well as the economic/employment benefits.

The weight to be given to material planning considerations was a matter for the decision maker which was in this case the committee. Whilst it was in the gift of the committee to re-balance these factors to potentially tip the balance the other way, if the committee chose to do so they should set out a clear planning rationale for how this decision was reached.

A member queried whether there was the potential prospect of further negotiations for further sacrifices or mitigation measures that the applicant could offer to further enhance the planning offer or the site's green credentials, particularly in the context of the Council recently declaring a climate emergency. Members were advised of the tests for planning obligations and conditions. It was explained that the purpose of the green belt is not to meet the Council's climate change objectives, and whilst climate change is a material consideration additional measures can only be required where they can be reasonably justified and is necessary for the award of permission. More demolition could only reasonably be secured if there was a genuinely held belief that they were required to offset the harms of the development. If they were required for punitive or overcompensation reasons then they could not be justified. The officer position was this was a fair Green Belt case being advanced, however members were entitled to take a different position, however if they did they would need to indicate why and what their reasons for requiring further measures were and what they sought to achieve.

It was further clarified that all planning applications were considered on their own merits, and the outcome of this application would be unlikely to have any significant bearing on any future application at the location or retrospective applications in general. The circumstances, planning considerations and nuances that made up this application severely limited the prospect of setting a precedent for green belt applications given the uniqueness of the combined set of circumstances. In any case this case was considered to have a number of benefits in green belt terms including reducing the number of clearly developed sites from one to two. In reality, all cases were judged on their individual merits.

In response to a member question on the loss of two dwellings as part of the demolition being at odds with the Council's housing need and queries around how legally binding any negotiations with the applicant would be, the Head of Planning advised that the loss of dwellings had counted against the application and this was set out in the planning balance in the officer recommendation. It certainly weighed against the scheme and was 'other harm' however it represented only a very modest contribution to the Council's housing

need and so moderate harm was considered the correct amount of harm to attribute in this balance.

A legal agreement would be required with regards the demolition at Parkwood and giving up of a previous approvals, and would be done with appropriate advice and legal drafting and would be suitably robust.

Disappointment was noted about the prospect of losing 39 staff bedrooms that formed part of the previous hotel scheme. It was advised that whilst it would have been desirable to have staff accommodation on the site, these bedrooms would have been a windfall that was proposed for operational reasons rather than being a policy requirement. It was noted that other measures such as the conversion of the Sun Pub into staff accommodation had also happened in the meantime.

With regards the enforceability of the measures, it was noted that the high-profile nature of the development would ensure a high degree of vigilance by interested parties as to the activities carried out at the site. It was likely that measures secured within the legal agreement would have monitoring or updating requirements within them. The Head of Planning was therefore confident that any non-compliance would be reported or identified and that measures promised in the application could be secured and delivered.

A member queried that the demolition and giving up of RU.14/1599 had been listed as a benefit of the scheme, and in addition had been used to mitigate the harm caused by the intentional nature of the unauthorised development; the member suggested that as a consequence this benefit had been counted twice in the weighing of the harms and benefits, so the weighing was erroneous.

Officers advised that in their view appropriate weight had been given in the officer recommendation to the written ministerial statement from 2015 with regards green belt protection and unauthorised development, due to the opportunity to limit or mitigate the harm by putting forward a package of works. The member also asked that in assessing the magnitude of the harm attributed to the intentional nature of the unauthorised development, account be taken of the expensive and time-consuming action incurred by officers, as referenced in the Written Ministerial Statement.

It was advised there was very limited precedent for applying high levels of harm and weight to the statement for development of this type and that the circumstances of the case and the purpose of the statement. The written ministerial statement was displayed in full on the screen in the Council Chamber and the purposes of the Written Ministerial Statement were read out. It was considered that the application provided opportunity to limit or mitigate the harms caused to the green belt, and as such in the officer view, anything more than limited adverse weight would be difficult to justify or defend.

In response to a further member query, it was later added that it would not be lawful for the Council to seek compensation for the time and resources dedicated to both the handling of the application and the enforcement action.

Several members expressed frustration at the nature of retrospective planning applications whilst acknowledging the need to follow national guidelines by treating them as new applications. There was further frustration that this particular applicant was relatively recently in a similar position relating to a separate retrospective application, where the owner of the site indicated to the planning committee in 2022 that further breaches of planning control would be avoided.

It was noted that this particular breach was uncovered late in the 4 year enforcement window, and from satellite imagery that work had clearly started on this breach around 2018 and so this particular breach had been undertaken in advance of the other breach of

the tree house planning control, and as such was not a new breach undertaken after the owners commitment to the planning committee to avoid further breaches made in 2022.

Officers shared the committee's frustration around retrospective planning applications, paid tribute to the residents who uncovered the breaches of planning control and added that stern words were had with the applicant upon the discovery of this breach, which were followed swiftly by an enforcement notice.

Another member considered that going from two clearly developed sites to one developed site would have clear green belt benefits.

It was acknowledged that in the event that the application was approved it would still be subject to final review by the National Planning Casework unit.

The lengthy debate thoroughly considered both sides of the planning argument and a motion to approve the development was advanced. A named vote was requested on the application, and the voting was as follows:

For (7)

Cllrs M. Willingale, P. Snow, A. Balkan, V. Cunningham, J. Furey, S. Lewis, M. Nuti.

Against (4)

Cllrs A. King, I. Mullens, D. Whyte, S. Whyte.

Abstain (2)

Cllrs E. Kettle, C. Mann.

**Resolved that –**

**The Head of Planning was authorised to grant permission subject to i) no 'call in' being received from the Secretary of State to whom the application needs to be referred under the Town and Country Planning (Consultation) (England) Direction 2021, ii) the completion of a legal agreement to ensure that the development approved under application RU.14/1599 or any other such relevant permission is not carried out and all demolition as detailed in the officer report is carried out as required , iii) subject to the Head of Planning being satisfied that issues relating to the protection of bats have been resolved to his satisfaction and iv) subject to the suitable conditions in general accordance with the conditions section 10 of this report and the addendum.**

*The HoP was also authorised to refuse permission should the legal agreement not progress to his satisfaction or if any significant material considerations arise prior to issuing the decision notice that in his opinion would warrant refusal of the application. The reasons for refusal should relate to the harm to the green belt, as well as any other further matters that the HoP considers have arisen (if any).*

73 **RU.24/0067 - 4 Glebe Road, Egham, Surrey, TW20 8BT**

*Proposal: Conversion of Garage into habitable accommodation (retrospective)*

Members noted the proposals. Following a minor clarification there were no significant issues arising and the motion to approve as set down on the agenda was moved and passed.

**Resolved that –**

**The Head of Planning was authorised to grant planning conditions subject to**

**conditions 1-2.****74 RU.23/1544 - Oak Tree Farm, Lyne Lane, Chertsey, Surrey, TW20 8QP**

*Proposal: The Change of Use of existing buildings and land to dog day care (Sui Generis), including the recladding of existing buildings and provision of hard and soft landscaping.*

[This application was considered prior to RU.24/0067 – 4 Glebe Road, Egham, Surrey, TW20 8BT]

The committee were supportive of the proposal, but concern was raised around the proximity of the site to the Bourne stream on the northern boundary. Officers advised that discharge into watercourses was dealt with by Environment Agency permits and therefore not necessary for planning purposes, but an informative would be added to the scheme to encourage any discharge of waste to be done in an environmentally friendly manner, and for the applicant to consider the creation of a buffer zone into the Bourne.

**Resolved that –**

**The Head of Planning was authorised to grant planning conditions subject to conditions 1-10 and additional informative around the creation of a buffer zone to the Bourne.**

(The meeting ended at 8.50 pm.)

Chair