

Runnymede Borough Council

PLANNING COMMITTEE

Wednesday 27th March 2024 at 6.30 pm

A D D E N D U M

Item 5A:RU.23/1214 Fairmont Windsor Park, Bishopsgate Road Englefield Green Surrey TW20 OYL

Additional or updated Consultation Responses

Surrey County Council Local Lead Flood Authority	Have reviewed the updated information and have withdrawn their objection.
Surrey Wildlife Trust	No further comments have yet been received regarding the additional information submitted and as such there is an update to the Recommendation to reflect this. (See end of report)

Additional representations received.

Additional Response from Englefield Green Village Forum Steering Committee

In summary this letter reaffirms their Green Belt objections and raises a theory that it is logical that removing 30% whether physically or theoretically will do no good to the Green Belt. Furthermore, if planning permission is granted based on a set of conditions and the developer fails to comply with the conditions surely the planning permission becomes invalid. (Ref ru.14/1599). But in any case, the applicant should only use physical demolition. (*Officer Comment the planning permission would only become invalid if the condition that had not been complied with was a condition precedent.*)

Additional Letters of Representation received.

3 further letters of objection have been received following publication of the report raising issues that have already been raised in the officer report.

Additional Comments received from the Applicant.

The applicant has provided a letter (dated 23rd March) raising some concerns and objections to some of the matters put forward in the legal opinion put forward by the Englefield Green Village Residents Association.

The applicant has also submitted a legal opinion from the applicant's barrister/KC. The opinion provided to the applicant by their counsel is that they are of the view that having reviewed the officer report they are of the view that the advice contained in it is in accordance with relevant legal principles and, based upon the material he has seen, is a rational exercise of planning judgment.

Lastly, the applicant has also now confirmed that a previous Barristers opinion that they obtained dated prior to the publication of the officers' report can now be made public too.

New representations can be viewed online

Full copies of these documents can be read on the Council's Planning Explorer

[Planning Application Search \(runnymede.gov.uk\)](https://runnymede.gov.uk/PlanningApplicationSearch)

Update to Recommendation

The recommendation should read as follows with new text inserted in italics and underlined.

Although clear from the report, description of development and would be included in the legal agreement, it is considered prudent to make it clear in the resolution that this is an expectation of the agreement.

The recommendation is also updated to reflect the outstanding bat matter and the other alteration to the conditions in the addendum.

It is recommended the Planning Committee authorises the HoP:
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 <u><i>all demolition as detailed in the officer report is carried out as required</i></u> , iii) <u><i>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.</i></u>
<u>or</u>
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).

Amendments to Planning Conditions.

Condition 1 – Approved Plans

Include the updated location plan. 063-LE-100p11

Condition 6 Drainage.

The proposed development shall be maintained in accordance with CS Consulting Group letter dated 21 March 2024 reference C007U-WK/SH, Drainage Response March 2024 rev A, Arora Group email dated 13.3.24, CS Consulting Engineers Cover Letter dated 12/10/2023, reference: CS-01-0224 and CCTV Survey Report, Express Solutions Group, 10.12.2012, reference: SS1339.

Reason: To ensure that surface water does not discharge into the surface water sewer and to provide a sustainable development in accordance with policy EE13 of the Runnymede 2030 Local Plan and guidance in the NPPF.

Condition 13 Bat Report

May need updating to reflect any changes secured to the bat mitigation.