

Date: 20th November 2023
Reference: IK/DPHFHWL/RBC002

[REDACTED]
Planning Department
Runnymede Borough Council
Runnymede Civic Centre
Station Road
Addlestone
KT15 2AH

By email: [REDACTED]

Dear [REDACTED]

Re: Planning Application Reference RU.23/1214 – Fairmont, Windsor Park, Bishopsgate Road, Englefield Green (Retention of hotel alongside demolition of Parkwood Estate buildings)

I have been instructed to respond with the comments set out in this letter, to the above application proposal, on behalf of [REDACTED] the Englefield Green Village Residents Association, c/o The Village Centre, Victoria Street, Englefield Green, TW20 0QX.

The current application follows planning application no. RU.22/1819, for retrospective permission for the change of use of the land and retention of treehouse lodges and recreation facilities, at Dell Park House and Fairmont Hotel. This application is still under consideration by the Council. I prepared a detailed representation on behalf of EGVRA raising a number of concerns to this prior application, and my report identified the unauthorised additions to the main hotel building as granted permission by RU.18/1239, which are now the subject of the current application. The Council subsequently issued an enforcement notice in July 2023, requiring that the hotel building either be demolished in its entirety, or the breach rectified so that the unauthorised building complies with the 2018 permission.

A number of potential technical and procedural issues relating to the current application (some of which also concern related application no. RU.22/1819) have been identified, and these are set out below. This is followed by a detailed discussion of the current application proposal, and the case for very special circumstances in the Green Belt, as set out by the applicant in the submission.

Planning Application Form, and Completion of Ownership Certificate

With regard to the application form and applicant details, these are stated as [REDACTED] of 'Grove WP Property Limited', c/o Arora Mgt Services Ltd. Certificate A has been completed, to confirm that the applicant is the sole owner (i.e. a person with a freehold interest or leasehold interest with at least 7 years left to run).

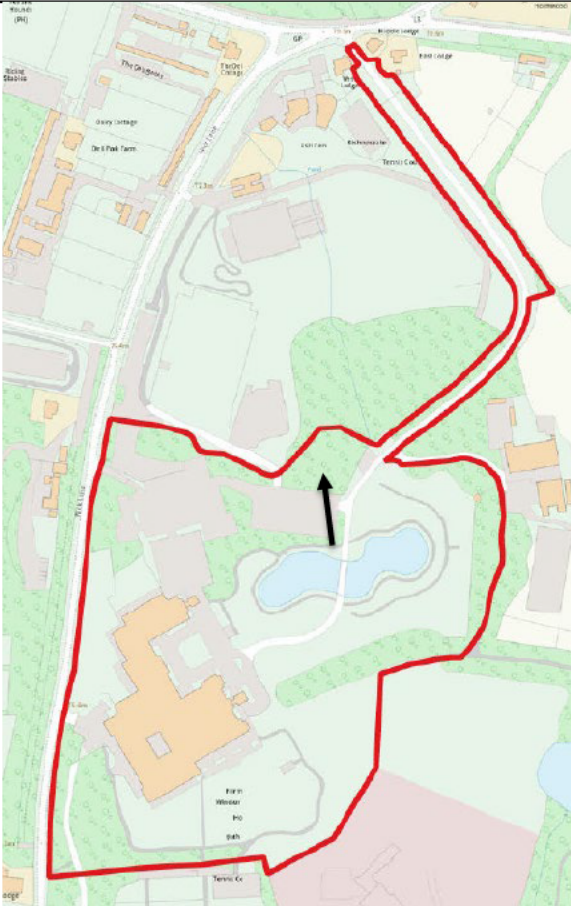
However, it is noted that the Council's enforcement notice (some of which is redacted), was served on the owner of the hotel, stated as the Company Secretary of 'Grove Developments Limited', as well as the occupier (stated as the Company Secretary of Arora Group Limited... [REDACTED]), and a number of interested parties (listed as the Company Secretaries of United Overseas Bank Limited, and Accor Management Canada Inc). Presumably, the Council's enforcement notice has been served on the correct individuals/companies. The title documents for the hotel also list the owner as Grove Developments Limited.

Given the varying information in terms of ownership between the title documents, the enforcement notice, and the planning application form, please can the Council ascertain whether the correct certificate has been completed by the applicant, and thus whether the current application is indeed valid, and capable of being determined by the LPA.

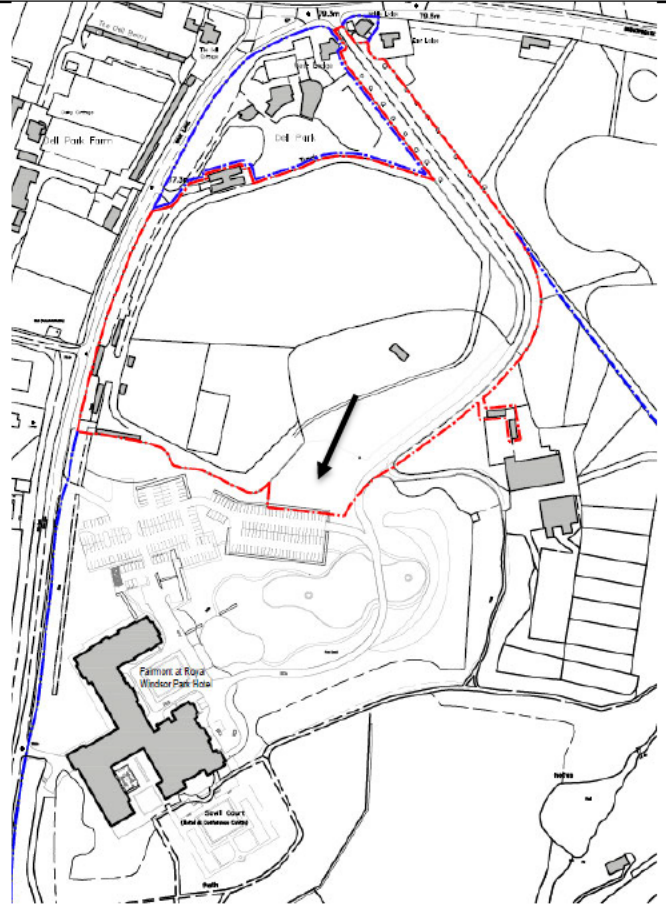
Conflicting Location Plan Extents

The red line on the location plan attached to the enforcement notice, correctly matches the extent of the red line as shown on the location plan for planning permission RU.18/1239, to which the notice refers, and with which compliance is required. However, the extent of the red line also captures land which falls within the adjoining site, forming part of current undetermined planning application reference RU.22/1819, for the retention of the tree houses and recreation facilities. This overlap contains two of the unauthorised tree houses. The area in question is indicated in the table below:

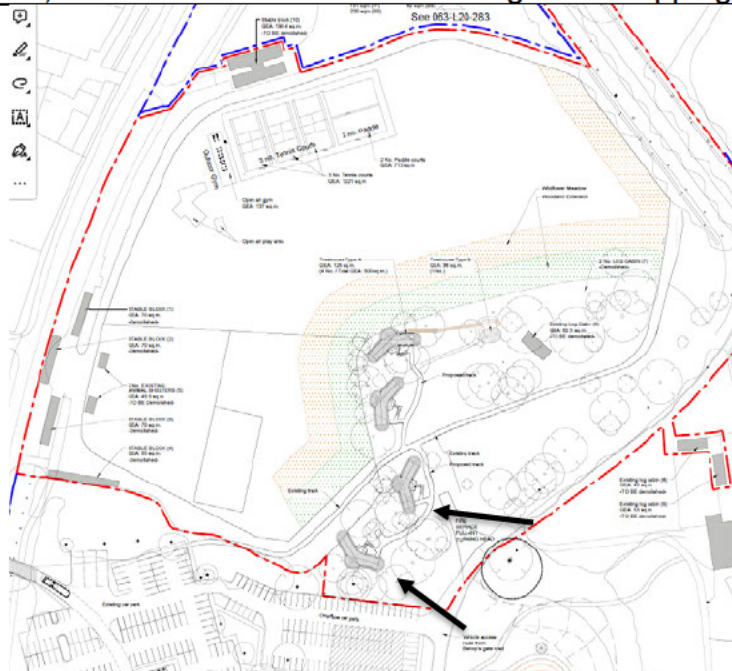
Plan A – Enforcement Notice:



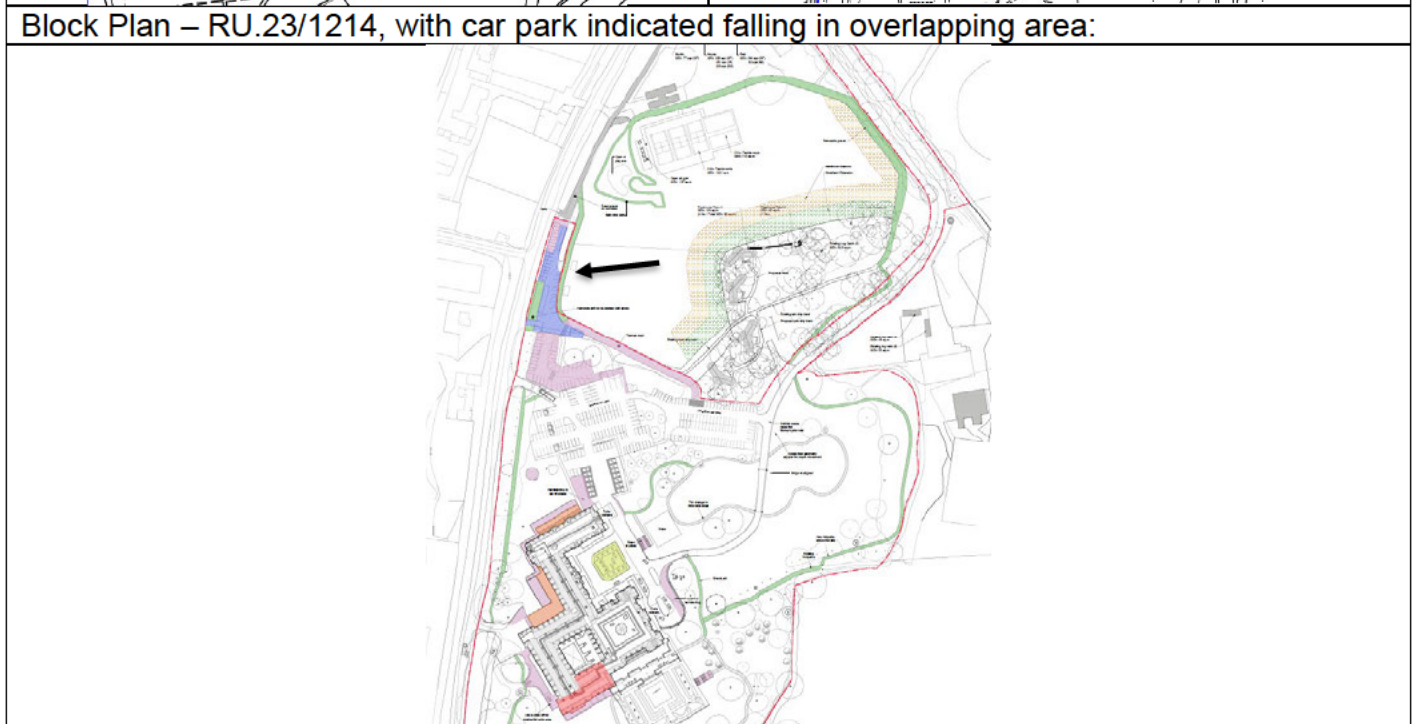
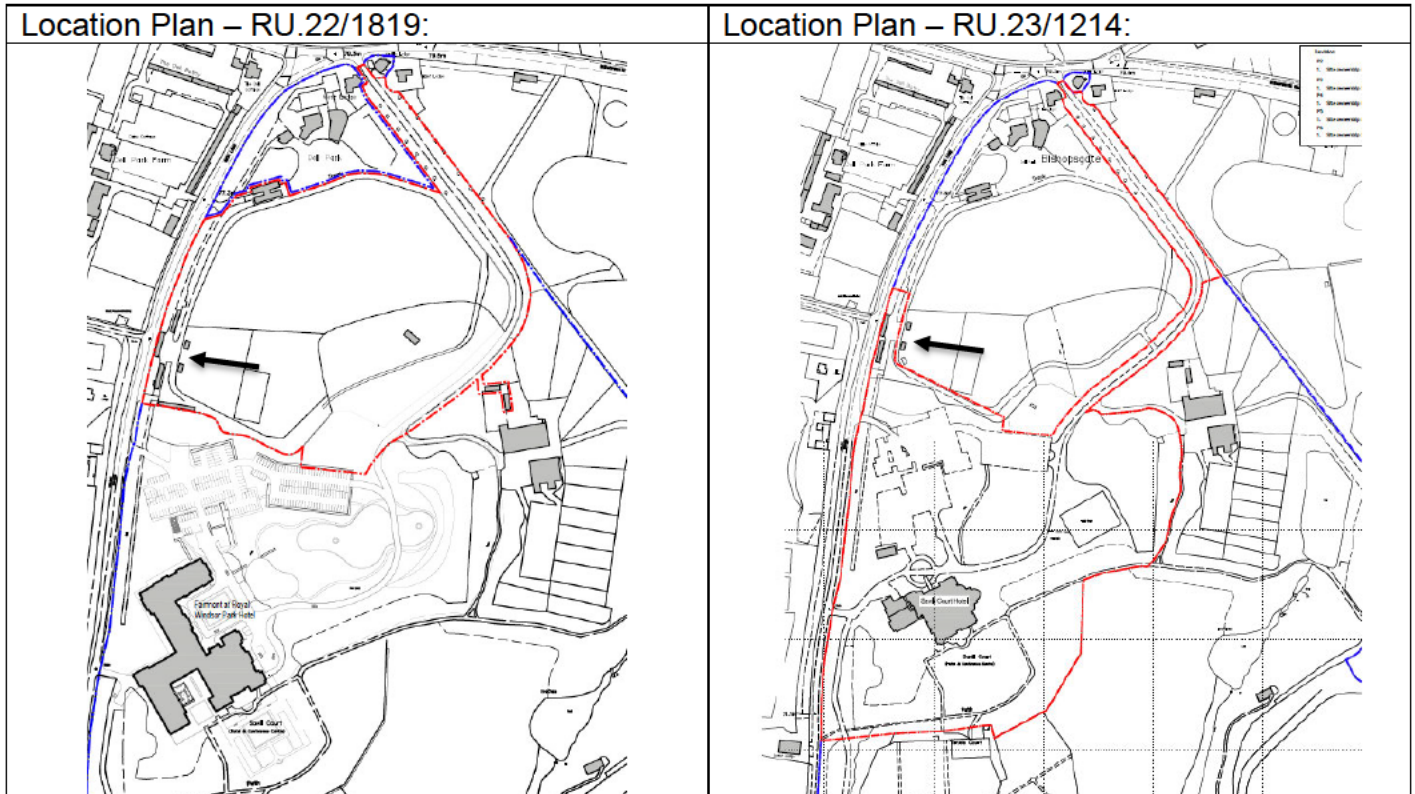
Location Plan – RU.22/1819:



Block Plan – RU.22/1819, with tree houses indicated falling in overlapping area:



Furthermore, there is an overlap of the current application's red line extent, which seeks to retain the hotel, and the related tree house application, which encompasses the parking area adjacent to Wick Lane, and which does not benefit from planning permission. This is demonstrated below:



It is well established that any number of planning permissions can exist for the development of the same land, however, in most cases, only one of those permissions can be lawfully implemented (*Pilkington v SSE* [1973] 1 W.L.R. 1527). Therefore, to determine whether two or more permissions applying to the same land can be lawfully carried out, it is necessary to consider whether they are both physically capable of being carried out, and whether the terms of each permission are compatible with the execution of other development on the same site.



Concerning the applications that are currently under consideration, it is not considered that these are compatible with one another, due to the overlapping area of land within the red line – planning application no. RU.22/1819 for retention of the tree houses contains plans which show the removal of various outbuildings close to Wick Lane, with the land remaining open and adjacent to lawn areas. No parking area, adjoining the car park area to the north of the hotel, is shown. This element of the proposal is presented as a benefit and part of the planning justification to retain the tree houses. However the subsequent planning application RU.23/1214 shows the retention of an unauthorised car park in this area, comprising a significant amount of hardstanding, and joining the car park to the south. Thus if the Council were minded to grant both planning applications, it is not considered that they could be lawfully carried out.

Furthermore, it is noted that the enforcement notice either requires compliance with planning permission RU.18/1239, or demolition of the hotel building in its entirety. As demonstrated further above, the overlapping location plan also includes two unauthorised tree houses. It is not clear why the enforcement notice does not explicitly require the removal of these also, and indeed my clients have repeatedly inquired as to why the Council has not issued any notices against the unauthorised on-going hotel activities and unauthorised development which is taking place on the adjoining land, and which is the subject of planning application no. RU.22/1819 – a satisfactory response has not been received from the Council on this matter. It is considered that if the applicant were to seek to comply with the terms, conditions, and plans of permission no. RU.18/1239, as required by the enforcement notice, this would in fact not be possible, since the two unauthorised tree houses would also be within the extent of the red line, and these did not obviously form part of the 2018 permission for the hotel.

Plans submitted to the Council for an oversized hotel since 2017

The submitted planning statement contains an apology from the Arora Group and [REDACTED] for the unauthorised extensions, and an explanation in section 4, that during the construction phase which took place from 9th October 2017 (although it is noted that on the planning application form for RU.18/1239, the applicant states that the development commenced on 5th February 2018), ending with building control sign off on 8th December 2021 (and encompassing the covid restriction period), the planning consents were not complied with. This is attributed to minor alterations required within the building, commercial pressures, and further design amendments required by the potential franchise operator, Fairmont Hotels (confirmed as the operator in December 2019). The hotel officially opened in January 2022.

However, the above is not considered to provide a satisfactory explanation for the unauthorised development, and to account for a number of significant irregularities which have been found in the planning documents submitted for the site to the Council, for various applications since 2017. The irregularities are set out in the table below, and demonstrate that a separate set of plans had been prepared since at least August 2017 (the date of drawings for application no. RU.17/1640 – see below), for a larger hotel than that granted by any planning permissions.

<p>RU.17/1640 – discharged SuDS condition for RU.16/0824 (an earlier permission for redevelopment of the hotel).</p> <p>The Council failed to identify that the submitted drainage plans show a footprint which is larger than the 2016 permission, and of a similar extent to the unauthorised as built hotel.</p> <p>The planning agent was UNUM Partnership Ltd, and Arora Management Services Ltd the applicant.</p>	
<p>RU.17/1490 – discharged CMP condition for RU.16/0824 (an earlier permission for redevelopment of the hotel).</p> <p>The Council failed to identify that the submitted site logistics plan shows a footprint which is larger than the 2016 permission, and of a similar extent to the unauthorised as built hotel.</p> <p>The planning agent was UNUM Partnership Ltd, and Arora Management Services Ltd the applicant.</p>	

RU.18/0228 – discharged SuDS condition for RU.17/1368 (varied the design of the hotel as approved in RU.16/0824).

There are two sets of plans in this application – a drainage layout (no. 0300), also showing the position of trees and tree protection fencing, with the footprint shown as approved by permission RU.17/1368. And drainage plan no. 0002 within the Drainage Strategy Report, which shows a footprint which is larger than the 2016 permission, and of a similar extent to the unauthorised as built hotel (shown opposite).

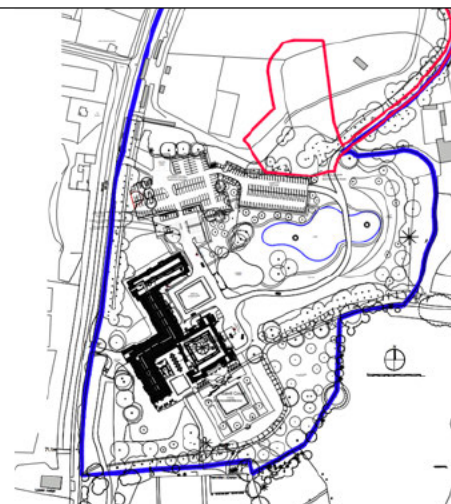
The Council failed to identify the irregularities in the submitted plans. The planning agent was UNUM Partnership Ltd, and Arora Management Services Ltd the applicant.



RU.21/2211: at Dell Park House and Fairmont Hotel – retrospective permission for tree house lodges.

This was submitted in March 2022, after the hotel had been built out and opened. However the location plan shows the hotel as previously approved, not as actually built out.

The applicant was Arora Management Services Ltd (there was no planning agent). The existing plans were prepared by UNUM Partnership Ltd.



RU.22/0086 – for retention of the illuminated hotel sign with trough fountain.

This was submitted in March 2022, after the hotel had been built out and opened. However the location plan shows the hotel as previously approved, not as actually built out.

The plans were prepared by UNUM Partnership Ltd.



RU.22/1819: at Dell Park House and Fairmont Hotel – retrospective permission for change of use of the land, retention of tree house lodges, and recreation facilities. Currently under consideration.

This was submitted in January 2023, over a year after the hotel had been built out and opened. However the location plan shows the hotel as previously approved, not as actually built out.

The applicant is Grove WP Ltd c/o Arora Management Services Ltd (there is no planning agent). Most of the plans have been prepared by UNUM Partnership Ltd.



It is extremely difficult to ascertain how the errors and irregularities set out above arose, particularly given that UNUM Partnership Ltd (Chartered Architects) was the planning agent throughout most of the process, preparing many of the submitted plans, and Arora Management Services Ltd the applicant.

Floor plans and stated floor areas

The irregularities continue with the floor plans. The covering letter from the Arora Group submitted with the current application, dated 29th August 2023, states that the section 73 drawings as approved in planning permission RU.18/1239, and as submitted for the current application (i.e. the previously approved 2018 plans which do not show the newly identified unauthorised extensions), are in fact the same, with the exception of the floor plan drawings which have been re-measured and the 'stated floorspace corrected'.

The differences in the floor area figures are presented in the table below:

Floor Plan	As stated on approved plans for RU.18/1239 (sqm)	As stated on current submitted (approved) plans for RU.23/1214 (sqm)	Difference (sqm)
Basement level 1 – 30B1, Rev P36	6,263.9 GIA	6,574 GIA	310.1 GIA
Basement level 2 – 30B2, Rev P32	4,207.5 GIA	4,342 GIA	134.5 GIA
Ground floor – 300, Rev P37	5,357 GEA	5,620 GEA	263 GEA
First floor – 301, Rev P32	5,173 GEA	5,291 GEA	118 GEA
Second Floor – 302, Rev P32	5,312.5 GEA	5,431 GEA	118.5 GEA
Third Floor – 303, Rev P1	1,741.9 GIA	1,741.9 GIA	0 GIA

Once again, it is extremely difficult to ascertain how such significant irregularities in the stated floor areas could arise, given that the plans are prepared by Chartered Architects, UNUM Partnership Ltd.

It is pertinent to note that the Council based its assessment and decision for planning permission RU.18/1239 on the actual stated floor areas (as listed in the second column of the table above), as provided on the floor plans for that application by the applicant. The Council failed to identify that the stated floor areas were incorrect, by undertaking checks and measuring the plans, however, there would be no apparent reason for the planning officer to doubt the accuracy of the floor areas stated.

An irregularity has also been identified concerning the floor areas provided for the basement by the applicant for the 2017 and 2018 planning applications. The basement was approved with a GEFA of 6,342sqm in original permission RU.16/0824 (the existing basement at that time at Savill Court had a floor area of 1,762sqm GEFA). The subsequent planning permission, RU.17/1368, permitted a large basement with 2 levels – basement 1 was 6,365.4sqm GEA / 5,366.2sqm GIA, and basement 2 was 4,106.4sqm GEA / 3,965.1 GIA. The Council's Committee report for the 2017 application gives the total basement area as 10,471.4sqm GEA.

The Council's Committee report for RU.18/1239 gives the total basement area at a similar figure to the 2017 scheme at 10,472sqm GEFA (as amended), thus it appears that there was virtually no change proposed to the basement floor area. However, the amended and approved basement floor plans (amended during the course of the application) provide floor areas in GIA only, not GEA; basement 1 is 6,263.9 GIA and basement 2 is 4,207.5 GIA. The officer failed to recognise this, and has listed the total in the Council's report as 10,472 GEFA. Once again, it is not clear how the UNUM Partnership has made such an apparent error, confusing GIA with GEA. Thus the basement levels as approved by the Council in the 2018 permission (see column 2 in table above), are in fact larger than that approved in the 2017 planning permission, by 1,139.7sqm GIA, and thus not identical as stated in the Council's report. The GIA figures provided by the applicant for the current 2023 application (again, no GEA figures are provided) for basement levels 1 and 2 total 10,916 GIA (see column 3 in table above), which is a further substantial total increase of 1,584.7sqm GIA over the 2017 planning permission.

As set out in the Planning Committee report for the 2018 application, the submitted proposal followed previous schemes for the hotel, as approved in RU.16/0824 and RU.17/1368; it sought to increase the above ground floor area of the hotel by 9% on the 2017 permission, and represented an above ground total floor area increase of 126.4% on the existing above ground floor area. The increase in the size of the basement was not considered to impact on the Green Belt, as it was below ground level. The proposal was considered acceptable in terms of its impact on the Green Belt, since much of the additional floor area was concentrated within the roof area of the hotel, with only a small increase in the height of the roof ridge of 0.325m. Furthermore, the report states at paragraphs 6.4 and 6.7, that the applicant had revised the initial scheme to omit an orangery on the ground floor totalling 262sqm, and remove an increase in height of the building, with the creation of an additional floor of habitable accommodation within the roof space.

Given that the scheme approved in RU.18/1239 was revised by the applicant to omit the orangery and some additional roof accommodation, in order to make it acceptable in terms of the impact on the Green Belt, it is clear that the floor areas as provided on the approved 2018 plans, which have been submitted for the current application (as listed in column 3 of the table further above), would have rendered the scheme wholly unacceptable, had this information been presented to the Council in 2018. The difference in the floor area alone for the ground floor amounts to 263sqm, which is greater than the orangery that was omitted by the applicant for the 2018 scheme. There is an overall increase in above ground floor area of 499.5sqm on that previously approved, which is significant, whilst the basement floor area results in a further increase of 444.6sqm.

The applicant is seeking to take advantage of this situation in the current application, by stating that the higher and 'correct' floor areas are the starting point, and thus this naturally results in less of an increase when compared to the as built floor areas. However, it is strongly contested that the 'correct' and greater floor areas as now provided by the applicant should be used as the starting point, since these were not approved for the 2018 application. The applicant clearly stated on the approved plans for the 2018 application what those floor areas were, and did not at any time seek to check those floor areas, and present any revised information to the Council. The Council based its decision on the floor areas provided by the applicant, and those floor areas were used in the analysis in the Planning Committee report. It was on this basis that Councillors made the decision to support the officer's recommendation for approval of the scheme, and planning condition no. 3 of RU.18/1239 requires that the development is carried out in accordance with the listed approved drawings and plans, including all of the floor plans with the stated floor areas provided by the applicant at that time. Thus the applicant would have been expected to build out the 2018 scheme, adhering to the floor areas as stated on those approved plans.

Therefore, it is not considered that the case for floor space increase, when compared to the as built hotel, and as presented at paragraph 4.5 of the applicant's planning statement, is an accurate summation. The applicant's analysis is based on the higher figures now provided, and this would result in no change to the floor areas for the basement levels, whilst there would be a total increase of 2,868sqm of above ground floor area. The applicant states that this results in an increase of 116% over the approved hotel building (it is considered that the figure provided of 116% is incorrect, and that the increase, based on the applicant's figures, is in fact 16%).

Contrary to the above, the table below sets out the correct increase in floor area, when taking into account the actual floor areas that were approved for permission reference RU.18/1239:

Floor Plan	As stated on approved plans for RU.18/1239 (sqm)	As stated on current submitted as built plans for RU.23/1214 (sqm)	Difference (sqm)
Basement level 1	6,263.9 GIA	6,574.2 GIA (7,924.3 GEA)	310.3 GIA
Basement level 2	4,207.5 GIA	4,342.1 GIA (4,684.4 GEA)	134.6 GIA
Ground floor	5,357 GEA	6,901 GEA	1,544 GEA
First floor	5,173 GEA	6,118 GEA	945 GEA
Second Floor	5,312.5 GEA	6,100 GEA	787.5 GEA
Third Floor	1,741.9 GIA	1,833 GIA	91.1 GIA
	Total difference below ground (basement):		444.9 GIA
		Total difference above ground:	3,367.6 GEA

It is therefore considered that the as built floor plans result in an above ground increase of 3,367.6sqm GEA, or 19.2% over the above ground floor area as approved in RU.18/1239, or a 170% increase over the original above ground floor area (stated as 7,767sqm in the Planning Committee report for RU.18/1239).

Given the discrepancies in the floor areas provided for the current application, as compared to the 2018 planning permission, as well as the irregularities identified further above in terms of the various plans and documents submitted by the applicant over a 6 year period (which either show a larger hotel building to that approved, or do not show what had actually been built on the site following completion of the build), my clients consider that the figures provided by the applicant on the as built floor plans cannot be relied on. This also applies to all other submitted as built plans, including the elevations.

My clients received information that a copy of the Council's enforcement investigation report had been requested, but this has not been forthcoming. The Council has confirmed that no checks in measurements were undertaken at the enforcement officer's site visit, simply a visual inspection with reference to images in my previous report which identified the breaches. Thus the Council is seeking to wholly rely on the information provided by the applicant, once again. The Council is urged to commission its own measured building survey of the hotel, so that it can be fully ascertained, independently of the applicant, whether the information that has been provided for the current application, is indeed correct. Only then can the case be fully assessed with some confidence. It is not considered that the request for an independent survey is unreasonable, given the particular circumstances of the case and the irregularities involved, many of which the Council failed to identify in years past. Such surveys are occasionally undertaken in difficult enforcement cases by Councils, when required.

My clients also ask that the Council carefully examines and investigates the irregularities pertaining to the inconsistent information provided by the applicant in support of various applications over the past few years, as identified further above in this letter, as well as the significant inconsistencies in floor areas provided. My clients would like to remind the Council that this report reveals conclusively that the application contains misleading and false statements which may have implications in law, and that this should be investigated.

Green Belt issues and very special circumstances

Additions to the hotel building – inappropriate development

The National Planning Policy Framework (NPPF), at paragraph 147, states that for proposals affecting the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings is inappropriate in the Green Belt, but also lists a number of exceptions to this – (c) allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The NPPF does not define what a disproportionate addition may be.

Policy EE14 of the Runnymede Local Plan similarly states that the extension of a building is not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building. The policy also encompasses the replacement of buildings. The policy states, however, that in all cases, development proposals should maintain openness of the Green Belt and not conflict with the purposes of including the land in the Green Belt. In addition, new development should not materially increase the prominence of the development at the site.

The policy goes on to state that when assessing a proposal, the following considerations will be taken into account:

- The planning history of the site (post 1st July 1948) including any previous extensions or enlargements including previous works carried out under permitted development;
- The current lawful use of the existing building(s);
- The use of the proposed building(s)/extension;

- Existing and proposed floorspace including mezzanine levels, space under roofs and covered balconies;
- Existing and proposed built footprint which may increase the spread and site coverage and reduce distances to boundaries;
- Changes in mass, bulk and height of buildings including roof form changes and features, and any raising off ground to provide voids/flood mitigation;
- Scale of buildings including from different aspects within and outside the site;
- Inclusion of features which may impact on openness including basements and sunken areas, light wells, changes to ground levels including any exposed parts of buildings and ramps;
- Other ancillary aspects of a development proposal such as garages and other outbuildings, walls and gates, areas of hardstanding and their use and external storage will be considered additionally in respect of the built envelope, function and linkages to the main dwelling. These may cumulatively impact on the openness of the Green Belt.

The Council's Planning Committee report for RU.18/1239, sets out that the Green Belt assessment for the initial scheme for the redevelopment of the hotel, granted in RU.16/0824, concluded that by reason of the proposed additional floor area above ground, positioning, scale and massing of the development proposals, this would result in disproportionate additions over and above the size of the original hotel. In addition the development, by reason of the proposed additional floor area above ground, positioning, scale and massing of the development, was considered to have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development. However, the 2016 scheme was granted permission on the basis of very special circumstances, being that there was a current need for hotel accommodation (as set out in the Surrey Hotel Futures Study Report), the site was already operating as a hotel and the proposed increase in floor area was considered justified, and that the proposal struck a balance between meeting the operational needs of the business and its contribution to the local economy, whilst minimising the size in terms of the Green Belt constraints.

The subsequent revised scheme granted in RU.17/1368, which resulted in a further increase in floor area, was permitted by the Council, as it would enable the hotel to provide suitable facilities as a 5* luxury hotel, generating economic growth for the borough (the Crown Estate had granted permission for renaming of the hotel, and a hotel operator had also been chosen). Concerning the revised scheme granted in RU.18/1239, the acceptability of this in terms of the Green Belt and the increase in floor area, has been set out further above on page 9. The Council also sets out in its Committee report, that the proposal is justified since it would enable easier employment of specialist staff that could be accommodated onsite, it would enable the hotel to make a valuable contribution to the local economy, and it would introduce high quality landscaped grounds, whilst addressing matters relating to ecology, trees, drainage, and archaeology.

As detailed further above in the preceding section of this letter, it is not considered that the calculations that the applicant has used to establish the increase in floor area on that approved in 2018, are acceptable. Thus this report sets out that the as built floor plans result in an above ground increase of 3,367.6sqm GEA, or 19.2% over the above ground floor area as approved in RU.18/1239, or a 170% increase over the original above ground floor area (stated as 7,767sqm in the Planning Committee report for RU.18/1239) of the hotel building. With the raising of the roof by 1.7m, this has resulted in an additional 21 guest bedrooms (contrary to the benefits of on-site staff accommodation noted in the Council's Committee Report for RU.18/1239). The increase of 444.9sqm GIA of the basement levels is excluded from the Green Belt analysis, since the basement is situated wholly below ground level (although the basement enlargement is considered to raise other potential issues, which are discussed in a later section of this report), and is not considered to impact on the openness of the Green Belt.

The unauthorised extensions significantly increase the footprint and spread of the building. The single storey extension to the northern side of the building has a depth of 7m, and a width just under 35m, whilst the single storey dining room extension has a maximum depth of 9.5m, extending along much of the north west elevations of the building. The wing extension to the south has a significant depth ranging from 13m to almost 20m, with a width of almost 44m. The southern wing extension has the greatest visual impact, in terms of its height, bulk and mass, given that it is 3-storey with a height of 12.9m to roof ridge level, and with a bulky crown roof design. The southern wing also brings the overall built form of the hotel closer to the southern boundary of the site. Furthermore, a significant expanse of the main roof of the building has been built higher, to an overall height of 14.6m, being 1.7m higher than that approved in RU.18/1239. The increase in the roof ridge height, as well as the mass/bulk of the three-storey wing, have materially increased the visual prominence of the building within the Green Belt, with increased visibility in views from Wick Lane.

For the reasons set out above, due to the substantial increase in floor area over the original hotel building, coupled with the height, bulk, mass and spread of the additions, the proposal results in disproportionate additions over the size of the original hotel building, and would thus be inappropriate development, and by definition harmful to the Green Belt. It would have a harmful impact on the open character and visual amenities of the Green Belt, and a greater impact on the openness of the Green Belt and the purpose of including land within it, than the development as approved in RU.18/1239.

Furthermore, the proposal includes the retention of an unauthorised car park adjacent to the western boundary with Wick Lane, which has created 68 additional parking spaces, and which adjoins the approved car park area to the northern side of the hotel. Whilst the as built site plan shows that part of the area formed pre-existing hardstanding, this element of the scheme has increased the extent of hardstanding across the site, as well as the area for parked vehicles, which further impacts on the Green Belt. There are also areas of hardstanding (in particular to the rear of the hotel) which are shown on the as built site plan around the hotel building, which have increased the amount of hardstanding as approved in the 2018 permission – these also have a harmful impact and additional urbanising effect on the Green Belt.

It is not considered that there are any very special circumstances present that would justify the identified harm above to the Green Belt, and this is discussed below.

Demolition of buildings at the Parkwood Estate & Section 106 Agreement

The applicant proposes to demolish a number of buildings at the Parkwood Estate, which is situated a significant distance further to the south of the Fairmont plot. The applicant proposes to demolish Parkwood House and its Pool building, a barn south of the walled garden, a garage serving cottages, and the Bothy (a bungalow), in order to address the unauthorised additions and floor area increase to the Fairmont. The floor area to be demolished is discussed in detail further below. However, firstly, it is considered pertinent to examine whether the principle of in effect transferring floor area across sites in the Green Belt, in order to enable development on one site that would otherwise not be approved, is acceptable in this case.

There are two relevant cases of note in the Green Belt in Runnymede, which concern a transfer of floor area across plots:

- RU.18/0986; Fairways & Dormy Lodge, Portnall Drive, Virginia Water
This granted a renewal of permission RU.13/0705, which was for a time extension to implement RU.10/0695, which was for two replacement dwellings, following demolition of the existing dwelling, to include a reduction in floor area at Fairways, the inclusion of a detached triple garage and dormer windows, and the re-siting of Dormy Lodge. The 2010 permission was for a time extension to implement RU.07/1166, which had originally granted the scheme.

The proposed scheme involved the replacement of Dormy Lodge with a dwelling that had a reduced floor area on the original of 20%, and the replacement of Fairways with a dwelling amounting to a 60% increase on above ground floor area, over the original. Thus a larger house would be built at Fairways, and a smaller dwelling at Dormy Lodge. Both dwellings had a close relationship to one another, being situated on adjoining plots, sharing the same access drive, and being in the same ownership. The proposal was also considered to be acceptable as there were a number of very special circumstances present:

- When taking the properties together, the overall increase in floor area would amount to only 37% across the two dwellings.
- The proposal would result in the loss of a residential unit in the form of a large annexe building.
- The dwelling most visible from Portnall Drive (Dormy Lodge) would have a smaller footprint.
- The larger replacement dwelling at Fairways would be moved further back within the site, reducing prominence.

An extract of the location plan is shown below, which demonstrates the relationship and close proximity of the properties to one another:



- Appeal reference 2180636; Brackendale, North Drive, and Pinehurst, Firwood Road, Virginia Water (a copy of the appeal decision is appended to this letter)
This appeal allowed planning application no. RU.12/0557, refused by the Council in May 2012, for the erection of a replacement dwelling at Pinehurst, and the extension and alteration of Brackendale. The replacement dwelling at Pinehurst would result in a reduction in floor area of 126sqm. The Inspector, however, considered that the proposed additions at Brackendale (which was itself a replacement dwelling built after 1st July 1948) did not amount to disproportionate additions over the original dwelling, and thus their acceptability was not dependent on a reduction at Pinehurst. Nevertheless, the Inspector states the following at paragraph 12 of the appeal decision:

'...when the proposals for Pinehurst and Brackendale are considered as a whole the floor area of the two dwellings would be 1001m² (540m² + 461m²) and the total additional floor area would be 215m² (341m² addition to Brackendale less 126m² reduction in Pinehurst). This would be an increase of some 21%, well below the 30% indicated as acceptable in GB6. Given that the two buildings are in the same ownership, the subject of a single application, and on adjoining plots, the consideration of the combined effect is justified. Indeed, I note that a legal opinion, submitted on behalf of the appellant, reaches the same conclusion. Moreover, such trading of floor area between two dwellings in the same ownership was allowed by the Council at Fairways/Dormy Lodge in July 2010, albeit that the Council considers that a package of improvements to openness amounted to very special circumstances in that case.'

The location plan for the appeal case is shown below, which shows the relationships and proximity of the dwellings to one another:



It is considered that the situation concerning the Fairmont and Parkwood Estate is markedly different to the case examples provided above. Both of the above cases involved an exchange of floor area from one residential dwelling to another – in both cases, the original number of dwellings was preserved. Whilst an annexe was removed from the Dormy Lodge plot, this was not an independent residence as such, separate to Dormy Lodge, but an ancillary building. In the case of the current planning application, however, the applicant is proposing the transfer of residential floor area to a commercial hotel building, thus in a wholly different use. The additions at the hotel and the nature of the overall use, represent a far greater intensification in the use of that site within the Green Belt, than a private residential dwelling. Furthermore, the removal of Parkwood House would result in the loss of a residential unit in the borough, which would be contrary to Policy SL21 (Presumption against loss of residential) of the Runnymede Local Plan. This policy only permits the loss of existing dwellings, whereby retention of the residential use would be undesirable due to proven environmental considerations, or would prevent the delivery of essential infrastructure projects, or the development proposal would provide a social, community or cultural service or facility which cannot be located within an existing non-residential use. It is not considered that any of these exceptions apply in the case of the planning proposal for Fairmont.

In both of the above cases at Brackendale/Pinehurst and Fairways/Dormy Lodge, the relationship of the dwellings to one another was in relatively close proximity. Whilst the sites of Fairmont and Parkwood Estate are in the same ownership, and the subject of a single application, they are not on adjoining plots. The Parkwood Estate is situated a significant distance to the south of Fairmont, with Prospect Lane and Kings Lane, situated within the intervening areas of land. In particular, Kings Lane extends from Wick Lane, leading to the south east, and into the built up area of Englefield Green; it thus entirely dissects the countryside and parcels of land between the Fairmont and Parkwood Estate. Due to the significant distance, with Parkwood House over 1km away from the Fairmont hotel building (as the crow flies), the buildings and their plots bear no relation as such to one another, either visually or otherwise, and the buildings are not readily visible from each other's plots, due to the intervening trees, boundary treatments, land parcels, and dwellings.

It is therefore concluded that it would not be acceptable, in principle, to permit such an exchange of floor area, over the considerable distance involved between the two plots. If such a proposal was permitted, it could set an unacceptable precedent for other development proposals of a similar nature in the Green Belt. It is also not considered that the ownership of any intervening land by the Arora Group makes any material difference to this analysis, since the plots and buildings of the Fairmont and Parkwood Estate remain significantly physically separated. The general ownership status of the various land plots is also not entirely clear – it is understood from local residents that the Parkwood Estate was sold to a registered Guernsey holding company in September 2022, and Meadow Cottage Farm, Kings Lane, situated further to the north west of the Parkwood Estate (and mentioned in the submitted planning statement to be in the ownership of the Arora Group), is owned by a Jersey registered holding company.

In any case, even if it is supposed that an exchange of floor area across the two sites were acceptable in principle, it is considered that the floor area proposed to be demolished is wholly inadequate, and would not provide a sufficient very special circumstance to justify retaining the disproportionate additions to the hotel.

The applicant states that the total floor area to be demolished would amount to 2,891sqm GEA, which would exceed the floor area figure the applicant considers is applicable to the above ground increase at the hotel (being proposed as 2,868sqm). However, this argument is somewhat disingenuous. The actual physical buildings present on the site that would be demolished, amount to a GEA floor area of only 2,257sqm. It should be noted that in both of the case examples provided further above at Brackendale and Fairways, it was existing built form that was taken into account (i.e. not any hypothetical/potential future development), when assessing the impact of those proposals on the Green Belt, and the exchange in floor area/built form. The lower GEA figure falls well short of the applicant's figure for above ground floor area additions at the hotel. However, as set out further above, this report considers that the above ground floor area of additions at the hotel amounts to a much higher 3,367.6sqm GEA. Thus there is a significant shortfall of 1,110.6sqm.

There are three estate cottages present on the Parkwood Estate, which it is noted that the applicant is not seeking to demolish. In accordance with the planning history records, these have a total floor area of around 366sqm. Even if these were also demolished, there would still be a significant shortfall in the floor area being given up. The planning statement mentions at paragraph 4.12 that there are 7 dwellings at Parkwood, 5 of which front on to Wick Lane (these include the 3 estate cottages), and the latter would remain. The floor area of the two other dwellings fronting the road are not known.

Furthermore, simply assessing the floor area of the development offered in exchange for the hotel additions does not take into account other factors in the Green Belt assessment, such as height, bulk/mass/volume, and footprint/spread. Other than floor areas the applicant has not provided any information pertaining to how the built form to be demolished would compare in other respects to the additions at the Fairmont, in particular, the three-storey wing. It is noted, for example, that some of the structures to be demolished, such as the pool building and garage, are small scale in nature. This information should be provided. The applicant has also not provided any information on what is being offered for the unauthorised parking area providing 68 additional spaces at the hotel, and the significant area of hardstanding that has been created as a result, as well as additional hardstanding areas around the hotel building.

The applicant's figure for demolition is higher, as the applicant seeks to include the floor area of a replacement dwelling granted at Parkwood, by an implemented permission (the implementation was confirmed by certificate of lawfulness reference RU.18/0440, by the demolition of a small workshop building of 22sqm), reference RU.14/1599, for the demolition of the existing dwelling, 3 estate cottages, pool building and ancillary estate buildings, and the erection of a new two storey dwelling with basement and garaging, two residential gate houses, new internal access road and bridge, associated landscaping and enabling works. The replacement dwelling has a GEA of 2,551sqm (excluding a large basement).

Relating to this extant permission, the applicant has submitted a draft Section 106 agreement, which would legally obligate the Arora Group and any future owners of the Parkwood Estate, not to implement or continue any works pursuant to the extant 2014 permission, and to demolish all of the buildings as listed in the table at paragraph 4.11 of the planning statement, within 9 months of the granting of planning permission.

As already detailed above, the floor areas being offered for demolition are considered to result in a significant shortfall, since it is considered that the existing buildings on the site should be taken into account, and not what could be built out. It is acknowledged that the 2014 planning permission at Parkwood has been formally implemented by consent reference RU.18/0440, however, there are other factors that should be taken into account in relation to this. The amount of weight that the proposed Section 106 would carry in the planning balance as a material consideration, is to an extent dependent on whether the building out of the 2014 extant permission is indeed a realistic option that the applicant would be willing to undertake, if a legal agreement did not prevent this.

The history of the site indicates that the implemented permission has been in place for a number of years since 2018, and yet the Parkwood Estate remains undeveloped and the main house derelict. It is understood from local residents that the Arora Group purchased the site around 18 months ago, and it is noted that the planning statement argues at paragraph 6.8, that the S106 would result in an estimated £50M loss by not undertaking the extant permission. However, it is also understood from local residents that the development of the site for the 2014 permission, due to the development costs, would financially be a high risk undertaking, since it would be difficult to realise the sale price required in the current property market for the replacement dwelling granted permission. Whilst the estate may command a high price due to the substantial amount of land it comprises, this is also very likely to deter many buyers in the current market, due to the amount of on-going costs required to maintain the land. The £50M quoted by the applicant seems an unrealistic and highly exaggerated profit on an implemented development of this size, when compared to other recent sales of similar properties in the area. Thus this needs to be fully justified by the applicant.

It is also understood from a number of local residents that [REDACTED] has been openly and directly discussing with them, his plans for the Parkwood Estate to turn it into a prominent and prestigious golf complex. He has informed some residents that he has plans to build a high quality large golf clubhouse; the golf club would provide recreational/sporting facilities for guests of the Fairmont, thereby increasing the existing offer of the hotel, as well as offer an exclusive wider membership to members of the public.

Whilst it is acknowledged that the Council can only consider the planning application before it, the above related local discussions strongly indicate that the applicant has no real intention of building out the 2014 permission, and thus providing the Section 106 to prevent the 2014 permission, would not interfere with the future business plans of the Arora Group. It would thus not be the substantial financial sacrifice that is set out in the planning statement. The applicant also appears to be cherry picking the buildings he wishes to retain and to demolish, on the Parkwood Estate, since the 2014 permission required demolition of the three estate cottages which the applicant wishes to retain. It is also considered that if the cottages are retained, these would have their permitted development rights intact, and as such an outbuilding such as a garage (which is currently proposed to be demolished), could be erected again.

It is considered that the Council should ascertain from the applicant what future plans there are for the Parkwood Estate, in order to be in a more informed position in terms of assessing the proposed legal agreement. Such legal agreements are also limited in their scope – it would not be justifiable, for example, to remove all forms of development/land uses from all parts of the site in perpetuity. Thus it would still be possible to develop the site in future for a golf course or other appropriate development in the Green Belt. The terms of S106 agreements can also be amended by a deed of variation at any time.

My clients have no confidence that the Arora Group would adhere to a legal agreement at the Parkwood Estate, should one be agreed with the Council, given the track record of the applicant and the unauthorised development which has been taking place at the Fairmont and the adjoining Dell Park. Aside from the fact that it is not considered that it would be acceptable in principle to exchange any floor area with the Parkwood Estate, it is also not considered that the S106, as proposed, goes far enough in terms of what the applicant is prepared to forgo. This is demonstrated by the number of buildings that the applicant desires to retain at the estate. However, what would be considered by local residents to be a genuine good will gesture on behalf of the applicant, which could go a considerable way to rectifying the unauthorised development/activities, and be considered a very special circumstance, is if the applicant is willing to demolish all of the buildings at the Parkwood Estate, and through a legal agreement offer up the land to be designated as a Local Nature Reserve, with publicly accessible walking trails. Alternatively, the estate land could be offered up to the Council as a Suitable Alternative Natural Greenspace (SANG), providing a recreational environment as an alternative to the Thames Basin Heaths SPA. Such proposals would enable substantial biodiversity improvements to be achieved, for the good of the local community.

The Surrey Hotels Futures report 2015, Hotel Operations, and Economic Benefits Assessment

The applicant makes significant reference to the findings of the Surrey Hotels Futures report, which was produced by Hotel Solutions for Surrey County Council, in August 2015. The applicant states that the report confirmed the need for additional hotel capacity in Surrey, specifically with the type of high end luxury facilities found at the Fairmont. The report identified and supported the need to upgrade and expand facilities at existing hotels, which would make a valuable contribution to the future economy of the county.

The original 2016 planning permission (RU.16/0824) gave weight to this report as a very special circumstance, when granting that permission, as it demonstrated a current need at that time, for additional hotel accommodation in the borough, including a new 5* facility. The revised 2017 permission was granted on the basis that the Council recognised that the amendments were necessary to allow the existing hotel to successfully operate as a 5* facility, and that the retention of the hotel would generate economic growth for the borough.

Similarly, the above aspects were given weight in the planning balance by the Council, when granting the final revised planning permission RU.18/1239, which further increased the size of the hotel. The approved plans show that the hotel comprised a substantial and generous amount of floor area at all levels, and included facilities such as kitchens, banquet and function rooms, and a range of hotel staff/function and plant rooms at basement level 2; a spa with treatment rooms, and offices/staff/hotel function/service rooms at basement level 1; kitchens, restaurants, meeting rooms, bars, and guest lobby areas at ground floor; around 84 guest rooms with housekeeping rooms on the first floor, with a similar amount of accommodation on the second floor; and around 39 staff bedrooms, laundry rooms, and common room areas on the third floor.

The applicant sets out in the planning statement a number of reasons for how the additions to the hotel have improved the layout and facilities. The increase in the height of the building of 1.7m was required so that the bedrooms within the roof space can be used for guests, with a number of staff being located in accommodation off-site, such as the Sun Pub, Wick Lane. This, together with the southern wing, has resulted in additional guest rooms, with a total of 249. This in turn required a dining room extension due to extended catering needs. There was also a need for additional space for wedding/meeting rooms. The unauthorised southern wing provides exclusive and large suites, including a royal suite, with a higher level of privacy and security. The internal layout has undergone some reconfiguration from the planning consent, with basement level 1 with more higher level spa facilities and the staff canteen relocated to basement level 2 to enable meeting rooms, and the gym relocated to basement level 2. Front of house and back of house floorspace have been squeezed due to commercial pressures.

The applicant states that the overall changes, layout, and additions, are required to enable the hotel to function correctly, satisfy guests needs, be a benefit to local businesses using the hotel or providing services to it, provide a range of permanent, part-time and temporary jobs, and be successful – unlike its predecessor, the Savill Court Hotel. These factors are presented as very special circumstances.

The applicant has also provided an Economics Assessment produced by Lichfields, which concludes that since its opening in January 2022, it has made a significant contribution to the broader economy and the visitor accommodation market within Runnymede. It is the third addition to the brand portfolio in the UK, alongside The Savoy and Fairmont St Andrews in Scotland, and one of only 12 in Europe. Since the Covid-19 pandemic, it has helped support the visitor economy, significantly contributing to create local employment opportunities, as well as supporting local supply chains and wider visitor expenditure across the region. The report lists a number of headline economic benefits, including a capital investment of around £158 million; 725 FTE jobs annually during the construction stage, and a further 805 FTE indirect and induced jobs in the supply chain; around £130 million Gross Value Added injected into the economy during the construction stage; a future capital investment pipeline for 2023-26 comprising a further £5 million; 243 FTE employees, of which 20% are residents of Runnymede Borough, and more than three times higher than the 80 FTE jobs that were supported at the previous Savill Court Hotel; a further 109 FTE jobs indirect and induced jobs; around £18.4 million direct, indirect and induced Gross Value Added injected into the economy annually since the Hotel opened; total expenditure on operational goods and services worth £13.8 million, including £1.6 million in business rates; and supporting £4.6 million in off-site visitor expenditure annually in the region.

The Surrey Hotels Futures report, which is now over eight years old, is considered to be wholly out of date. Since the publishing of this report, Brexit has taken place, a global pandemic has occurred, there is a continuing war in Ukraine, and an ongoing cost of living crisis. It is not considered that such an out of date report can be used as a rationale to justify additional floor space at the hotel. It does not demonstrate as such that the original 2018 permission was incorrect or inadequate to meet the needs of a 5* facility, and it was the third application permitted by the Council to increase the size of the original hotel. As set out above, the approved floor plans show a generous layout comprising all of the facilities that would be expected for such a luxury hotel operation.

The Council's Planning Committee report for RU.18/1239 states that the applicant revised the plans to omit an orangery and some additional roof accommodation, in order to make it acceptable in terms of the impact on the Green Belt; this demonstrates that the applicant was willing to revise the scheme, and did not have the need for this additional floor space. The scheme was also partly permitted on the basis that the applicant was struggling to find specialist staff to employ, with limited public transportation links to/from the hotel, a high cost of living in the surrounding area, a lack of accommodation on site to encourage local staff, and a lack of accommodation on site to assist with employees doing shift work, hence the need for additional on-site staff accommodation, within the roofspace. The latter clearly did not turn out to be the case, with the accommodation within the roofspace being turned swiftly into guestrooms during the build, the height of the roof increased, and staff being accommodated in residences off-site. Furthermore, the applicant's planning statement comments (at paragraph 6.31) that whilst the dining room has been extended from 256sqm to 526sqm, this only actually provides 127 covers, as compared to the 240 covers shown in the approved 2018 plans, as the needs of hotel diners require more generous space standards. This argument is somewhat disingenuous, and it is considered that if there was a need for more generous space for diners, this could have simply been provided by reducing the number of covers within the existing approved extent of the restaurant, given the significant reduction of 113 covers from the 2018 approval.

RSM UK reported in its monthly hotels tracker in October 2023, that whilst the UK hotel sector saw a stronger performance during the summer season, occupancy levels continue to sit behind pre-pandemic levels. Many consumers are also trading down to budget hotels. Whilst the gross operating profits (GOP) per room of the luxury hotel market remain significantly higher (reaching £186.32 in July, but dropping to £119.49 in August) than the middle and budget markets, GOP was overall lower in both the luxury market (down 2%) and middle market (down 6%) in August 2023, when compared to the same period in 2019, but budget hotels bucked this trend (up 4%). When looking at occupancy, it is the lower end of the market that is most successful; occupancy of UK budget hotels was 83% in August (down from 86% in July), compared to 80% (down from 83%) for the middle market, and 73% (down from 78%) for the luxury market. Across the board, occupancy is lagging behind pre-pandemic levels, which was 84% in both the budget and middle market, and 80% in the luxury market during August 2019.

Furthermore, it is pertinent to note that the Council's committee report, for planning application RU.21/2211 (for the retention of 4 detached tree houses at Dell Park House, which was refused by the Planning Committee), states at paragraph 7.19 that concerning the Surrey Hotel Futures Study Report, it is noted whilst the applicant has advised that the new Fairmont Hotel is part of a global brand positioned at the very top end of the hospitality market in Britain, and that the newly built 5* luxury hotel has directly addressed the key deficiencies identified in this study, bringing multiple benefits to the economy of the Borough in terms of employment and local spend, and providing facilities for the benefit of local businesses and the wider local economy, this is given no weight in the consideration of the application proposal. Thus the Council gave no weight to these particular economic arguments when considering permitting further retrospective accommodation for the hotel.

Concerning the applicant's economic benefits assessment and related matters, the following comments and discussion has been provided by a local resident, who was an economic advisor to the government for over 20 years, an expert in cost-benefit analysis whilst at the Department of the Environment, on an inter-departmental analyst group for the Climate Change programme, and former economic advisor to the Cabinet Office:

The economic arguments put forward as very special circumstances are completely flawed. The Government has set out in the Treasury Green Book how public officials should conduct cost-benefit analysis for the UK. Drawing on this, the basic errors in the applicant's appraisal are set out below.

Bygones are forever bygones. Sunk costs are irrelevant in economic analysis. It does not matter, therefore, how much the hotel cost to build. This is a cost, not a benefit (or indeed, a continuing benefit).

Taxes are a transfer; they are not a cost or a benefit. Some people pay taxes, whilst others receive support from the State. The UK is not better or worse off as a result of these transfers, thus taxation cannot be counted.

Employment is neither a cost or a benefit. Changes in employment levels are not counted in economic analysis, other than in exceptional circumstances, which do not apply in Surrey at a time of full employment.

The money that people staying at the hotel spend elsewhere (e.g. filling up their car with petrol on the A30, or buying a cup of tea in a local café) is not an economic benefit. Simply spending money is not a benefit when doing a cost-benefit analysis – this money would have been spent elsewhere in the UK, therefore it is not an additional income to the country.

A small proportion of the hotel guests come from overseas, but it is not clear whether they are here specifically for the hotel. What is the actual incremental benefit of the hotel in drawing in overseas visitors, who would not have otherwise come to the UK if the Fairmont had not been built, and directly persuading them to spend money in the UK that they would not have otherwise done so? The applicant states that the Fairmont is one of 3 such branded hotels in the UK, and one of 12 in Europe, and thereby not unique. Furthermore, there are a number of high end luxury 5 hotels across the country, including nearby in Surrey and London, which do not form part of this particular brand, but still offer luxury accommodation and facilities to high end clientele. Therefore, the true incremental benefit of the hotel is likely to be extremely small. Thus any tourism benefits to the UK are negligible.*

The applicant confuses expenditure, which is a cost, with benefits – this is simply not how cost-benefit analysis is assessed. To understand how economic analysis should be conducted for private sector investment, a useful comparison is examining an additional runway at Heathrow. The cost of building the runway itself would not be a benefit, and unanticipated increasing costs would be a negative, however, using the applicant's argument, the more it costs to build the hotel, the more beneficial it would be economically. Similarly the related wages that construction workers receive, and whether their money was spent in a local premises buying lunch, would also not be a benefit. Equally, if the number of people needed to build an additional runway at Heathrow, were then not available to build other needed development such as housing and related infrastructure, this would also not be a benefit.

The applicant's analysis is based on ideas in macro-economic modelling that might be done for a tax cut, where income and multiplier effects are considered. This is entirely inappropriate for a small project as in the case of the Fairmont. The applicant should have undertaken cost-benefit analysis. As in the Heathrow example, the main benefit would be a factor called 'producer surplus', the closest approximation being profits. In crude terms, if a business is receiving more revenue than it costs that business to provide the product/service, and if customers are willing to pay the price, then everyone is satisfied. The closest approximation to this benefit would be profits. There is nothing to indicate that an oversized hotel is more profitable than the one that meets the size permitted in 2018, and every indication that due to higher staff costs (100 more staff than originally planned), higher energy bills, etc, it is less profitable, given that it is seldom full (see also latest data from RSK UK discussed further above, concerning GOP/occupancy rates). It is considered that the applicant should provide the profit and loss account for the hotel as a starting point, if he considers that it is so profitable and valuable to have such a large hotel facility, as a very special circumstance to justify the harm to the Green Belt.

There is a potential economic argument to be made, that the costs of demolishing or reducing the hotel in size to the 2018 permission, should be considered. However, in this case the benefits of reducing the size of the hotel and complying with the planning conditions of RU.18/1239 should also be considered. For example, the running costs in terms of staff, energy use etc. would be lower. The productivity of local businesses would improve as more staff would be available to employ. There would be more housing available to rent locally, as staff moved out of the various estate cottages, and into the hotel on-site accommodation. There would be less noise nuisance and other problems that impact on neighbours (e.g. inconsiderate guests who arrive in speeding sports cars), and less traffic overall. There would be less harm to the Green Belt and environment generally. There would be ecological/biodiversity benefits, with more tree planting and soft landscaping on the site, and reduced outdoor lighting, enabling invertebrate and other wildlife improvements. If such a comparison is made between the oversized hotel and a hotel built to the size intended, then expert analysis would be required to apply a monetary value on all of the benefits resulting in having a smaller hotel – this would likely outweigh the costs of demolition and rebuild.

Perhaps the most significant economic cost to the country, however, in allowing the hotel to remain in its present form, would be the appalling precedent it would set, and eradicating the deterrence effect. Other developers may build significantly larger commercial buildings than actually granted permission in the Green Belt, and use sustainability/economic arguments to retain those buildings, given the precedent set by the Arora Group. This would in turn result in otherwise avoidable resource costs to various Council planning departments having to deal with such matters, more high-cost appeal/legal cases, and likely more harm to the Green Belt through inappropriate development. The detrimental economic harm that is likely to result to the local/national economy, from allowing the retention of this unlawful development, would simply not outweigh the justification made by the proposed demolition of a derelict, and unwanted dwelling at the Parkwood Estate, which is over 1km away.

Concerning the local impact, the applicant argues that the hotel brings economic benefits for Runnymede. However, it is not considered that a convincing argument for benefits to the village of Englefield Green, or the Borough in general, is presented. Of the 243 full-time staff, only 20% live in Runnymede Borough. This is unsurprising, given that Runnymede has a very high level of employment. Furthermore, ONS statistics demonstrate that Runnymede residents have an above average level of education and mostly work in professional positions; many commute to London, work at Royal Holloway University, or Heathrow Airport.

The hotel has placed additional pressure on local businesses, such as pubs and shops, in a time of staff shortages in the hospitality sector. The Guardian reported recently in October 2023 that 73% of almost 5,000 companies polled by the British Chambers of Commerce had faced hiring difficulties over the last quarter, with the hospitality sector continuing to suffer the most from recruitment difficulties, with 79% experiencing issues in staff recruiting. The original 2016 planning permission stated that there would be a total of 144 FTE staff, but there are now 243 FTE staff, or an additional 99 FTE staff. This will be to the detriment of other local businesses competing for the same pool of labour.

The applicant ignored the 2016 planning permission and converted 39 staff bedrooms into hotel rooms for guests. The village now needs to accommodate these people and perhaps more, given the hotel has around 100 more staff than originally planned. As a result, the village has lost The Sun Inn PH, which now has bedrooms accommodating up to 17 staff, and various cottages owned by the applicant that were previously available to rent to locals, are now used for staff. This is to the detriment of local people as it places upward pressure on rents and worsens housing shortages.

It is debatable how much money hotel guests actually spend in Runnymede and how much of this benefits the Borough. Many guests may not venture out of the hotel complex during their stay, due to the extensive on-site facilities available (e.g. spa, restaurants, bars, and recreation facilities). Some spending may be at national chains, such as petrol stations or supermarkets, and only part of this will be in local shops and restaurants. The nearest pub, the Fox and Hounds, will have some extra visitors. As stated above, The Sun Inn was a previous local pub close to the hotel, but the applicant has purchased it and turned it into staff accommodation; he outbid rivals who wanted to keep it as a pub. The main tourist attraction in Englefield Green is the Runnymede Airforce memorial, which is free. There is also the National Trust car park on Runnymede water meadows and guests may pay to park there if they choose to visit, and may purchase a beverage. However, the majority of attractions are situated outside of the Borough, such as Windsor Castle, Legoland, Ascot races, and London.

It is concluded that the applicant has not provided a sufficient analysis to demonstrate that the village or Borough are better off with the hotel, or indeed the as-built unauthorised hotel. There are significant downsides, including extra pressure on housing, difficulties for local businesses to attract staff given the labour shortages, more traffic, noise nuisances from very loud outdoor events at the hotel, and helicopters landing which has upset a number of neighbours with horses, etc.

Previously Developed Land

The applicant states that the site is Previously Developed Land (PDL), and the proposal accords with the five purposes of including land in the Green Belt, as set out at paragraph 138 of the NPPF. Comparison is drawn to planning permission RU.22/1471, at Runnymede Hotel, which granted a 3-storey wing to create 25 additional bedrooms.

It is acknowledged that the site would be classed as PDL, however, the NPPF states at paragraph 149(g) that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), is acceptable, if it would not have a greater impact on the openness of the Green Belt than the existing development; or it would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

However, as already detailed further above, under section '*Additions to the hotel building – inappropriate development*', the proposed extensions, due to the substantial increase in floor area over the original hotel building, coupled with the height, bulk, mass and spread of the additions, results in disproportionate additions over the size of the original hotel building, and would thus be inappropriate development, and by definition harmful to the Green Belt (and contrary to paragraph 149(c) of the NPPF and Policy EE14 of the Runnymede Local Plan). The proposal would have a harmful impact on the open character and visual amenities of the Green Belt, and a greater impact on the openness of the Green Belt and the purpose of including land within it, than the development as approved in RU.18/1239. Indeed, the Council's Planning Committee report for the 2018 permission states that the (smaller) hotel was considered to result in disproportionate additions over and above the size of the original hotel. In addition the development, by reason of the proposed additional floor area above ground, positioning, scale and massing of the development, was considered to have a greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development. That scheme was granted due to a number of very special circumstances. As set out in this report, however, there are not considered to be any very special circumstances present to justify further unauthorised additions to the hotel.

The applicant sets out a number of arguments in support of the scheme according with the five purposes of the Green Belt. However, it is contended that the proposal complies with paragraph 138(c) of the NPPF – to assist in safeguarding the countryside from encroachment. The site is situated in a semi-rural location, and the proposal increases the spread of development and hardstanding across the site, bringing development nearer to the site boundaries, particularly the large southern wing. Furthermore, part of the application has encroached into the neighbouring site of Dell Park, being the unauthorised car park. This has significantly increased hardstanding, with an additional urbanising impact on the Green Belt. The related application under consideration, RU.22/1819, is for the retention of unauthorised tree houses recreation facilities, and change of use of the land at Dell Park. Pathways and additional areas of hardstanding have also been created at Dell Park, which was previously soft landscaped with trees and mature planting. It had a strong countryside/rural character, and was used primarily for horse riding. Therefore, it is considered that the proposal, together with the associated uses, activities, and unauthorised built form, does not assist in safeguarding the countryside from encroachment, and has in effect spread hotel development across two sites within the Green Belt.

The applicant states that the Council did not consider that the proposal at Runnymede Hotel was contrary to the five purposes of the Green Belt, despite being considered to have an adverse impact on openness. However, the proposal and situation at Runnymede Hotel is considered to be somewhat different to the Fairmont. The hotel building is positioned well within the site, and much of it is surrounded by areas of hardstanding comprising car parking areas, as well as a terrace to the rear, facing the River Thames. The hardstanding areas provide an effective buffer to the extensive planted, well treed, and soft landscaped areas on the site, with tennis courts to the north western side of the hotel. The hotel site is bounded by the River Thames and A-roads, with the A30 joining the M25 motorway further to the south east.

The proposal at Runnymede Hotel was considered acceptable as both the NPPF and Policy EE17 of the Runnymede Local Plan permit the limited infilling or partial or complete redevelopment of PDL, provided it is not inappropriate in the Green Belt, and that there would be no greater impact on openness. Policy EE17 lists a number of considerations, including the lawful status of existing buildings and any hardstanding; the general height and storeys of existing and proposed buildings and their disposition around/within the site; the existing and proposed floorspace and footprint; the existing and proposed hardstanding; the existing and proposed development envelope and amount of undeveloped areas; the relationship with existing landscape features and integration with surroundings including space within and around the development particularly close to boundaries and views from within and outside the site; and the phasing of proposed development including any demolition proposed.

Planning application RU.22/1471 proposed external alterations and extensions to the existing hotel building, the construction of new ancillary buildings, new car parking, and landscaping. The proposed extension to the hotel was situated atop an existing ground floor single storey extension, with a height to match the existing building. The auditorium extension was extending over an existing hardstanding car park area, and was subservient to the height of the main hotel building. The majority of the new car park area was over existing areas of hardstanding, being one of the tennis courts. Whilst there was some spatial reduction in terms of the impact to either side of the hotel, and an impact on openness, this was considered moderate and more limited as there was no additional sprawl, and the extensions would not be prominent beyond the site boundary, due to set back and tree screening. As highlighted further above, development and uses at the Fairmont have resulted in an urbanising and harmful sprawl across the adjoining sites, and the increase in the roof ridge height of the main building, as well as the mass/bulk of the three-storey wing, have materially increased the visual prominence of the building within the Green Belt, with increased visibility in views from Wick Lane, to which it is situated in relatively close proximity.

Green Belt extensions

The applicant states at paragraph 6.52, that the hotel, if put back to the 2018 planning consent, could be automatically extended by the Council's rule of thumb of a 30% increase in floor area. Two examples are provided of planning permissions for dwellings in the Green Belt with extensions (RU.22/1826 at Sherbourne House, and RU.21/0613 at Longwood). The applicant states that the NPPF permits at paragraph 149(c) the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. Original building is defined in the NPPF glossary as 'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'.

It is noted that the original 2016 permission (RU.16/0824) granted the extending and refurbishment of the existing hotel, and thus the baseline was the far smaller former Savill Court hotel building. However, subsequent planning application RU.17/1368, which sought to vary the original permission for revisions to the design and to increase the floor area, also granted full demolition of the original hotel building – since the applicant advised that due to structural reasons, no part of the existing hotel, including the façade, could be retained for remodelling/extending. The applicant states within the planning statement that the construction phase took place from 9th October 2017 onwards, although it is noted that on the planning application form for RU.18/1239, the applicant states that the development commenced on 5th February 2018. The original hotel building was thus demolished to make way for the replacement building. Planning application RU.18/1239 was submitted to the Council after commencement of the development, to vary the drawings for RU.16/0824, in order to change the design and increase the floor area further. Thus the new replacement hotel building at the site, if it had been built in accordance with the approved plans and conditions of RU.18/1239, would form the base figure / starting point, in terms of the ‘original’ building.

Turning to the case of the 2022 planning permission at Sherbourne House, the main dwelling had been recently constructed (RU.20/0989 granted a new two-storey replacement dwelling at the site), and the officer’s report states that the dwelling is substantially completed. The Council granted a rear extension amounting to an 11% increase on the floor area of the existing dwelling. Similarly, in the case of Longwood, the main dwelling was relatively recently constructed by planning permission RU.18/0910, which granted a detached two-storey dwelling with basement. The officer’s report states that the dwelling is substantially complete, with the applicant providing suitable evidence to demonstrate this. The 2021 permission granted a first floor side extension to Longwood, amounting to a 10% increase in floor area over the size of the existing/original dwelling.

In the first instance, it should be noted that the guide figure of a 30% increase in floor area on the original building has historically been used in Runnymede for extensions to dwellings, not to commercial buildings. The figure initially came from the Council’s former Supplementary Planning Guidance on former local plan policy GB6 (Rebuilding of dwellings and residential extensions in the Green Belt), which has now been superseded by the more recent Local Plan. Even if it were assumed that the authorised version of the hotel, as permitted in RU.18/1239, could be extended using this guide figure for floor area, the increase in floor area would not be the only factor that is relevant in assessing whether the additions amount to disproportionate additions to the original building. Other factors would include the height, bulk, mass, footprint, and spread of the additions across the site.

The unauthorised extensions significantly increase the footprint and spread of the building. The single storey extension to the northern side of the building has a depth of 7m, and a width just under 35m, whilst the single storey dining room extension has a maximum depth of 9.5m, extending along much of the north west elevations of the building. The wing extension to the south has a significant depth ranging from 13m to almost 20m, with a width of almost 44m. The southern wing extension has the greatest visual impact, in terms of its height, bulk and mass, given that it is 3-storey with a height of 12.9m to roof ridge level, and with a bulky crown roof design. The southern wing also brings the overall built form of the hotel closer to the southern boundary of the site. Furthermore, a significant expanse of the main roof of the building has been built higher, to an overall height of 14.6m, being 1.7m higher than that approved in RU.18/1239. The increase in the roof ridge height, as well as the mass/bulk of the three-storey wing, have materially increased the visual prominence of the building within the Green Belt, with increased visibility in views from Wick Lane.

Therefore, even if the hotel as approved in 2018 is used as the starting point, it is still considered that the unauthorised development would result in disproportionate additions to the original (or existing) hotel building. It would thus be inappropriate development, and by definition harmful to the Green Belt.

Furthermore, it is pertinent to note that the recently built dwellings at Sherbourne House and Longwood, were substantially complete in their construction, prior to the planning applications submitted to the Council for the extensions. Therefore, this is when the policy to extend an existing and newly constructed dwelling/building in the Green Belt is considered to have validity. However, in the case of the Fairmont, it is extremely unlikely that the hotel was substantially complete when the unauthorised additions were erected. Given the complexities of the internal layout of each floor, and the scale of the additions, in particular the southern wing which joins on to two other wings, and the required increase in roof ridge height to create additional guest accommodation, it is considered that the oversized hotel building would have needed to have been built as one integral whole from the outset. It would simply not have been cost effective or practical for the construction to take place to substantial completion for the 2018 permission, followed by an application to add the unauthorised elements.

Given the early plans that have been identified in the earlier section of this report (under 'Plans submitted to the Council for an oversized hotel since 2017'), which show footprints of the building larger than those granted in 2018, it appears that there were plans very early on to develop an oversized hotel. The Committee report for the 2018 permission also mentions that the applicant revised the plans to remove an orangery and reduce accommodation in the roof space. Given all of the above factors, and that the applicant is very unlikely to have the intention of returning the hotel building to the 2018 permission, only to apply to extend it again, the applicant's view on this matter is considered a moot point.

Sustainability

It is acknowledged that there is some weight to the argument that the demolishing and/or return of the hotel to the 2018 permission, would have certain sustainability impacts, as well as financial consequences, whilst the demolition of the derelict buildings at Parkwood would have less impact on a simple carbon comparison basis. The applicant does not provide any data analysis, however, to support this view. It is also the Arora Group that chose to take the route of building an unauthorised hotel building of such a large and costly commercial scale, as well as the extending of the car park, and the erection of tree houses, recreation facilities, and associated change of use, all without planning permission, at the adjacent Dell Park. Therefore, this entire situation is entirely of the Arora Group's making; if the outcome results in serious financial consequences, any financial loss to the applicant should not be a consideration, when assessing the acceptability or otherwise, of the application proposal.

As set out in the above sections of this report, there are significant issues with the proposal, and any potential sustainability impacts are not considered to outweigh the other concerns and harms raised in this letter. It is therefore concluded that the applicant has failed to demonstrate any very special circumstances to justify the proposal.

Other Matters

My clients would also like to raise the following matters and concerns:

- The applicant has undertaken a landscape appraisal and green belt review. This states that the sites are visually contained as a result of mature boundary vegetation, with publicly accessible limited views to Wick Lane. The proposed development is similar in character to the baseline scenario, and thus the effects on the landscape character are limited. At the Fairmont Windsor Park hotel site, the as-built views are appraised as minor adverse as a result of the addition of further built form to the view, although it is recognised that these changes would occur within the visual context of being relatively small changes to the overall massing of built form within the views. The changes at the Parkwood Estate in terms of visual amenity would be moderate beneficial, with the removal of built form from the views being a positive change. However, the demolition activity within the Parkwood Estate would be a moderate adverse effect owing to the introduction of incongruous demolition activity to the views.

With regard to the Green Belt review, no change is expected in relation to the contribution of the site to Purposes 1 and 2 of Green Belt designation within land parcel 5. A localised improvement is expected to Purpose 3 as the proposed development removes built form from the Parkwood Estate and prevents completion of the extant permission for the larger replacement mansion, restoring these areas to open countryside. The positive spatial change in openness is primarily as a result of the demolition of the buildings on the Parkwood Estate; with the slight increase in built form at the Fairmont Windsor Park site being outweighed by the reduction of built form on the Parkwood Estate site.

The arguments set out above are not considered to overcome or outweigh the various issues and harms to the Green Belt that have been set out in the preceding sections of this letter. The proposal at Fairmont is considered to be inappropriate development, harmful to the Green Belt, and would conflict to an extent with the purposes of the Green Belt. The exchange of floor area with the Parkwood Estate is not considered to be acceptable in principle, or sufficient in terms of the harm to the Green Belt at the Fairmont. Furthermore, whilst the Parkwood Estate buildings are generally set back well within that site, the hotel building is relatively close to Wick Lane, and due also to the removal of some of the tree screening along this part of the boundary, the Fairmont is highly visible in views from the road. The additions to the hotel have increased its prominent visual appearance.

- The applicant argues that the proposed additions are matching in design and appearance to the main hotel building, and the increase in height is not visually harmful. It is not considered that the merits of the design of the additions outweighs the overall harm to the Green Belt.
- Parking and highways – it is noted that Surrey County Council has raised objection, stating that the site is in an unsustainable location, and is a considerable distance from surrounding amenities. SCC maintain that the proposed hotel extension would further encourage substantial use of private motor vehicles as a mode of transport, and discourage walking, cycling and use of public transport, and is therefore contrary to the sustainable objectives of the National Planning Policy Framework (2023), the Runnymede Local Plan and the Surrey County Council Local Transport Plan (LTP4).

It is also pertinent to note that only 6 EV chargers are available in the car park (as stated in the applicant's Transport Assessment), due to a severe limitation of the electric power supply available from the local power network. However residents can confirm that the 6 charging points that are in the car park, are in fact out of use.

- Drainage and flood risk – the Council has raised no concerns regarding groundwater. However, my clients are extremely concerned, given that the basement that has been constructed is larger than that previously approved (as detailed in the preceding sections of this report), and below the groundwater table. My clients would like the Council to request that the applicant submits a groundwater assessment survey report during the course of the application, in order to ascertain that the development has not impacted harmfully on the hydrogeology of the local area.

It is noted that Surrey County Council LLFA has raised objection, on the basis that the surface water drainage scheme does not meet the requirements of the NPPF, and that a detailed drainage strategy is required. SCC are also not convinced that the previously approved drainage strategy under the 2018 permission has been implemented in accordance with the approved documents/plans, and that it meets the demands of the additional unauthorised accommodation – evidence is required from the applicant to demonstrate this.

- My clients note that the applicant has stated in the planning statement, that the grounds of the hotel are highly maintained, landscaped, and all trees are subject to a TPO (No. 68, confirmed March 2023). It is pertinent to note that the Council applied the TPO, only after pressure and complaints from local residents, concerning the removal of many trees from the site.

- My clients also note that despite a number of requests over the last 6 months, the Council has not surveyed or applied TPOs to any trees on the Parkwood Estate, despite the declared proposals for that site and the track record of the owner.
- The Council's enforcement notice requires that the applicant complies with all of the planning conditions attached to RU.18/1239. My clients have significant concerns that the applicant has not complied with all of the discharged planning conditions. For example, it was estimated that 50 trees would be removed to build the new hotel, and a report was submitted to show that 150 new trees of mixed species would be planted to replace them. It is not known how many trees were actually removed, as the hotel is larger than permitted and built along the tree line. It is also not known how many trees were removed to build the extended car park. There are requirements that external lighting should be designed for protected species and other wildlife, however, the site is covered with globe lights and floodlights, the most harmful to insects, bats and birds. My clients ask that the Council carry out a thorough investigation to ascertain whether the applicant has complied with all of the planning conditions.
- My clients are concerned that the applicant's Economic Assessment mentions that the hotel's future capital investment plan for 2023-2026 is estimated at £5.0 million, and includes provision of a golf zone, and children's activity area. My clients wish to know what the future plans for these aspects entail, where they will be situated, and whether the applicant will actually follow due process and submit a planning application for these proposals?
- The hotel has been undertaking helicopter flights for guests, which have been greatly disturbing some of the neighbouring occupiers, and their animals (horses). My clients are concerned regarding health and safety risks for helicopter landings, since there is not much clearance space available at Dell Park, and this could lead to an injury or fatality.
- Concerning the current related application under consideration at Dell Park House and Fairmont (reference RU.22/1819), the applicant is proposing to demolish the H-block stables, in combination with various other outbuildings, in exchange for retaining the tree houses. However, the H-block is being used as a plant room and storage room (see photos below), for the adjacent unauthorised recreation facilities, and thus it is not considered that it is the applicant's intention to demolish this outbuilding.

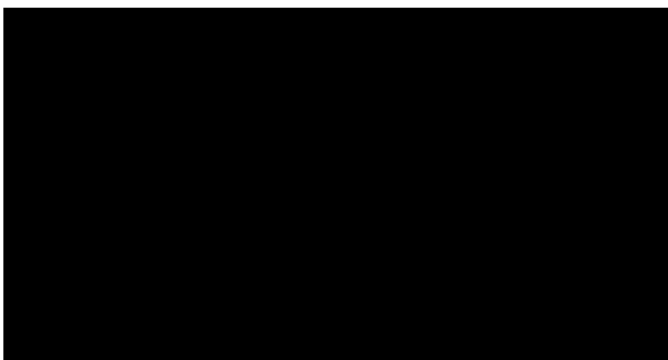




I trust that the Council will give serious consideration to the objections raised above and refuse this application, as it represents a form of development that is contrary to local and national planning policies. It is considered to be inappropriate development in the Green Belt, and would have a harmful impact upon the openness of the Green Belt, conflicting with the purposes of including land within it. There are also no very special circumstances present that would clearly outweigh the substantial weight afforded to the Green Belt harm, and other harms identified in this letter.

If you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely,



Enc. Appeal Decision APP/Q3630/A/12/2180636 – Brackendale, North Drive & Pinehurst,
Firwood Road, Virginia Water



Appeal Decision

Hearing held on 19 December 2012

Site visit made on 19 December 2012

by [REDACTED]

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 January 2013

Appeal Ref: APP/Q3630/A/12/2180636

Brackendale, North Drive, Virginia Water, Surrey GU25 4NL

- The appeal is made under Section 78 of the *Town and Country Planning Act 1990* against a refusal to grant planning permission.
 - The appeal is made by [REDACTED] against the decision of Runnymede Borough Council.
 - The application Ref RU.12/0557 dated 20 May 2012, was refused by notice dated 16 July 2012.
 - The development proposed is the erection of a replacement dwelling at Pinehurst, Firwood Road, Wentworth and the extension and alteration of Brackendale, North Drive, Wentworth.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement dwelling at Pinehurst, Firwood Road, Wentworth and the extension and alteration of Brackendale, North Drive, Wentworth at Brackendale, North Drive, Virginia Water, Surrey GU25 4NL in accordance with the terms of the application, Ref RU.12/0557 dated 20 May 2012, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made on behalf of [REDACTED] against Runnymede Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - ii) the effect on the openness of the Green Belt and the character and appearance of the area; and,
 - iii) if the proposal would be inappropriate development, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Whether the Proposal Would Be Inappropriate Development in the Green Belt for the Purposes of the National Planning Policy Framework and Development Plan Policy

4. Brackendale and Pinehurst, which have a combined site area in excess of a hectare, are detached dwellings on large plots adjacent to each other. The site is surrounded by roads on all sides, except for the north east side boundary of both plots, and is screened by mature trees and vegetation. The surrounding area, which lies within the Green Belt, is characterised by substantial dwellings of various styles, on large plots, screened from the road and neighbouring properties.
5. The appellant owns both properties but the main residence is Brackendale. This is a recently constructed replacement dwelling with a detached triple garage to the front and was granted planning permission under reference RU.07/0872. Pinehurst, which is believed to have been a residence for the driver of the residents of Brackendale, was extended prior to the designation of the Green Belt in Runnymede in May 1986.
6. The development plan for the area includes the saved policies in the *Runnymede Borough Local Plan Second Alteration April 2001* (LP). The most relevant development plan policy in this case is LP Policy GB6. The *National Planning Policy Framework (Framework)* was published in March 2012. As the relevant development plan policies were adopted before 2004, paragraph 215 of the *Framework* applies and states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".
7. Both the *Framework* and GB6 allow the replacement of dwellings. The former states that a replacement building not materially larger than the one it replaces would not be inappropriate, whilst the latter requires any increase in built development not to have a harmful impact on the Green Belt. The existing building at Pinehurst has an area of some 461m² and the proposed replacement would be approximately 126m² smaller. This significant reduction in building size means that the replacement of Pinehurst would not be inappropriate, or have a harmful impact on the Green Belt regardless of whether the *Framework* or GB6 is considered. Indeed, planning permission has recently been granted (RU.12/0863) for a slightly larger replacement dwelling at Pinehurst.
8. Turning to Brackendale, the *Framework* states that extensions would not be inappropriate providing they were not disproportionate additions over and above the size of the 'original building', which is defined as "a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally". However, GB6 indicates that it would be the size of a dwelling as at May 1986 when the Greenbelt was formally designated in Runnymede, or for a new dwelling built after May 1986 the size of that dwelling at the date of construction. LP Policy GB6 is not consistent with the *Framework* in this regard and so the *Framework* should take precedence.
9. Reference has been made to a number of appeal decisions in the Borough where the consistency between the Framework and LP Policy GB6 has been considered. Whilst the Inspector in the Dorchester House appeal case

(APP/Q3630/D/12/2173497) reached a different conclusion to those reached by the Inspectors in the Rosemary Cottage (APP/Q3630/D/12/2173880, Southernwood (APP/Q3630/D/2175087), and Hatchlands (APP/Q3630/D/12/2177665) decisions, it is not known what evidence was provided by the parties in those cases which were all householder cases determined by the written representations procedure. Nothing in those decisions would lead me to reach a different decision to that reached in this case.

10. The replacement dwelling was built after 1 July 1948 and so the original building is the house as it was built originally. Planning permission was granted for a house with 707m² floor area, but the dwelling as built has a floor area of some 685.2m². The proposed additions would provide around 266m², which less the area of the garage to be demolished would give a total increase in floor area of approximately 196m². This would be an increase of about 24% on the permitted floor area or 28% on the 'as built' floor area. 'Disproportionate' is not defined in the *Framework* and is a matter of planning judgement. However, GB6 indicates that an enlargement of 30% could be acceptable. On that basis, the proposal for extensions to Brackendale would not be disproportionate or inappropriate in the Green Belt.
11. GB6 indicates that for a replacement dwelling built after May 1986 the base for calculating increases in size will be the size as at May 1986, or if the original dwelling was itself built after May 1986, it will be size of that dwelling at the date of construction. The dwelling at Brackendale at May 1986 had an area of 540m² and the proposed additions would equate to an increase in built floor space of approximately 63%.
12. Even on this basis, when the proposals for Pinehurst and Brackendale are considered as a whole the floor area of the two dwellings would be 1001m² (540m² + 461m²) and the total additional floor area would be 215m² (341m² addition to Brackendale less 126m² reduction in Pinehurst). This would be an increase of some 21%, well below the 30% indicated as acceptable in GB6. Given that the two buildings are in the same ownership, the subject of a single application, and on adjoining plots, the consideration of the combined effect is justified. Indeed, I note that a legal opinion, submitted on behalf of the appellant, reaches the same conclusion. Moreover, such trading of floor area between two dwellings in the same ownership was allowed by the Council at Fairways/Dormy Lodge in July 2010, albeit that the Council considers that a package of improvements to openness amounted to very special circumstances in that case.
13. I conclude that on either approach the proposal for the replacement of Pinehurst and extension of Brackendale would not be inappropriate development in the Green Belt. It is not, therefore, necessary to consider whether other considerations would amount to very special circumstances.

Effect on the Openness of the Green Belt and the Character and Appearance of the Area

14. Paragraph 79 of the *Framework* states that the essential characteristics of Green Belts are their openness and their permanence, whilst paragraph 88 indicates that substantial weight should be given to any harm to the Green Belt. LP Policy GB1 indicates a strong presumption against development that would conflict with the purposes of the Green Belt or adversely affect its open

- character whilst GB6 refers to other factors to be considered in assessing whether there would be any harmful impact, including diminishing the distance between the building and the boundary, and materially increasing the height making the dwelling more prominent.
15. In this case there would be no change in the overall height of Brackendale and some minor extensions at the rear of the building have already been allowed under RU.12/0752. The main impact would be from the demolition and reconstruction of the garage block that would be linked to the house by a single storey side wing. The proposed garage would be around 2.8 metres higher than the existing garage block with three dormer windows. It would be in the region of 1.7 metres deeper but 0.5 metres narrower and would be set back some 9.8 metres from the side elevation of the house.
 16. There would be a spread in development on the Brackendale plot, with a curved wall of the single storey wing linking the larger garage block to the house, and a reduction in the distance to the north east boundary. However, the garage block would be seen against a backdrop of trees and vegetation, as is the current garage block, and despite the reduction in distance to the boundary there would still be a significant gap between it and built form due to the overall size of the plot. Moreover, rather than increasing the prominence of the buildings as a whole, setting the garage back from the side of the house would create a more spacious arrangement in front of the house as seen from the road through the gates. The single storey link between the house and garage would appear as a curving wall and would reflect a curved wall on the opposite side of the house. It would include a playroom, boots and coats room, and a back hall with depths of up to 9.2 metres. Photomontages indicate that both the link and the curved wall could be softened by planting. The design might be of a better quality than currently exists on the site and the proposal would not be out of keeping with the variety of designs in the surrounding area. The extension of Brackendale would have some impact on the openness of the Green Belt.
 17. This increased impact from the extension at Brackendale would be offset by the reduction in size and bulk of Pinehurst. At present the maximum width of built form at Pinehurst is 34 metres with a height of 8.8 metres. The smaller replacement dwelling would be only some 7.1 metres high and have a width of approximately 22.5 metres. The character and appearance of the surrounding area would still be that of large houses in large plots.
 18. I conclude that, overall, there would be no significant impact on the openness of the Green Belt, or on the character and appearance of the area. As such the proposal would meet the objectives of paragraph 79 of the *Framework* and LP Policies GB1 and GB6.

Other Matters

19. The proposal would increase security, but this could be achieved in a number of ways and would not specifically require the proposed layout. Whilst there is a problem with the structural integrity of the existing building at Brackendale, this could be addressed without the proposed extensions. Indeed, planning permission RU.12/0752 that is being implemented with an increase of just under 22m² would address the structural problems of the house. The replacement of Pinehurst and additions to Brackendale would allow increased energy efficiency but this in itself would not justify the proposal.

20. Should the appeal be dismissed, it is claimed that Pinehurst could be replaced by a building of up to 599m², an increase of 30% on the May 1986 figure, or alternatively extended under permitted development rights giving a potential increase on the base figure of 42%. Whilst this might be a possibility, there is little indication that the appellant would proceed in such a manner given the primacy of Brackendale. Indeed, permission was granted for a replacement dwelling at Pinehurst (RU.12/0863) which is smaller than the existing house, albeit slightly larger than the replacement building proposed in the appeal scheme. I note that the Council did not remove permitted development rights for this replacement building but that would have been difficult to justify in relation to a smaller building than currently exists. I have given these matters little weight.
21. The appeal site lies within 5 kilometres of the Thames Basin Heath Special Protection Area (SPA) but as no additional bedrooms would be created at Brackendale, and Pinehurst would be reduced in size, there would be no significant impact on the SPA.

Conditions and Section 106 Obligation

22. In addition to the standard time condition the approved drawings should be listed in the interests of certainty and good planning. The proposed works include extensions granted planning permission under RU.12/0752. It is not therefore necessary to preclude both schemes being implemented together. However, planning permission RU.12/0863 has been granted for a larger replacement building for Pinehurst than proposed in this appeal. If this were to be implemented, rather than the replacement now proposed, it would adversely affect the trade off in floor areas between the extensions to Brackendale and Pinehurst and impact adversely on the openness of the Green Belt. Implementation of both schemes should therefore be precluded. For the same reason the replacement dwelling should not be constructed until any additional outbuildings constructed after the date of this permission, and the existing Pinehurst and the shed in its garden, have been demolished and cleared away.
23. To safeguard the appearance of the area, the materials to be used in the extensions to Brackendale should be required to match or harmonise with the existing building, and samples of the materials for the replacement for Pinehurst should be submitted for approval prior to demolition of the existing building. Similarly, details of all means of enclosure between Brackendale and Pinehurst should be required prior to development and implemented prior to occupation. The implemented scheme should be maintained for a 5 year period thereafter.
24. Although an energy report identifies certain technologies, new developments occur. However, a condition requiring 10% of the predicted energy consumption to be met through renewable energy technologies is necessary to satisfy policy in the *Framework* and the Council's *Interim Guidance on Renewable Energy*. A condition should also be attached to provide for details of acoustic measures to be submitted to prevent any increase in background noise levels or any tonal noise if air or ground source heat pumps are selected. Some areas in the vicinity have drainage problems and drainage details should therefore be required.

25. Trees make a significant contribution to the character of the area and to safeguard the trees on the site a series of conditions should be attached to ensure trees shown as retained are retained for a period of 5 years; trees are protected during the works; no storage is allowed within tree protection areas, there is no alteration to ground levels around trees and that no burning is carried out under tree canopies.
26. An ecological assessment of Pinehurst found some evidence of bats but identified mitigation measures. A condition should be attached to ensure that the mitigation is implemented.
27. A Unilateral Undertaking has been submitted to preclude pursuing any permitted development rights in relation to Pinehurst prior to its demolition, for the demolition of Pinehurst to be commenced no later than 6 months after commencement of the works to Brackendale, substantial completion of the replacement building within 12 months of demolition of the existing building, and preventing any exploitation of permitted development rights relating to the replacement building at Pinehurst. These measures are necessary to make the overall proposal acceptable. As these matters are already covered by the Section 106 Obligation I do not intend to duplicate them by conditions even though the *Circular* indicates that conditions should be imposed rather than seeking to deal with matters by means of an obligation.



INSPECTOR

**Schedule of Conditions Attached to Appeal Decision
APP/Q3630/A/12/2180636 Brackendale, North Drive, Virginia Water,
Surrey GU25 4NL**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P200, P201 Rev A, P202 Rev A, P203 Rev A, P204, P205 Rev A, P206 Rev A, P211, P216, P219 Rev A, P220 Rev A, P221 Rev A, P222 Rev A, P223 Rev A, P224 Rev A, P231 Rev A, P232 Rev A, P233 Rev A, P234 Rev A, P235 Rev A, P236, P238 Rev A, P241 Rev B, P242 Rev B, P243 Rev A, PL112, 2341/P/005, 2341/P/011, Landscape TPP.01, Landscape TPP. 02.
- 3) The development to which this planning permission relates shall not be implemented in addition to or in association with the development permitted under planning permission RU.12/0863 granted on 28 September 2012.
- 4) The materials to be used in the construction of the external surfaces of the extensions to Brackendale hereby permitted shall match or harmonise with those used in the existing building.
- 5) Before the demolition of the existing dwelling known as Pinehurst hereby permitted, samples of the materials to be used in the construction of the external surfaces of the replacement dwelling hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 6) The replacement dwelling hereby permitted shall not be constructed until any additional outbuildings constructed after the date of this permission have been demolished and all resultant debris removed from the site, unless permission in writing is obtained from the Local Planning Authority for their retention.
- 7) The replacement dwelling hereby permitted shall not be constructed until the existing dwelling known as Pinehurst and the shed shown on drawing number 723 P201 Rev A have been demolished and all resultant debris removed from the site.
- 8) No development shall take place until details of all screen and boundary walls, fences, hedges and any other means of enclosure between the two sites of Brackendale and Pinehurst, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the buildings hereby approved. Any hedges and/or enclosure and boundary planting included in the scheme shall be maintained for a period of 5 years from the time of planting, including the replacement of any plant which may die.
- 9) Prior to the construction of the replacement dwelling at Pinehurst hereby approved, details of the chosen renewable energy technology to be used, along with calculations demonstrating that 10% of the predicted energy consumption would be met through renewable energy technologies shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained, maintained and operated.
- 10) In the event of air source or ground source heat pumps being a chosen renewable energy measure, details shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. Details shall include acoustic data to demonstrate that there will be no increase in the background noise level and that there will be no tonal noise emitted from the unit, as well as details of the location of the unit(s) and its/their distance to the closest dwelling.
- 11) The replacement dwelling at Pinehurst hereby approved shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 12) All trees shown to be retained on Drawing No. Landscape TPP.02 shall be retained until the expiration of five years from the date of the completion of the development. No retained trees shall be cut down, uprooted or destroyed and no works to the trees shall be carried out without the written approval of the Local Planning Authority until the expiration of five years from the date of completion of the development. If any tree to be retained is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place.
- 13) Before any equipment, machinery or materials are brought onto the site for the purposes of the development hereby approved, fencing at least 1.2m high and comprising of a vertical and horizontal framework of scaffolding (well braced to resist impacts) in accordance with BS 5837 : 2005 shall be erected:-
 - i) around the extreme outer canopy of each deciduous tree or group of deciduous trees to be retained, or an alternative position must be agreed in writing by the Local Planning Authority.
 - ii) at a distance from the tree trunk equivalent of not less than half the height of each conifer tree or group of trees to be retained, and
 - iii) such fencing shall be maintained until the development has been completed and all equipment, machinery and surplus materials have been removed from the site.
- 14) There shall be nothing stored or placed within or against any protective fencing erected around each tree or group of trees to be retained during the construction period.
- 15) There shall be no alteration to the ground level within any protective fencing erected around each tree or group of trees to be retained, nor shall any excavation be made without the prior written consent of the Local Planning Authority.
- 16) There shall be no burning within six metres of the canopy of any tree or group of trees to be retained.
- 17) Before the demolition of the existing dwelling known as Pinehurst hereby permitted, the mitigation measures relating to bats recommended in section B8 of the *Ecological Assessment of Pinehurst*, dated November 2011, which accompanied the application shall be implemented with the exception of the bat panels which shall be installed on the replacement dwelling hereby approved after its construction.

APPEARANCES

FOR THE APPELLANT:

██████████ R Clarke Planning Limited, Kewferry Farm,
Rickmansworth Road, Northwood, Middlesex
HA6 2RF

██████████
██████████ Appellant

FOR THE LOCAL PLANNING AUTHORITY:

██████████ Planning Officer, Runnymede Borough Council,
Civic Centre, Station Road, Addlestone, Surrey
KT15 2AH

██████████ Team Leader, Runnymede Borough Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Decision Notice relating to Application RU.12/0819 at Brackendale
- 2 Appeal Decision APP/Q3630/D/12/2183678 Almnors Road, Lyne
- 3 Three photographs/montages submitted on behalf of appellant
- 4 Decision Notice relating to Application RU.95/0879 at Dormy Lodge
- 5 Completed Unilateral Undertaking
- 6 Council's written response to appellant's costs application