

Date: 20th February 2023
Reference: IK/DPHFHWL/RBC001

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Planning Department
Runnymede Borough Council
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By email: [REDACTED]
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Dear [REDACTED]

Re: Planning Application Reference RU.22/1819 – Dell Park House & Fairmont Hotel, Wick Lane, Englefield Green (Application seeking retrospective planning permission for the change of use of existing land at Dell Park House to Hotel use (Use Class C1) and the erection of 5 detached treehouse lodges (including raised platforms) with associated access and pathways together with tennis and padel courts (including means of enclosure), an outdoor gym, children's play areas and associated equipment.)

I have been instructed to respond with the comments set out in this letter, to the above application proposal, on behalf of [REDACTED]

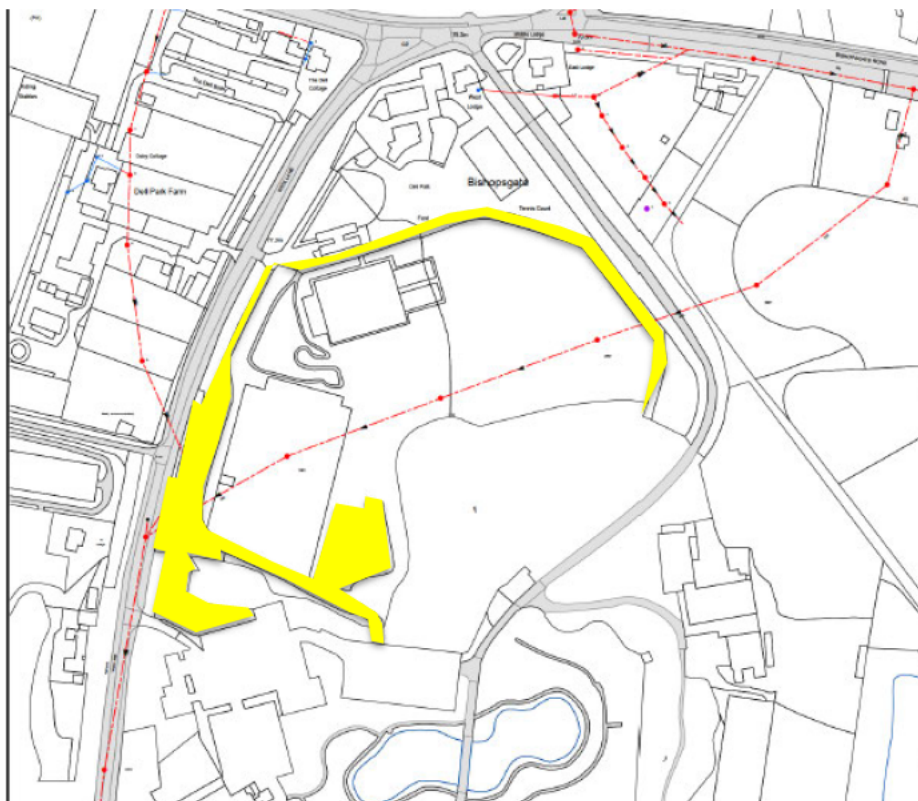
The current application follows previously refused application, reference RU.21/2211, which sought retrospective permission for the erection of 4 detached treehouse lodges ancillary to the hotel, with associated access and pathways, and the proposed part change of use of existing land at Dell Park House for hotel use. This application was recommended for approval by planning officers, however, it was refused by the Council's Planning Committee, on 13.07.2022, for the following reason:

'The proposed development comprises inappropriate development in the Green Belt as it does not fall under any of the limited exceptions outlined in paragraphs 149 and 150 of the NPPF (2021). Furthermore, by virtue of the developments scale, volume, height and form it would have a significant impact upon the openness of the Green Belt. In the absence of a case of very special circumstances that would clearly outweigh the substantial weight afforded to the Green Belt harm, the development is considered to be contrary to paragraphs 147-150 of the National Planning Policy Framework (2021) and Policy EE17 of the Runnymede Local Plan (2030).'

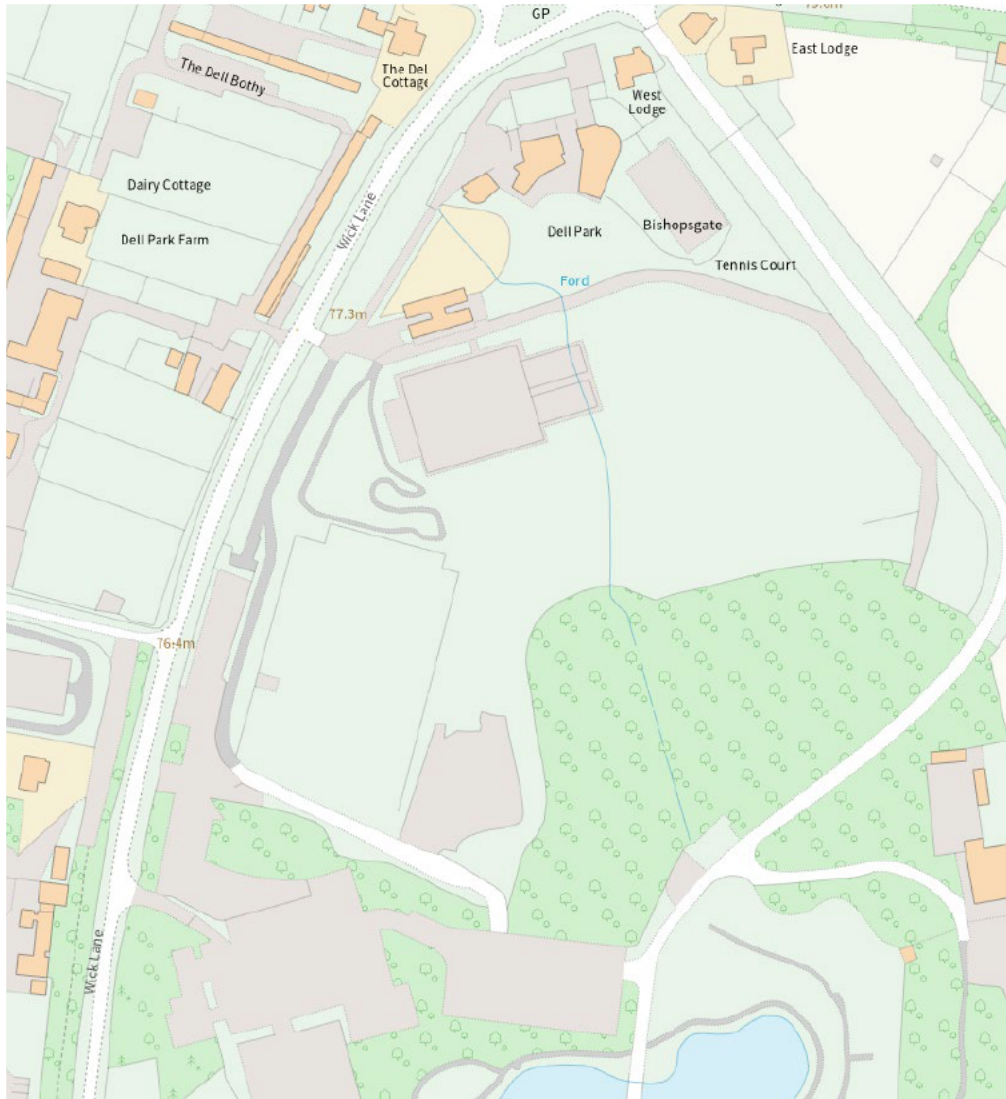
Site Description, Neighbouring Sites, and Identified Issues

The application site (within the red line) comprises a large parcel of land, the majority of which forms part of Dell Park House, a small part of which to the south forms part of the Fairmont Hotel site, with a further small area to the south east forming part of Oaklands Park. Four detached larger tree houses have been erected within the woodland area in the southern part of the site, with a smaller detached tree house to the east of these. Three tennis courts, two padel courts, an outdoor gym area, and open play area are situated in the northern part of the site. The block plan (no. 063-L(20)-282 Rev P5) submitted by the applicant indicates a number of outbuildings/structures across the site, that have either already been demolished, or are proposed to be demolished. The site lies in the Green Belt, and TPO No. 468 (dated 7th September 2022) covers the whole of the site, including all of the grounds of Dell Park House and the Fairmont Hotel.

The existing car park of Fairmont Hotel abuts the southern side of the site. It is noted that this car park has been extended northwards into the application site area, and along the side western boundary with Wick Lane. There is also a separate area of gravel surface hard-standing, being used for vehicle parking, adjacent to the woodland. The track extends northwards, and leads around the tennis courts, and towards the access road to the east. A tarmac road has been formed which leads from the extended hotel car park areas, past the separate gravel surface hard-standing parking area, and this meets the track extending around the tennis courts; the latter part of the track appears to have a gravel surface, but also appears to be used by vehicles. These features are not shown on the submitted block plan, but are shown on the map provided on page 26 of the applicant's Flood Risk Assessment. An extract of this map is shown below, with these areas highlighted:



These areas also appear on the Council's online mapping system:



It is noted that there is also a path around the outdoor gym/play areas.

It is considered that these areas need to be shown on the submitted block plan, and included as part of the current application, as they are engineering operations, and have materially increased the areas of hardstanding across the site, and the parking capacity of the hotel.

The tennis and padel courts are also served by flood lighting, which does not benefit from planning permission. **Further details regarding the flood lighting need to be submitted by the applicant, as part of this application**, particularly as there are concerns of the harmful impact of the flood lights on neighbouring residential amenity, and on ecology.

Dell Park House, Oaklands Park, and the Fairmont Hotel are all in the ownership of the applicant. Dell Park House to the north of the application site is a contemporary style dwelling, with a separate studio, pool building, and tennis court. The boundary of Oaklands Park abuts the south east of the application site, and includes two log cabins in use for staff accommodation, originally approved in RU.99/0115. Whilst a separate matter, it is noted that there is a large barn in situ directly to the south of these, and this, together with an adjacent store, is required to be demolished as part of planning permission reference RU.17/0968, which granted a replacement dwelling with basement at Oaklands Park.

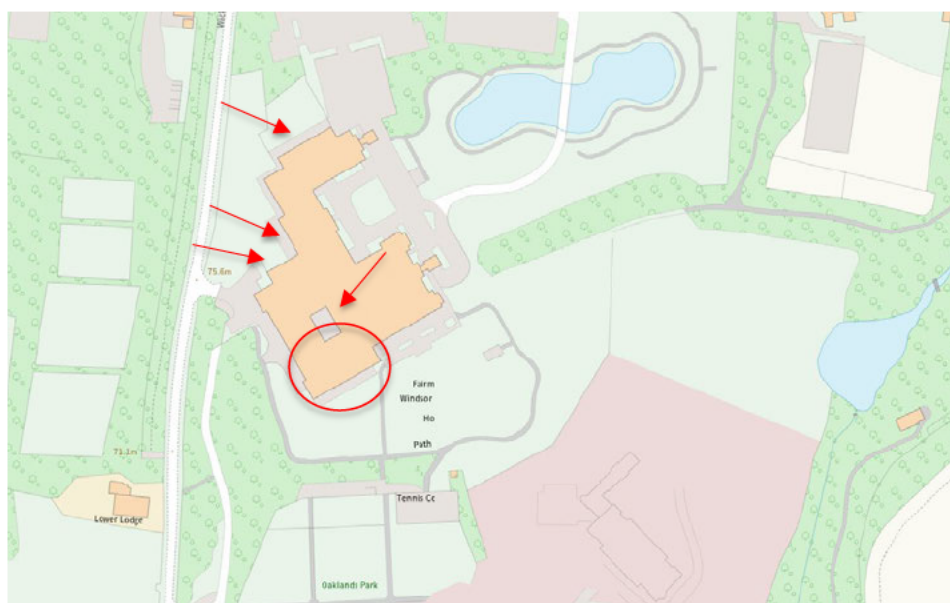
The Fairmont Hotel (formerly Savill Court) is situated to the south of the application site, and sits in large, landscaped grounds; it has been redeveloped to provide a 5* hotel, spa, and conference facility. Planning permission was originally granted in RU.16/0824 for the redevelopment and refurbishment of the existing hotel, with alterations to the existing parking, hard and soft landscaping. This was followed by planning permissions RU.17/1368, and RU.18/1239, which sought revisions to the originally granted scheme. The officer's report of the latter permission, at paragraph 3.3, sets out the following table which details the increases in floor area granted permission:

External Floor Areas	Existing Gross External Floor Area (GEFA)	Approved GEFA under RU.16/0824	Approved GEFA (as amended under RU.17/1368)	Current Proposed GEFA (as amended)
Above Ground	7767 sq.m	15,455 sq.m	16,060 sq.m	17,585 sq m
Basement Areas	1762 sq.m	6342 sq.m	10,471 sq.m	10,472 sq.m
TOTAL	9529 sq.m	21,797 sq.m	26,531 sq.m	28,057 sq m
Bedroom numbers	141	202	192	189 (excluding 39 rooms for staff accommodation)

The 2018 application was granted permission by the Council, as there were considered to be very special circumstances present, in terms of the need for a 5* star hotel facility within the Borough, and the operational needs that such a facility required. The approved site plan extract for RU.18/1239 is shown below:



It will be noted from the footprint shown above, that part of the southern elevation is open, and leading to a courtyard arrangement. However, the map extract below, taken from the Council's online mapping system, shows that this open part of the southern elevation has been infilled, and part of the elevation extended southwards. Elements also appear to have been added to the north/north west elevations, and within the courtyard area:



The aerial photograph below shows the additions more clearly. The addition to the southern elevation is 3 storeys high, and similar to the height of the adjoining built elements:



The full extent of the southern elevation can also be viewed on the homepage of the hotel's website (<https://www.fairmont-windsorpark.com/>).

A detailed check has been undertaken of all applications made at the site, following the original 2016 permission (which number at around 20 applications, and most of which are for the discharge of planning conditions), however, there have been no approved plans found within the Council's planning records available online, which show these apparent additions to the hotel.

It seems highly unlikely that such additions of this scale to the hotel do not benefit from any planning permission. **Please can the Council provide further clarification on this matter, as it is a significant concern to residents, given the implications of the impact of the additions on the openness and visual amenities of the Green Belt, as well as the lawful status of the hotel, if there are no relevant planning permissions in place.**

Retention of the tree houses within the Green Belt

The National Planning Policy Framework (NPPF) confirms that a local planning authority should regard the construction of new buildings within the Green Belt as inappropriate unless the development falls within the exceptions contained within paragraph 149. Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Policy EE17 (Infilling or Redevelopment on Previously Developed Land in the Green Belt) of the Runnymede 2030 Local Plan confirms that the limited infilling or partial or complete redevelopment of previously developed land (excluding temporary buildings) is not inappropriate in the Green Belt providing there would be no greater impact on the openness of the Green Belt than the existing development.

The previous application, reference RU.21/2211, sought the retention of 4 detached treehouse lodges ancillary to the hotel, with associated access and pathways, and the proposed part change of use of existing land at Dell Park House for hotel use. The current application seeks to retain these same tree houses, as well as an additional fifth smaller tree house, which is situated to the east of the larger tree houses (the other aspects of the current proposal are discussed further below). The Council's committee report (appended to this letter) for the previously refused scheme confirms at paragraphs 7.2 to 7.3 that the proposal would not fall within any of the exceptions set out at paragraph 149 of the NPPF, and would therefore be inappropriate development, and by definition, harmful to the Green Belt. There is not considered to be any change to this position by the current application. The report also confirms that the proposal, due its floor area, scale and massing is considered to result in a development which carries significant harm to the openness of the Green Belt, and would conflict with the purposes of the Green Belt. It would also not comply with Policy EE17 of the Local Plan. It is considered that the harm posed by the current application to the Green Belt is even greater than the previous scheme, since the retention of a fifth tree house is also now proposed, which adds to the overall floor area, scale, height, and massing of the unauthorised built form.

With reference to paragraph 148 of the NPPF, and the identifying of 'any other harm resulting from the proposal', it is noted within the committee report, that the Council did not consider that any other harmful impacts were present. However, my clients do not agree with this view, and consider that the erection of the tree houses has had a harmful and detrimental impact on the previous high quality landscape character of the area. The tree houses are of a significant mass and bulk, and sit on raised stilts; they appear as prominent and alien features, in a previously natural and dense woodland area. The mass of their built form is further emphasised by the external stairwells and large balcony areas serving them. It is not considered that they enhance the character and quality of the area, and are contrary to Policy EE1 of the Local Plan.

It is also apparent from aerial photographs, that a considerable number of trees have been cleared for the erection of the tree houses. The Council's committee report confirms at paragraphs 7.8 to 7.9 that no tree protection was used when the works took place, and so root damage may have been caused to trees. The impact of the development on roots and the health of the existing trees will not be evident for a number of years. Some of the trees removed were also subject to Tree Preservation Order No. 442 (which has now been superceded by TPO No. 468, which was applied to all of the trees on the land by the Council on 7th September 2022), and it is not clear how many trees were removed to enable the development, and indeed, if any protected trees were removed to enable the erection of the fifth tree house (it is noted from the photographs dated 13th September 2022, on page 20 of the applicant's AIA, that this particular tree house was under construction at the time). My clients wish to know if suitable tree protection measures were put in place at the time that the fifth tree house was constructed? Given the previous history, it appears unlikely that suitable measures were used.

My clients consider that the mitigation offered by the applicant for the removal of trees, by planting additional native species trees, is inadequate, as it would take a considerable number of years for such trees to mature, and be equivalent to the many mature trees that have been lost in this area. Therefore, it is considered that the tree houses have caused irreparable damage to the woodland, and harm to the landscape character of the area, and are contrary to Policies EE1 and EE11 of the Local Plan.

The applicant has set out a number of very special circumstances in support of the proposal, within the submitted planning statement:

1. The Surrey Hotels Futures Study Report, August 2015 / Savills Letter – Hotel Accommodation and Economic Benefits

The Council, within its Committee Report at paragraph 7.19, gave no weight to the arguments that the newly built Fairmont will bring multiple benefits to the economy of the Borough, in terms of employment and local spending. The Council, at paragraphs 7.20 and 7.22, gave moderate weight to the arguments for the growth of alternative accommodation and facilities at UK luxury country house hotels, including Chewton Glen in Hampshire, Legoland, Windsor, and that the treehouses will help the Fairmont with its branding. The letter from Savills states that there has been a change in consumer demand for alternative forms of accommodation during and post Covid, as well as the desire to seek more memorable experiences, with examples of Chewton Glen, Pig Hotels, and Limewood.

It is pertinent to note that with regard to Chewton Glen Hotel in Hampshire, planning applications made to New Forest District Council in 2011 (reference no. 11/96834), for 6 tree houses, and in 2016 (reference no. 16/11333), for 2 tree houses, were both recommended for refusal by planning officers, as they were considered to be inappropriate development in the Green Belt, and the Very Special Circumstances presented (comprising primarily economic benefit arguments) were not considered to outweigh the harm to the openness of the Green Belt. However, in both of these cases, the applications were approved at Planning Committee, since members considered the benefits of providing additional and exclusive accommodation at the hotel, outweighed the policy presumption against new buildings in this particular location.

The latest application at Chewton Glen, reference 8/21/0976/FUL, for 3 detached tree houses, was refused by BCP Council on 12th May 2022, due to it being considered inappropriate development in the Green Belt, and the Very Special Circumstances presented were not considered to outweigh the harm to the openness of the Green Belt. The applicant submitted economic arguments in support of the proposal, including that the hotel is one of the finest globally, and that it significantly contributes to the local business and tourism economy, with staff employment growing, and the introduction of apprenticeships. The Council, however, considered that the proposal would simply be looking to increase the existing offer, with no diversification of the current offer, and that there was no indication that the existing operation was at risk without the proposed development. The decision for refusal has not been appealed by the applicant, and this suggests that there is not the market confidence or appetite for this type of alternative accommodation.

It is considered that the success of the business operation at the Fairmont Hotel, is not at risk or reliant on the retention of the tree houses that have been erected on the site. The hotel is a recently redeveloped site, and which amounts to a far larger facility in terms of floor area/accommodation than the scheme originally granted in 2016. It is also not considered that the employment of a small number of 5 additional full time staff would carry weight in terms of a very special circumstance, since statistics demonstrate that the population in Runnymede is educated to a higher standard than the national average, and there is not a need for more low-paid, low-skill jobs in the area. Furthermore, Surrey has full employment.

2. *Existing and proposed demolition of a number of outbuildings/structures across the site, totalling 796.65sqm GEA*

The Council, within its committee report (at paragraph 7.18), gave very significant weight to this aspect of the previous application. It is acknowledged that the applicant is now proposing the demolition of additional outbuildings (log cabin nos. 8 and 9 within Oaklands Park). However, the applicant is also now proposing the retention of an additional tree house. The total floor area proposed to be demolished is stated as totalling 796.65sqm GEA, whilst the floor area of the unauthorised tree houses amounts to 536sqm GEA. Taking these figures on face value, the reduction of floor area across the site amounts to 260.65sqm, or 32.7%.

However, it is considered that not all of the floor area of buildings/structures that have either already been demolished, or are proposed to be demolished, can be taken into account. In *Turner v SSCLG* [2016] EWCA Civ 466; [2017] 2 P&CR 1, it was considered that a permanent dwelling would have a greater impact on openness than moveable chattels such as caravans and vehicles. In *Lloyd v SSCLG* [2014] EWCA Civ 839; [2014] JPL 1247, the Court of Appeal held that 'buildings' do not include mobile homes (a building is something that is constructed on a site), and also do not include a moveable structure that is merely stationed on a site; furthermore, mobile homes are of a temporary rather than a permanent nature.

On the basis of the above, the two existing animal shelters listed as no. 5 in the application documents, with a combined GEA of 22.75sqm, should not be included. Similarly, log cabin no.6 with a GEA of 61.5sqm, which is on wheels, should also not be included. This results in a reduced total figure of 712.4sqm GEA across the site, and with the retention of the five tree houses, in an overall floor area reduction of 176.4sqm GEA, or only 24.8%.

There are also 2no. log cabins (no. 7) with a stated GEA of 123sqm, the location of which is indicated in the eastern part of the site, but the footprints of which are not shown. No other plans (i.e. elevations and floor plans) have been submitted for these by the applicant. These are stated to have been previously demolished. A thorough examination has been undertaken of the long planning history of the site, and no plans have been found showing these log cabins in situ. The status and existence of these log cabins is therefore unverified, and it is considered that it would not be unreasonable to exclude them from the floor areas already demolished on the site. This reduces the overall floor area of demolished structures to 589.4sqm GEA, representing a reduction of 53.4sqm GEA only with the retention of the tree houses, or a minimal reduction in floor area across the site of only 9%.

With regard to stable block nos. 1, 2, 3, and 4 in the west part of the site, these have already been demolished. The applicant has advised that the demolition work took place in early 2021, and the Council's committee report at paragraph 7.18, states that the 'application includes the removal of existing buildings, some of which have already been demolished as part of this programme of works'. However, as set out on pages 2-3 further above, engineering works have taken place in this location, and the area where these stables once stood, now forms part of a car park with hardstanding (which as previously stated is not shown on the submitted block plan). The impact of the engineering works is discussed in detail further below in this letter, and it is considered that the work that has taken place harms the openness of the Green Belt. As such, it is not considered that it would be reasonable to include these stables, to help negate the harmful impact of the tree houses on openness, given the work that has taken place in this location and beyond; the situation would be different, if the car park had not been built and the area had simply been returned to grassland and trees. Once these buildings are removed from the floor area analysis (their combined footprint totals 295sqm), this reduces the overall floor area of demolished structures to 294.4sqm GEA, and with the retention of the tree houses totalling 536sqm, the proposal results in an increase of 241.6sqm across the site, and would thus be extremely and materially harmful to the Green Belt.

Simply assessing floor areas also does not take into account the other aspects that are applicable to the assessment of proposals in the Green Belt; impacts on openness can include the height, bulk, mass, volume, and general spread of development. The heights of the tree houses, since they are on stilts, rise to a considerable 7.6m. In comparison, the various outbuildings/structures to be demolished have a very low ridge height ranging from 3.1m to a maximum of 3.9m for the H-shaped stable block (no. 10). Due to their lower heights, low profile roof forms, and generally smaller mass, bulk, footprints, and overall built form, the outbuildings have a far lesser physical presence within the open character of the Green Belt, as compared to the tree houses.

The tree houses are of a significant height which is more than double than most of the outbuildings/structures to be demolished, and of a far greater scale. They are also of a large mass and bulk, with built form elevations of 5m high, rising above the stilts. Whilst the stilts are open, they are numerous in number and expanse, and provide an almost enclosed feel to the void area below the tree houses. This further increases the visual impact of the mass, bulk, and size of the tree houses. In addition, there are large projecting balcony areas that serve the tree houses, as well as external stair cases, that add to the overall bulk and volume. My clients have calculated that the volume of the tree houses is well in excess of 4000 cubic metres. By comparison, even if all of the outbuildings/structures to be demolished are counted (although the volume cannot be calculated for the 2no. log cabins (no. 7), since the applicant has not submitted any plans for these), their volume only amounts to 2,113.4 cubic metres, thus the proposal would almost double the volume of built form across the site. This again demonstrates the detrimental harm of the proposal on the openness of the Green Belt.

The structures shown to be demolished have a significant spread across the site. However, as detailed above, due to their smaller size/footprints, they are considered to have a lesser visual impact within the open character of the Green Belt. Whilst the tree houses are situated within the central part of the site in the remaining woodland, they still span a large area of the site in excess of 100m from south to north, with the fifth tree house being situated over 25m to the east of the nearest tree house. This is considered to be a material spread of built form across the site, which is further exacerbated by the large footprints of the tree houses, when viewed on the site plan in comparison to the smaller built form demolished. The raised walkway of 4m high between the tree house and family unit, further adds to the spread of development.

The Council's committee report states at paragraph 7.18 that the tree houses are positioned within an area of existing mature planting, which together with the land levels, seeks to reduce the impact on the Green Belt. It is also noted that additional tree planting has been introduced on the northern side of the tree houses, to provide screening, which may be due to the removal of mature trees situated here previously. However, whilst the presence of screening may assist the visual impact of development, it does not off-set the harm to the openness of the Green Belt, caused by the tree houses.

3. *A Section 106 agreement to prevent extensions to Dell Park House.*

The applicant is offering a legal agreement to prevent any future extensions at Dell Park House. A replacement dwelling with basement was granted at the site in RU.07/0120, and planning condition no. 3 removed permitted development rights for Classes A to E of Schedule 2, Part 1 of the General Permitted Development Order. Therefore, it is not possible to extend the dwelling under permitted development, or erect any outbuildings within its curtilage. This renders the argument that the Council has put forward at paragraph 7.24 of the committee report, of removing Class E rights for outbuildings at Dell Park House to prevent the applicant erecting outbuildings in the future, as entirely meaningless, since this restriction already applies to the property, and thus it cannot be considered to be a very special circumstance.

It is acknowledged that the dwelling could be extended by up to 30% by planning permission (subject to the usual assessment criteria in terms of Green Belt planning policy), however, it would also be possible to redevelop the site entirely, combining the built form of the main house, detached annex accommodation, and leisure building, increasing the above ground total floor area by up to 30%, and erecting a far larger building on the site, which could also benefit from a large basement level. In some cases in recent years, the Council has granted replacement dwellings with a floor area increase of more than 30% within the Green Belt, and permitted development rights may also not be removed (partially, or in their entirety) from a future approved replacement dwelling at the site. Indeed, there are also many examples of dwellings in the Green Belt within Runnymede, where permitted development rights have been reinstated by the Council (particularly for Class E outbuildings), and this would be an option open to the applicant for the current dwelling on the site.

My clients also consider that any extensions at Dell Park House, or any redevelopment of the plot, would be taking place within a residential setting, and thus in terms of impact on the character of the area, would carry far less harm, than the harm that has taken place on the application site. It is therefore considered that the current legal agreement offered by the applicant would not be adequate compensation in terms of the planning balance, and does not go far enough in carrying any significant weight as a very special circumstance. My clients also consider that the removal of the tennis court adjacent to the pool building should be offered, given the close proximity and number of tennis courts that have been built out by the applicant to the south of Dell Park House.

Retention of the sport/recreation facilities, and change of use of the land to use class C1

With regard to the retention of the 3no. tennis courts, 2no. padel courts, the outdoor gym area, and the open air play area, paragraph 149(b) of the NPPF permits the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation, provided that those facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy EE16 of the Local Plan further elaborates on the NPPF wording, and sets out that when assessing proposals, these will be expected to demonstrate the minimum required hard standing necessary for the facility, if this hardstanding is required.

Paragraph 150(e) of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it, such as material changes in the use of the land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). This principle is also set out in Policy EE19 of the Local Plan.

It is pertinent to note, as highlighted by the information provided on pages 2-3 further above, that the application site has been actively used for use class C1 purposes, by the hotel, for some time now. Previously, when the site was in use as part of the wider grounds of Dell Park Estate, it provided low key equestrian facilities, and the natural landscape character of open grassland and woodland had been maintained for many years.

Policy EE18 of the Local Plan sets out that proposals for engineering operations in the Green Belt, including laying of roads and hardstanding, material changes in land levels and formation of bunds, are considered inappropriate development unless the applicant has demonstrated that the operations preserve the openness of the Green Belt at the site and its vicinity, and do not conflict with the purposes of the Green Belt. The extent and visual impact of the changes in land levels will be taken into account in assessing such proposals, as will the purpose and intent of future use of the hardstanding in order to ensure the visual effects are not harmful.

The use of the application site for the purposes of the hotel has materially intensified activity, and related built form and hard standing areas, across the site. As set out on pages 2-3 above, the areas of tarmac road, the separate parking area nearest to the woodland, extensions to the hotel car park adjacent to Wick Lane, and the trackway leading around the sports facilities (which is being used by vehicles), are considered to be engineering operations, and all need to be shown clearly on the submitted block plans, as part of the current application. Their impact, together with the sport/recreation facilities, needs to be taken into account.

As set out in Local Plan Policy EE18, and as is well established by appeals and case law, both hard standing areas, as well as associated car parking activity, can harmfully impact on the openness of the Green Belt. The parking areas that have been created are extensive and regularly being used by cars and large commercial vehicles. The work that has been undertaken to create roads and parking areas, has resulted in the loss of large areas of grassland, and trees, many of which were situated along the side boundary with Wick Lane.

The tennis, padel courts, and open air gym, comprise a significantly large area of hardstanding, totalling at 2,071sqm. Flood lights have been installed to the tennis courts, and as set out on page 3 further above, these do not benefit from planning permission; further details of these need to be submitted by the applicant as part of the current application. A glass enclosure ranging from 3m to 4m high, has been provided to the padel courts, whilst mesh fencing of 2.7m high, has been provided to the tennis courts. The court surface is of a bright blue colour, which has a jarring visual appearance in the context of the natural surroundings. The open air play area comprises slide structures of 4m high, with raised walkways, spanning a length of almost 20m. The facilities are being actively used by guests of the hotel.

It is considered that overall, when taking the visual appearance, large extent of the hardstanding, and structures introduced by the sport/recreational facilities, together with the extensive engineering operations that have taken place across other parts of the site, the cumulative impact, associated activity, and intensification of the use of the site, results in a materially harmful impact on the openness of the Green Belt.

It is noted that the applicant has submitted a Landscape General Arrangement plan (reference no. 5717_110, dated September 2022 – this plan does not appear to have been superseded, from the documents available online). This shows the retention of the H-stable block (no. 10) on the north side of the tennis courts, and should indicate that this building is proposed to be removed. The plan also shows proposed hedge planting around part of the recreational area. However, whilst the presence of screening may assist the visual impact of development, it does not off-set the harm to the openness of the Green Belt, which has been set out above. The cumulative impact of the engineering operations that have taken place across the site cannot be discounted; as previously stated, these need to be shown on the submitted block plan, and if their removal is indeed proposed, as indicated by their absence on the proposed landscape plan, then this needs to be clarified and clearly indicated.

The applicant sets out very special circumstances relating to health and wellbeing to support the retention of the sport facilities, at paragraph 6.35 of the submitted planning statement, and has provided examples of appeal decisions for padel courts at a tennis club within the Green Belt, in Bishops Stortford. A copy of the appeal decision appears to be missing from Appendix 1 of the applicant's planning statement, and so this is appended to this letter. The Inspector did give substantial weight to the proposal, in terms of its ability to promote physical and mental well-being, in accordance with paragraph 98 of the NPPF.

However, the circumstances of the appeal proposal are considered to be entirely different to that of the current application. The appeal concerned a well-established existing sports facility, which is considered to be one of the leading clubs in East Hertfordshire, with excellent connections to the community and local schools. Only two padel courts were proposed, and these were positioned directly adjacent to the existing tennis courts, and close to the club entrance. Paragraph 22 of the appeal decision states that 'the proposal stems from the national desire to integrate, build, accelerate and scale Padel as a sport within Great Britain. The Lawn Tennis Association seeks to provide 400 Padel courts by 2023 and accordingly, they have provided support to the proposal. The appellant also points to the housing growth that is forthcoming in the area and the need to provide additional sport and recreational facilities. The proposal would play a role in providing such facilities and the evidence suggests that it would also create opportunities for collaboration with schools to promote participation. In addition, the appellant suggests that the proposal garners support from the Council's Open Space, Sport and Recreation Supplementary Planning Document, as well as the Neighbourhood Plan.'

In contrast, the sport/recreational facilities proposed to be retained are unauthorised and without any local community support. They are in relation to a hotel, a private business, the primary purpose of which is to provide entertainment for guests. It is not a community facility, of which the sole purpose for the tennis/padel courts would be to provide opportunities to local children and adults, and local schools, for sport recreation and training, and for enabling the development of local talent to higher levels for regional and national game participation. The facilities are considered to be excessive in terms of the amount of hardstanding, and situated some distance from the main hotel building. Whilst the applicant argues that the facilities would improve the offer of the hotel, it is not clear why such facilities were not included in application proposals for the redevelopment and refurbishment of the former Savill Hotel, and which surely for guest convenience would have been better situated much closer to the main hotel building.

It is therefore considered that the change of use of the application site, with the engineering operations that have taken place, and the retention of the recreational facilities, would result in harm to the openness of the Green Belt. There are no very special circumstances present to outweigh the harm. As the applicant has continued to undertake unauthorised development across the site relating to the hotel, my clients are significantly concerned that the harm to openness could increase in future, and indeed if a change of use was granted, this is likely to lead to further harmful development.

Other Matters

There are materially significant concerns relating to the impact of the proposal on neighbouring residential amenity. The padel courts are in close proximity to residential properties to the north west, which also share the access road with the hotel. Flood lights have been provided to the tennis courts, and these are extremely bright at night, and lit for long hours. The noise from the padel courts is exceptionally loud; padel courts are widely known to be a cause of noise nuisance, as the sound can be like gunfire (for example, it is understood from residents that St George's School in Weybridge was required to remove padel courts, due to the effects on the neighbourhood). It is requested that the Council's Environmental Health team investigate the impact of the sports facilities on neighbouring occupiers.

It is noted that the applicant states, at paragraph 1.2 of the submitted planning statement, that attempts have been made to engage with the [REDACTED], but the offer was not taken up. My clients would like to clarify that the [REDACTED] met once with the applicant, but whilst the applicant expressed concern, no meaningful discussions on how to resolve the objections of the residents to the unauthorised construction of the tree houses took place.

My clients would like the Council to confirm whether all of the correct procedures have been followed with the applicant, on matters relating to the removal of the TPO trees on the site, and whether the required statutory communication has taken place with the Forestry Commission?

The members of the [REDACTED] are extremely aggrieved that the Council has taken no enforcement action against the applicant, and that unauthorised work has continued at the site unabated, even after the previous application was refused. Before work started, there existed a badger set (badger sets can survive for generations), within 30 metres of the site; the [REDACTED] would like independent confirmation, by site visit(s), to confirm that the badgers have not been driven away by the work undertaken at the site.

It is also disappointing that the applicant has not shown the full extent of the works that have taken place at the site, on the submitted plans, and this matter does need to be addressed by the Council. With reference to the issues that have been highlighted on pages 4-6 further above (the barn at Oaklands Park which has not been demolished, and the unknown status of the potential additions to the hotel), whilst these are somewhat separate matters and lie outside of the application site red line extent, they also demonstrate the potential cumulative harm to openness that is taking place across this part of the Green Belt, and with sites in the ownership of the applicant. It is requested that the Council provide further clarification on these identified issues.

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. 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,

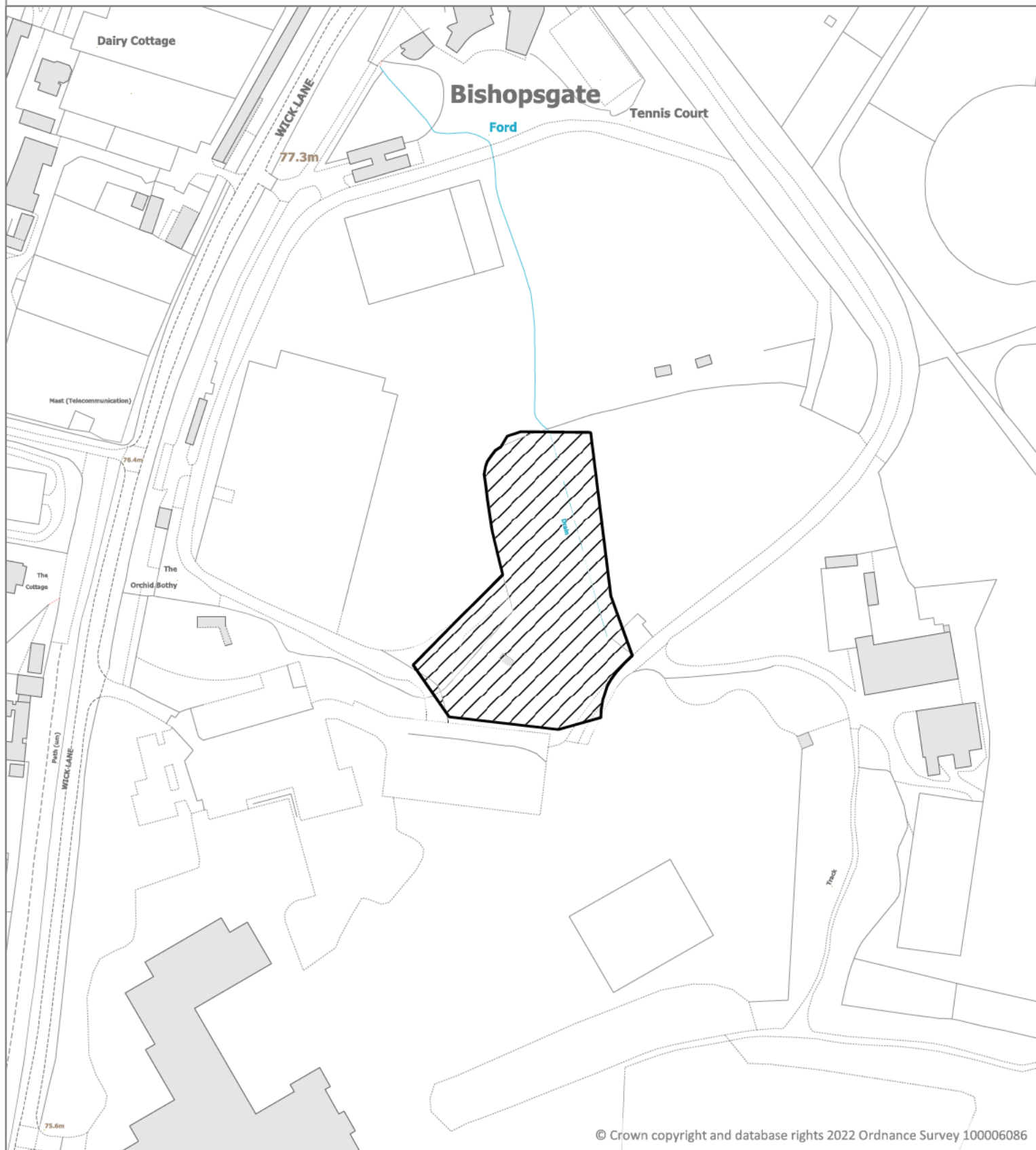


Enc. RBC Planning Committee report for RU.21/2211, dated 22nd June 2022
Bishops Stortford Lawn Tennis Club – appeal decisions, dated 16th March 2022



Date: 22/06/2022

Dell Park House and Fairmont Hotel Wick Lane, Englefield



Scale: 1:2,000

0 60 120 m

RU.21/2211



COMMITTEE AGENDA REFERENCE: 5B

APPLICATION REF:	RU.21/2211
LOCATION	Dell Park House and Fairmont Hotel, Wick Lane, Englefield Green, TW20 0XN
PROPOSAL	Application seeking retrospective planning permission for the proposed erection of 4 detached treehouse lodges ancillary to the existing hotel use at Fairmont Hotel with associated access and pathways and the proposed part change of use of existing land at Dell Park House for hotel use (Use Class C1)
TYPE	Full Planning Permission
EXPIRY DATE	24/07/2022
WARD	Englefield Green West
CASE OFFICER	
REASON FOR COMMITTEE DETERMINATION	Item required to be reported to the planning committee due to numbers of letters of representation received and recommendation to approve.
<i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i>	

1. SUMMARY OF RECOMMENDATION

It is recommended the Planning Committee authorises the CHDMBC:	
1.	Subject to the prior signing of a S106 legal agreement to ensure that the development remains ancillary to the existing use of the Fairmont Hotel (Use Class C1) as visitor accommodation and subject to no objections being raised by the Minerals Planning Authority Grant Consent - subject to conditions

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application site comprises a parcel of land which is positioned within both the Fairmont Hotel Site (formally the Savill Court Hotel) and Dell Park House. The Fairmont Hotel has recently been redeveloped to provide a luxury 5* hotel, spa and conference facility within the borough and is positioned within large, landscaped grounds. Dell Park House comprises a modern dwelling with a separate bungalow and annex positioned within extensive landscaped grounds that include equestrian stables, paddocks, grassed areas and woodland.
- 2.2 The application site falls within the Green Belt and is designated as a Priority Habitat Inventory. The application site contains existing mature trees and part is covered by TPO 442 which covers the rest of the original Savill Court site. The site also falls within a Mineral Safeguarding Area. The site is also located within an area of deciduous woodland.

3. APPLICATION DETAILS

- 3.1 This application is seeking retrospective planning permission for the retention of 4 detached treehouse lodges which are intended to be used as ancillary habitable accommodation for the existing 5* hotel, spa and conference facility (Use Class C1). Given this intended use the application also seeks the part change of use of the existing land at Dell Park House for purposes ancillary to the existing hotel use (Use Class C1). The application is also seeking permission for the new access and pathways associated with the treehouse lodges. The application is supported by a Planning Statement, Design & Access Statement, Ecology

Surveys. Arboricultural Impact Assessment, Sustainable Design Statement, Green & Blue Infrastructure Statement, Drainage Statement and a Lighting Report.

- 3.2 The Design & Access Statement which has been submitted in support of the development confirms that the individual treehouse lodges have a gross external floor area of some 125 square metres. The exterior cladding of the treehouse lodges comprises a charcoal grey standing seam metal roof with vertical wooden cladding to the external walls. The height of the treehouse lodge (excluding the stilts) extends to some 2.9 metres to eaves (5.0 metres to ridge). The stilts result in the raising of the structures by some 2.56 metres extending to a maximum height of some 7.55 metres. The treehouse lodges have been designed with a raised entrance deck accessed from a timber staircase. Each treehouse includes two double bedrooms with a potential secret galleried bunk for younger guests. The Design and Access Statement advises that the development was undertaken by Blue Forest who are design-and-build treehouse specialists and have successfully delivered a number of sustainable and inspiring projects in extremely sensitive historic landscape settings across the country.
- 3.3 The Design & Access Statement provides further supporting information relating to the design which is summarised below:
- The layout of the treehouses has been predominantly determined by the location of the trees thus facilitating the screening of the development from views from the surrounding area.
 - The units have been arranged in an off-set organic pattern in relation to the contoured site. This arrangement breaks down the regularity of the design when viewed in either elevation or plan.
 - The main treehouse structures are freestanding with no dependence on the surrounding trees for support.
 - The treehouses have been designed to fit discreetly and naturally into the existing constraints and topography of the site adjacent to the new Fairmont Hotel.
 - Being single storey treehouse lodges their appearance above wooden clad supports provides a sense of openness at ground floor level allowing open views through the woodland, with the lodge accommodation above visually linking to the tree canopy creating a non ground-based visual appearance that is unique and creates images of treehouses and similar raised platforms evocative of outdoor living and adventure that holds a special appeal.
 - Over the course of its natural weathering all the timber cladding on the treehouses will weather to a silvery grey colour, blending in naturally with the surrounding trees.
 -
- 3.4 Given the positioning of the application site within the Green Belt the applicant has submitted a package of material considerations within the supporting Planning Statement which they consider represent 'very special circumstances' to support of their application. This supporting information provided by the applicant is summarised below.
- Removal of existing buildings.
The removal of 4 long-standing stable blocks with a total number of 22 loose boxes have recently been demolished and removed from the site earlier in 2021. Two existing field shelters, and a residential log cabin are also proposed to be removed, as shown on the submitted block plan. Two other identical residential log cabins were previously removed from within the woodland area following acquisition and development of the site by the Arora Group. These existing buildings have a cumulative gross external floor area of 502.25 square metres. The treehouse lodges which have been erected within the application site comprise a total new-build floorspace of 500 square metres. In purely numerical terms the buildings that have been removed from Dell Park House and those proposed for removal represent just over 100% of the new-build floorspace created by the treehouse lodges and therefore result in a minor reduction of net new floorspace overall. The total floorspace of the treehouses represents only 1.78% of total

hotel floorspace. It is therefore considered that removal of these buildings from within Dell Park represents the very special circumstances that justify the treehouse development.

In the case of the treehouses, they are not conventional buildings and, by definition, can only be placed among trees where their design enables open views at ground level with the ground level vertical supports and stairs all being of wooden appearance like the trees. The higher level accommodation is also clad in wood with a natural charcoal coloured roof. It is considered that there will be no greater impact on the openness of the Green Belt. The development has been designed to have a very close relationship with existing landscape features and integrates with its surroundings. The development has been designed to create open space both within and around the development and retains large distances to site boundaries and retains views from both within and outside the site.

- The Surrey Hotel Futures Study report - August 2015

The Surrey Hotel Futures Study Report - August 2015 was produced for Surrey County Council by hotel development consultancy - Hotel Solutions and was a major component of the case of the very special circumstances advanced in respect of the replacement of the Savill Court Hotel. Some 6 years since its publication, the newly built 5* luxury Fairmont Windsor Park Hotel, with extensive conference and hospitality facilities, has directly addressed the key deficiencies identified in the study and will bring multiple benefits in terms of direct employment and local spend but importantly in providing facilities for the benefit of local businesses and the wider local economy.

Paragraph 7.1.1 of the Surrey Hotel Futures Study states that the analysis of current hotel performance and markets, the future prospects for growth in hotel demand, and hotel company interest in the county, shows that there is clear potential, and in many cases a need, for investment in the upgrading, expansion and development of existing hotels. This includes the redevelopment, repositioning and possible expansion of some country house and golf hotels to a 5 star level or boutique style of hotel.

The need for capital investment for existing Surrey hotel stock was further detailed in the study showing clear potential, and in many cases a need, for investment in existing hotels in terms of upgrading and repositioning, the addition of new guest bedrooms to satisfy currently denied demand and the development of new facilities such as leisure clubs, spas, function rooms and conference space to attract new markets and give additional income streams.

The applicant states that the recommendations from the 2015 study still mirrors the current analysis of the hospitality market and fully justifies the decision to position the Hotel to the very top end of the 5* market.

The findings of the Hotel Futures Study Report summarised at paragraph 7.2.1 the wider external economic benefits resulting from such development: The Hotel Futures Study shows significant potential and need for hotel development in all Surrey Districts and Boroughs and clearly demonstrates that further hotel development is vital to support the future growth of the county's economy. Many parts of the county are already short of hotel provision to fully meet midweek demand from local companies. These shortages will become even more pronounced if new hotels are not developed. The site's prime location in relation to Windsor Park and the high quality of its site is such that it is particularly suited to the Fairmont Hotel brand. In 2015 the Surrey Hotel Futures Study noted the growth of alternative accommodation and facilities at luxury country house hotels including a number of the UK's luxury country house hotels which have invested to expand their accommodation and leisure offer in terms of the development of alternative accommodation options e.g. tree houses at Chewton Glen in Hampshire and luxury woodland holiday homes at The Cornwall Hotel & Spa at St Austell in Cornwall. These growing trends towards specialist provision have continued with the treehouses at Chewton Glen, New Milton Hampshire being the same model as those recently constructed at the Fairmont Hotel.

The new treehouses will provide a unique offer for guests seeking exceptionally high standards of accommodation in a natural, private setting close to the range of amenities available in the existing 5* hotel including its extensive spa and wellness centre. The treehouses are an important facility in their own right, providing a unique experience but in tandem with the exceptional new hotel and its facilities.

Reference has also been made to a large hybrid planning application which has been granted by the Royal Borough of Windsor and Maidenhead for development in the Green Belt at Legoland which is 5km from the Fairmont Hotel on the opposite side of Windsor Great Park. This development includes 65 lodges comprising 130 units of accommodation and 20 small barrel units (from 13.5sqm to 68.3sqm with a maximum height of 6.6m above floor level), and outline permission for 300 lodge units with a total floorspace of 17,000sqm (56sqm average size) and a maximum height of 10m. This approval is in addition to permission for a 61-bedroom extension to the existing Legoland Hotel in 2016 (ref: 15/02004). The Very Special Circumstances to justify the proposed lodges on open fields comprised: - The need for the development - The lack of alternative sites to accommodate the development - Economic benefits - Environmental benefits - Social and community benefits - Sustainability - Measures to overcome traffic harm from the existing resort.

The 4 treehouses are minor and are discreetly located within the wooded grounds of part of the hotel site and those of an existing house that were previously used for equestrian and polo purposes. The treehouses are also sited within a small part of a woodland copse which is not publicly visible.

Dell House was only acquired subsequent to the Arora Group's acquisition of Savill Court Hotel and the treehouses did not form part of the case of Very Special Circumstances that applied to the redevelopment of Savill Court Hotel. However, it is considered that if the treehouses had been part of the original redevelopment proposals, with Fairmont confirmed as the operator, then they would have been agreed as part of the wider case of Very Special Circumstances applying to the hotel at that time.

The Runnymede Local Plan 2030 provides, at paragraphs 8.13 and 8.32, a recent update on the acknowledged importance of the hospitality industry locally, its continued capacity shortfall, and locational requirements.

Hotel Accommodation and Economic Benefits

The new Fairmont Hotel is part of a global brand positioned at the very top end of the hospitality market. In Britain it comprises only the Savoy Hotel London, St Andrews in Scotland and now the new Fairmont Windsor Park Hotel. Whilst the quality of the new Hotel offer is far superior to that of the previous one it does not, unlike many country house competitor hotels, have a niche offer such as a golf course, specialist sports facilities, fishing, or other specific outdoor leisure pursuits. The ability to offer such a unique facility as treehouse accommodation provides a special feature which emphasises the hotel's rural location and sets it apart from its competitors. The treehouses are of considerable importance to the branding and marketing of the 5* hotel and vital to its ongoing commercial success.

An essential feature of Fairmont Windsor Park is as a 'retreat' designed to keep guests occupied and fulfilled for the duration of their time away from home. The treehouses also fulfil this purpose but with an additional unique experience that is increasingly highly valued by guests in today's pressurised world. Competitor country house hotels such as Chewton Glen have also expanded on their traditional luxury hotel offering by creating treehouses and thus elevated their offer to another level.

The Fairmont Windsor Park's extensive spa offer is the ultimate approach to wellness and is inspired by nature. However, the treehouses offer the ability to extend the spa and wellness experience beyond the confines of a hotel building into a natural environment. It is anticipated that long-standing Fairmont customers used to central

London stays at the Savoy may want to progress their city experience into a nature based one within the Fairmont brand.

It is estimated that the 4 proposed treehouses will result in the direct employment of 5 additional full-time equivalent hotel staff which will be a boost for employment within the borough. Guests using the treehouses will also generate increased local spend that will benefit local businesses. The economic benefits of the development are supported by planning policy within the NPPF at paragraph 81 which confirms that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. The new hotel already employs 150 staff so the additional direct employment and secondary spending from treehouse guests and employees will be of further benefit to the local economy.

4. RELEVANT PLANNING HISTORY

- 4.1 The following history is considered relevant to this application. The existing hotel has recently been demolished and rebuilt to provide an upgraded luxury 5* hotel facility within the borough. There is an extensive planning history relating to these works including applications seeking approval of details reserved by condition. The most relevant includes the following:

Fairmont Hotel

Reference	Details
RU.22/0086	Retention of existing illuminated hotel lettering sign mounted on a stone wall with trough fountain at main hotel entrance on Bishopsgate Road (retrospective application) Granted.
RU.20/1088	Application seeking a variation to planning condition 3 (approved drawing numbers) and 12 (hard and soft landscaping) of planning application RU.16/0824 for the redevelopment and refurbishment of the existing hotel, spa and conference facility to allow for the removal of a Wellingtonia Tree. Granted.
RU.19/0613	Application seeking a variation to planning condition 3 (approved drawing numbers) and 12 (hard & soft landscaping and tree protection measures) of planning application RU.18/1239 to allow for the removal of a Wellingtonia Tree which was previously shown for 75 retention. Withdrawn.
RU.18/1239	Variation to planning condition 3 (approved drawing numbers) of planning application RU.16/0824 to allow for revisions for the redevelopment and refurbishment of the existing hotel, spa and conference facility to provide a 5* facility. Granted
RU.17/1368	Variation to planning condition 3 (approved drawing numbers) of planning application RU.16/0824 to allow for revisions to the approved design for the redevelopment and refurbishment of the existing hotel, spa and conference facility to provide a 5* facility (amended plans received 23/10 , 3/11 and 09/11 to include the complete demolition of the building and revisions to the floor plans and design). Granted.
RU.16/0824	Redevelopment and refurbishment of the existing hotel, spa and conference facility to provide a 5* facility, including extensions to the existing building (including the basement) to provide additional bedrooms, an improved conference facility, improved spa and banquet hall, proposed erection of a replacement roof and demolition of parts of the existing building, creation of a new service area and alterations to existing parking, hard and soft landscaping. Granted.

Dell Park

Reference	Details
RU.19/0114	Various reduction and Tree felling works. Granted
RU.07/0534	Tree application to crown thin by a max of 20% and remove dead wood from 31 Lime Trees located on the western boundary with Wick Lane covered by TPO 220. Granted
RU.07/0120	Erection of detached two storey dwelling with basement following demolition of existing dwelling. Granted.
RU.06/1184	Erection of detached two storey dwelling following demolition of the existing dwelling. Granted
RU.05/0652	Certificate of lawfulness for the proposed development consisting of a new pool and gymnasium and new potting shed/store. Granted.
RU.05/0209	Certificate of lawfulness for a proposed development consisting of a new stable block. Granted.
RU.04/1264	Erection of two storey detached replacement dwelling with basement following demolition of existing dwelling and conservatory from West Lodge. Refused
RU.01/0449	Erection of a detached stable block comprising two stables, tack room and hay store located to the south of The Apple Store fronting Wick Lane. Refused
RU.01/0421	Revisions to elevations to the property approved by planning permission RU.98/0752 including alterations to rear conservatory and insertion of dormer windows. Granted.
RU.99/0117	Demolition of existing buildings and erection of single and three storey main house with associated garages, tennis pavillion, tennis court, house keepers cottage, green house & fences. Granted.
RU.99/0116	Retention of and continued use of re-surfaced exercise track for horses and ponies. Granted.
RU.99/0115	Continued use as a stable yard for the keeping of horses and ponies, extension of outdoor menage/arena, retention of existing tractor shed, consent for new tractor shed, consent for two log cabins for grooms accommodation. Granted.

5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework and Guidance.
- 5.2 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.
- 5.3 SPGs which might be a material consideration in determination:
Runnymede Design Guide 2021
- 5.4 This site falls within the designated Englefield Neighbourhood Area. However, a neighbourhood Plan has not been developed yet for this area.

6. CONSULTATIONS CARRIED OUT

Consultees responses

Consultee	Comments
Surrey Wildlife Trust	The Surrey Wildlife Trust request further information and the imposition of conditions.
The Councils Drainage Section	The Councils Drainage Section request further information to ensure that the development follows sustainable drainage principles

The County Highway Authority	The County Highway Authority have no requirements
The Councils Tree Officer	No objections subject to conditions.
Surrey County Council Minerals	Comments are awaited and their response will be reported to the Planning Committee.

6.1 Representations and comments from interested parties

6.2 42 Neighbouring properties were consulted in addition to being advertised on the Council's website. An 'unknown owner' site notice was also displayed near the site. In response to these consultations 34 letters of representation have been received which can be summarised as follows:

- The development is illegal, and the applicant should be fined.
- Obtaining retrospective permission defeats the point of having a planning approval process in place.
- It is the responsibility of the Council and the planning department to ensure that such breaches do not happen and to protect the Green Belt.
- The purpose of planning is to protect the environment, prevent over development and protect the nature of the local area. This is already a huge hotel development.
- The Arora Group has desecrated the Green Belt under their ownership.
- The argument that having four more rooms for the hotel to rent out is an economic benefit to the area is completely spurious.
- Englefield Green does not suffer from unemployment. Employment levels are below average at only 3 per cent, and consistent with what you'd expect in a market with full employment (which is typically regarded as 5 per cent, as seen nationally currently)
- Allowing the development to flout planning laws is an insult to every other local resident that has followed the law.
- This is a poor example to set for future generations.
- Disappointed that not everybody who backs onto land owned by the applicant were notified.
- A drainage report shows that adequate provision was not made for drainage from the tree houses.
- The local Borough Councillors and RBC Planning Committee members supported the desecration by approving Arora's development plans. The RBC Planning Officers failed in their duty of professional care over this time. The facts speak for themselves.
- RBC planners now have an opportunity and responsibility to reject this retrospective application, and RBC further has a duty to enforce to ensure that the unauthorised development is taken down to allow environmental recovery. You would have community support in taking a strong stance in protection of our environment.
- It is ironic that the future guests in these Tree Houses might see themselves communing with nature, when their construction without planning permission has in fact breached the very rules that protect nature in the Green Belt.
- There are a host of professional advisors and experts already involved with the on-going hotel project so there can be no claim of ignorance by the applicant that planning permission was required for the development.
- Harmful impacts on the visual amenity of the rural environs of Englefield Green village.
- This is a purely a money-making enterprise which will in no way benefit the local community

- Concerns with respect to the Air Source Heat Pumps and associated noise.
- If the development was being built to house local families, then they may deserve a more sympathetic hearing by RBC, but despite looking every bit like houses their construction in no way helps with the housing crisis.
- The applicant should be reported to the Forestry Commission given tree removals who may issue sanctions. A potential breach of the TPO designation of parts of the woodland should also be investigated.
- The development is visible from a popular public footpath because of its elevated nature.
- The arboricultural report states that further trees will need to be felled. The distinctly rural character of our village has been impacted with the development degrading a significant wooded area very close to the village.
- No ecological, hydrological or any other surveys have been carried out.
- The development may have been in contravention to the Wildlife & Countryside Act 198.
- The applicant seems to have a pattern of retrospective planning applications and moving boundaries without permission. The hotel has already been significantly altered from refurbishment to total demolition, to a significantly bigger development, now 4 detached tree houses have been built without permission.
- Google Maps satellite imagery of the development site provides evidence that a significant area of established and mature woodland was destroyed in the process of the construction of the four dwellings. This woodland is notable for containing a Veteran Tree. It is also within a SSSI 'Impact Risk Zone' and is partially covered by a Tree Preservation Order.
- Concern for the well-being of our natural environment and of our responsibility to protect it for future generations
- If permission is granted the whole of Runnymede's planning system will be brought into disrepute.
- Allowing this development continues to amplify a social division. The rules must be applied uniformly.
- The smoke emissions from the log burner would impact on wildlife especially bats and birds in the area.
- Concerns relating to the potential impact of noise from occupants of the Tree Houses.
- Harmful impacts upon the Green Belt. The development would be contrary to the NPPF.
- Harmful impacts upon existing biodiversity and trees
- With our climate emergency, we need to be better stewards and custodians of the green belt and potential developments taking place. Sustainable ecological developments should be at the highest remit for the Green Belt.
- The houses on stilts will permit guests to drive to the accommodation further degrading the area.
- The Arora group have a lack of awareness of ecological and sustainable principles.
- The Arora group should take the climate emergency more seriously as we are all affected by it regardless of wealth and status. We need to do much more to heal our environment. Every degradation and tree that is felled is a drip further to negatively compromising our environment.
- The retrospective planning permission should be refused and the company fined and made to restore the area back. For every tree felled 5 more should be put back.
- Under RU.16/0824 the local planning authority already indicated that the proposal for the hotel was inappropriate due to the amount of area above ground. This application also represents an inappropriate development.

- From the original decision RU.16/0824 the Arora group were aware about the sensitivity of the area and had to meet requirements before they could commence building. This was a deliberate flout of the planning system.
- The applicant has conducted a retrospective aboricultural impact assessment (AIA) which cannot fulfil the concerns and protection of the area.
- A protection area should have been made for the trees that have TPOs as indicated in the AIA. The AIA indicates potential neglect in section 5 and 6.
- The Arora group should have created their own mini-forest where there is none and create a unique set of off grid tree houses within that forest. This would have been a sustainable development as well as an enhancement and enrichment to the area.
- There has been severe ecological damage and the absence of ecological surveys as required by planning regulations as part of the planning process prior to development. The development may have therefore been in contravention to the Wildlife & Countryside Act 1981
- There are no 'Very Special Circumstances' in this case to justify the development..
- Allowing this development will create a precedent for further developments and the continued erosion of the Green Belt by retrospective means.
- A Climate Emergency has been declared by Runnymede Borough Council.
- This development is close to Englefield Green Village and will impact upon their landscape. It is essential that countryside exists between the village and other built-up environments. These chalets will intrude visually on the village and will bring with them many more people and traffic.

6.3 2 letters of representation have also been received from the [REDACTED] which is summarised below

- Further unauthorised development is taking place in the area adjacent and to the north of the recently built 'tree houses'. The latest activities involve the construction of approximately 3 hard surface tennis courts, other undefined sporting facilities and a building (Officers comments: This has been referred to the planning enforcement section and will be investigated separately to this planning application)
- The development will have an adverse effect on the Green Belt for which there are no special circumstances and no planning permission.
- Limited harm to the Green Belt cannot be a reason for allowing it to proceed.
- A stop order should have been used in the case of the Tree Houses.
- This work is in Dell Park, outside the original boundary of the Fairmont Hotel, in a previously open field.
- As pointed out in previous letters, whether Dell Park (a private house and grounds) is part of Fairmont (a Hotel) is surely relevant to determining what you are dealing with, even if the outcome could be the same and the owners are apparently the same.
- The Fairmont Hotel is a commercially positive addition to our area, and some tolerance as to minor deviations to planning regulations could under certain circumstances be tolerated.
- It is very difficult to see how the Owner and/or his advisors, architects, and constructors would not have been fully aware of the Planning regulations having built both a hotel and a major house in the Green Belt.
- Their actions appear to place RBC deliberately in the position where you either accept the fait accompli or spend what we imagine would be a considerable sum pursuing them to remove the buildings.
- Our MP, Ben Spencer, is progressing a Bill through Parliament to create offences relating to repeat breaches of planning controls
- The applicant has submitted the argument that these buildings are part of the Fairmont Hotel and will contribute to the commercial wellbeing of the Hotel. This is the same argument which was put forward to justify a 178% increase in the floor area of the Hotel.

- The Fairmont now has over 200 rooms, an increase of over 30% compared to the Savill Court Hotel it replaced. The immense improvements and additional rooms already constructed under RU.17/1368 and their commercial benefit are in no way comparable to the relatively minor additional increase in commercial benefit generated by the addition of the 4 houses. It represents approximately 1.8% increase in area and a 4% increase in rooms (or 2% if each house is considered a suite).
- The argument that Commercial interest trumps harm to the Green Belt does not apply.
- The main hotel has already achieved the commercial objectives to which that argument was applied.
- The applicant has submitted a location Plan showing the grounds mainly to be in Dell Park, overlapping into the originally designated Hotel Area, and including the driveway originally in the Hotel area. The extent of the grounds for the Hotel would have been a material consideration when considering RU.17/1368.
- For RU.21/2211 the grounds of the Hotel must be extended to include all the tree houses, otherwise they could be considered as a separate entity at a future date.
- The proposed demolition of the animal shelters and log cabin are outside the boundaries of the hotel. It is also noted that the only habitable elements are the log cabins, representing approximately 30% of the total demolition on offer.
- Previously (and maybe even today, though we are not experts in current planning rules) the consolidation of an outbuilding into a proposal was only considered if the outbuilding was within 5 metres of the original accommodation, and the size of the outbuilding allowed was restricted to be a reasonable proportion of the proposal.
- The next stage in this process of erosion of the planning rules could involve arguing that demolition of a hut in the green belt some 2 or 3 miles from a proposal would count towards justifying a proposal.
- The facilities that are proposed for demolition are amenities that could be considered necessary for the use of the grounds of the Hotel and Dell Park. These grounds must surely be designated as equestrian rather than agricultural.
- The lighting report cannot get round the fact that this was a totally dark area prior to the development.
- Whilst the proposal to use a heat pump is laudable, four air source heat pumps generate between 40 and 60 decibels each (continuously), whilst a ground source heat pump serving on a communal basis (ie all 4 properties) would generate under 40 decibels and could be placed near the existing car park.
- The Neighbourhood Plan will be calling for a demonstrable 20% increase in the ecology of the area of the development. The proposed planting scheme may or may not provide this but it does not assess what it does provide in any measurable form.
- Legally, it is difficult to see how these houses could be permanently tied to being part of the hotel and at some future date be sold for redevelopment and expansion into the fields between them and Wick Lane. Legal agreements rarely last in perpetuity if expertly challenged
- To make it more acceptable we suggest that all three of the following are necessary.
 - a. Revise the boundaries of the Fairmont Hotel to include the whole of Dell Park and include this proposal within it. This clarifies that this is not a separate development, is part of the Hotel, and includes within its grounds any proposals to demolish (and not replace) buildings in compensation.
 - b. The offering of stables and huts to compensate for the proposal is in our opinion unacceptable. These buildings should be left as amenities potentially needed by the hotel, and the demolition of Dell Park House, which obviously is a habitable building, offered as the main habitable building to be removed, with outbuildings, if necessary, to make up the proposed 500 sq m area.

c. A strong legal agreement tying the proposal to the hotel in perpetuity, and/ or the provision of temporary planning permission that is renewable every (say) 4 years but only if the developments association with the hotel is continued and approved.

- 6.4 A letter of representation has also been received from the Englefield Green Village Residents Association which is summarised below
- Express strong objection to the proposed retrospective planning application.
 - The application should be refused as it clearly contravenes Green Belt policy. It goes without saying that the Green Belt is of great importance to our village and its residents.
 - Wish to reiterate the objections raised by the Englefield Green Village Neighbourhood Forum.

7. PLANNING CONSIDERATIONS

- 7.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are considered to be the principal of the development within the Green Belt and the impact upon the Green belt. The impact of the development upon the character of the area, the impact upon highway safety and the impact upon existing trees and biodiversity. Consideration also needs to be given to drainage, the impact upon the Mineral safeguarding Area, Sustainable Design and the impact upon the amenities of existing surrounding properties.
- 7.2 The Government attaches great importance to Green Belts. The NPPF confirms that a local planning authority should regard the construction of new buildings within the Green Belt as inappropriate unless the development falls within the exceptions contained within paragraph 149. This retrospective planning application is not considered to fall within the exceptions contained within paragraph 149 of the NPPF and on this basis the development is considered to be inappropriate development, by definition, within the Green Belt. The development given its floor area, scale and massing is also considered to result in a development which would be harmful to the openness of the Green Belt and would conflict with the purposes of the Green Belt. This harm is considered to be significant. Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.3 Policy EE17 (Infilling or Redevelopment on Previously Developed Land in the Green Belt) of the Runnymede 2030 Local Plan confirms that the limited infilling or partial or complete redevelopment of previously developed land (excluding temporary buildings) is not inappropriate in the Green Belt providing there would be no greater impact on the openness of the Green Belt than the existing development. The development given its floor area, height and massing is not considered to comply with this policy.
- 7.4 The applicant has submitted a package of material considerations in support of their development which they consider represent the 'very special circumstances' to support this application. These are summarised within paragraph 3.3 above. The development is considered to represent an inappropriate and harmful development within the Green Belt (by definition) which would also have harmful impacts upon the openness of the Green Belt. The development would also conflict with the purposes of the Green Belt. This would be contrary to paragraph 149 of the NPPF. In conclusion there is clearly harm in these respects which weigh significantly against the proposal and which will need to be taken into account when considering whether any 'very special circumstances' exist which would clearly outweigh the

- harm to the Green Belt. It is therefore necessary to consider whether any other harm would arise from the proposed development.
- 7.5 The Government attaches great importance to design within the NPPF advising that developments should function well and add to the overall quality of the area, be visually attractive because of good architecture and layout and provide appropriate and effective landscaping. New developments should also be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Policy EE1 of the 2030 Local Plan requires all development proposals to achieve high quality and inclusive design which responds to the local context including the built, natural and historic character of the area while making the efficient use of land. The development is considered to be of a high quality of design incorporating high quality materials. The application site and the wider Hotel site is located within large, mature landscaped grounds including existing tree planting along its boundaries. The proposal introduces four tree houses within an area of existing mature planting. It is considered that the scale, positioning and design of the tree houses result in a form and scale of development which is both sympathetic to the existing local character and will add to the overall quality of the area. The development also includes a new high quality soft landscaping scheme to create new areas of planting across the site. The development is considered to comply with policy EE1 of the Runnymede 2030 Local Plan, guidance within the Runnymede Design Guide and design policy within the NPPF.
- 7.6 Policy SD4 (Highway Design Considerations) of the Runnymede 2030 Local Plan confirms that the Council will support development proposals which maintain or enhance the efficient and safe operation of the highway network and which take account of the needs of all highway users for safe access, egress and servicing arrangements. The development is not considered to result in any material increase in traffic movements either within or surrounding the application site given the limited scale of the development which is restricted to four detached treehouse lodges. The County Highway Authority have undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the development would not have a material impact on the safety and operation of the public highway. The development is therefore considered to comply with policy SD4 of the Runnymede 2030 Local Plan and relevant policy within the NPPF.
- 7.7 The application is supported by an Arboricultural Impact Assessment (AIA) which considers the impact of the development upon existing trees and recommends associated works to protect the existing trees to be retained as part of the development. The AIA advises that the tree houses and an access road have been constructed in an area containing mature trees, including Oak, Horse Chestnut, Sycamore, Lime and Liquidamba. The AIA advises that five low quality trees and sections of laurel undergrowth were proposed for removal as part of the development. No trees of any significance are proposed for removal. In addition, tree surgery has been recommended to reduce tree related hazards which relates mainly to the removal of major deadwood. Work is also recommended for a mature sycamore (T12) which has extensive basal decay and will be reduced to a 7m stem to reduce the risk of failure and an Oak (T33) which has an acute lean over one of the tree houses and where crown reduction is recommended to reduce the risk of wind blow. The AIA also recommends ground protection where new access routes are proposed to protect any underlying roots from any further construction activities. Any hard surfacing for paths or parking areas within the root protection area of trees must be constructed using a no-dig method of construction. The AIA also confirms that on the completion of the construction, but before soft landscape works are completed, soil compaction should be alleviated by injecting high pressure air and nutrients into the root zone. This should be undertaken throughout all of the root protection areas where there has been ground disturbance. The AIA recommends that soft landscape works carried out within Root Protection Areas must be undertaken with great care so as not to damage shallow roots. Rotovators or other heavy mechanical cultivation must not be used within the root protection areas. Any ground cultivation must be undertaken by hand carefully working around any tree roots found.

- 7.8 The AIA however confirms that at the time of the site visit no tree protection measures were in place. It is therefore possible that root damage will have been caused to existing trees. The AIA recommends that the results of any root damage are likely to become evident over the next 3 years during which time the existing trees should be regularly checked for safety and condition. Decompaction works will help alleviate any soil compaction that has occurred as a result of the development. However, in order to mitigate against any potential damage caused to existing trees the AIA is supported by a planting plan which provides for the new planting both within and surrounding the tree houses to include 30 semi-mature trees, 45 large shrubs and native hedging.
- 7.9 The Councils Tree Officer advises that whilst it cannot be quantified damage to the retained trees will have occurred and some of the trees are subject to TPO 442. It is also not clear whether there was any further tree removal to enable the development. The Councils Tree Officer agrees with the recommendations within the AIA and the proposed new tree planting noting that the effects of the development on the existing trees will not be evident for some years. However, it is proposed to mitigate the possible effects by planting larger trees both within and surrounding the tree house lodges. On this basis the Councils Tree Officer raises no objection to the development subject to a condition to ensure that all the recommendations in the submitted tree report are undertaken including the proposed tree and shrub planting offered as mitigation to offset the proposed tree and laurel removal and the potential damage to the existing trees to be retained. On this basis it is considered that the development will comply with policies EE1 and EE11 of the Runnymede 2030 Local Plan and policy within the NPPF.
- 7.10 The application is supported by a Preliminary Ecological Appraisal (PEA) which confirms that the development is not considered to have any impacts upon either statutory or non statutory designated sites. The PEA advises that the site is positioned within deciduous woodland which has the potential to impact upon this habitat and makes recommendations for the development. The appraisal also highlights the positioning of a Veteran Pedunculate Oak positioned outside of the application site to the south east. A badger set has been identified in the PEA close to the eastern boundary of the site over 30 metres from the closest tree house or access route. Given the nature of the development and the distance retained to the badger set the PEA concludes that the development should have no harmful impacts. However, a precautionary approach is recommended for any construction works within 30 metres of the badger set. The PEA advises that the existing trees shown for removal within the AIA are not considered suitable for bats and it is unlikely that bats will use these trees for either hibernation or as a temporary roost. The PEA concludes that other trees within the site have features with the potential to shelter roosting and hibernating bats and surveys of these trees would be required prior to any further works which have not been identified in the AIA. The PEA highlights an existing log cabin which is highlighted for removal as having a negligible -low potential to support roosting bats and it is recommended that the building be subject to a further survey prior to demolition. A separate survey has been undertaken on this structure which confirms no evidence of bats. The PEA confirms no further impacts upon any other legally protected species. The PEA provides recommendations with respect to site clearance and tree removal with respect to nesting birds, hedgehogs and invertebrates. The PEA also considers biodiversity net gain within the application site and recommends that this requirement be secured by a planning condition. A separate Lighting Report has also been submitted in support of the application which considers the design of external lighting to ensure that there will be no harmful impacts upon protected species.
- 7.11 The Surrey Wildlife Trust (SWT) have provided comments on the development recommending that the applicant should be made aware of the requirement to apply for a bat mitigation licence from Natural England where development activities may cause an offence. This requirement will be imposed as a planning informative should planning permission be granted for the development. The SWT also make recommendations regarding the proposed demolition of existing buildings to ensure a precautionary approach with respect to bats and have highlighted the need for a bat preliminary ground roost assessment to be undertaken by a suitably experienced ecologist prior to any tree works. The SWT also make recommendations

- regarding external lighting, the removal of *rhododendron ponticum* and biodiversity net gain and a LEMP which will be secured through planning conditions and planning informatives should planning permission be granted for the development.
- 7.12 The Surrey Wildlife Trust have raised concerns regarding the risk of ecological harm during construction works and recommend that a planning condition be imposed on any permission granted to secure the submission of a Construction Environmental Management Plan. The SWT also make recommendations to secure further clarification from the applicant to ensure that the development was undertaken to ensure best practice with respect to badgers, birds and tree protection. This application is retrospective and has therefore already been carried out on the site and is substantially complete. A planning condition requiring a Construction Environment Management Plan would therefore not be appropriate in this situation as construction activities are almost complete. A planning condition however is recommended to provide biodiversity enhancements within the site and the submission of a Landscape and Ecological Management Plan (LEMP) to mitigate against any potential damage caused during construction works. On the basis of the above and subject to conditions it is considered that the development will comply with Policy EE9 of the Runnymede 2030 Plan and relevant policy within the NPPF.
- 7.13 The applicant has submitted a supporting drainage statement as part of the application which advises that surface water drainage will be designed to flow towards an existing drainage ditch which drains across the site directing water to nearby ponds. The Council's Drainage Section have assessed the application and have advised that further information is required to ensure that the development conforms to sustainable drainage principles. The applicant has submitted further details relating to drainage and this is currently being considered by Officers. Comments are also awaited from the Councils drainage section. Officers will provide an update to the planning committee in the addendum. In any event it is considered that a planning condition could be imposed on any permission with respect to drainage. On this basis it is considered that the development complies with policy EE13 of the Runnymede 2030 Local Plan and policy within the NPPF.
- 7.14 The application site also falls within a Mineral Safeguarding Area where Surrey County Council seek to prevent the sterilisation of mineral resources by other development. It is not considered that there would be any harmful impacts upon the Mineral Safeguarding Area given the nature of the development and the existing use of the land. However, comments are awaited from Surrey County Council.
- 7.15 The Runnymede 2030 Local Plan requires development to demonstrate and implement sustainable design measures. The application is supported by a Sustainable Design Statement which advises that the development has been designed and carried out to a high standard of sustainability. This statement confirms that the development includes high standards of insulation and the risk of overheating has also been taken into account in the design. Each treehouse lodge will use only low energy LED lighting and energy efficient appliances. Heating and hot water for each treehouse lodge is provided by an air source heat pump sited beneath the wooden staircase access to each treehouse lodge. A hot water heat store is located inside each treehouse linked to an underfloor heating system. In addition, there is heat recovery ventilation to the bathrooms and a wastewater heat recovery system (WWHRS) fitted to the showers to reuse heat transferred from the shower waste to the incoming supply. A log burner in each treehouse is principally for amenity purposes and will be a secondary heating system. All energy used at the site will be electrical, with no gas supply. The option for photovoltaic(PV) panels was not considered appropriate due to shading which will occur from the existing woodland canopy. It is therefore considered that the development will comply with policy SD7 of the Runnymede 2030 Local Plan and relevant policy within the NPPF.
- 7.16 Policy EE1 of the Runnymede 2030 Local Plan requires development to have no adverse impacts on the amenities of neighbouring property or uses. Given the design and positioning of the treehouse lodges within the application site and the distances retained to existing surrounding properties and uses the development is not considered to have any harmful

impacts. The development is therefore considered to comply with policy EE1 of the 2030 Local Plan and policy within the NPPF.

- 7.17 It is therefore necessary to consider whether any very special circumstances exist in this particular case which will clearly outweigh the harm to the Green Belt. As outlined above this retrospective planning application is not considered to fall within the exceptions contained within paragraph 149 of the NPPF and on this basis the development is considered to be an inappropriate and harmful development, by definition, within the Green Belt. The development is also considered to result in a development which would be harmful to the openness of the Green Belt and would conflict with the purposes of the Green Belt. This harm has been identified as significant. There would be no other harm arising from the proposals as identified above.

Very Special Circumstances Assessment

- 7.18 The total gross external floor area of the development is **500** square metres. It is acknowledged however that the treehouse lodges have been designed on stilts which result in an increased height of the lodges extending to some 7.57 metres. Whilst the area beneath the development will be predominantly open it is considered that the design on stilts has substantially increased the height, bulk and massing of the development within the Green Belt.

This application however includes the removal of existing buildings some of which have already been demolished as part of this programme of works.

Originally it was proposed to demolish buildings that had a cumulative gross external floor area of some 502.25 square metres. Following discussions with Officers the applicant has agreed to demolish an additional stable building within Dell Park House. This additional stable block to be demolished has a gross external area of some 196.4 square metres it is also "H" shaped and similarly to the stilted arrangements of the new tree houses has a larger visual impact than its actual floor space.

The addition of this building to the demolition plan, means that a total of **699 sqm** of development is now proposed to be demolished. In absolute floor space terms the reduction in floor space is around a 40% decrease.

The applicant has also advanced that the development "is positioned within an area of existing mature planting and is positioned on land which is at a lower level when compared to open land positioned to the rear (north). This layout and design will seek to reduce the impact of the development upon the Green Belt and restrict the impact of the development when viewed publicly from outside of the site."

A decrease of 199 square metres of floor space and a reduction in the spread of built development across the wider site is considered a very significant spatial improvement in green belt terms.

It is considered that the removal of existing buildings of very significant floor space can be given **Very significant weight**.

- 7.19 The Surrey Hotel Futures Study Report (August 2015) recognised the significant potential and need for hotel development in all Surrey Districts and Boroughs and clearly demonstrated that further hotel development was considered to be vital to support the future growth of the county's economy. This report was a major component of the 'very special circumstances' put forward to justify the redevelopment of the existing Savill Court Hotel to provide a luxury 5* hotel, spa and conference centre within the borough. 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 it comprises only the Savoy Hotel London, St Andrews in Scotland and now the new

- Fairmont Windsor Park Hotel. The newly built 5* luxury Fairmont Windsor Park Hotel has directly addressed the key deficiencies identified in this study and will bring 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. **Noted but no weight an existing situation.**
- 7.20 The Surrey Hotel Futures Study Report also noted the growth of alternative accommodation and facilities at luxury country house hotels including a number of the UK's luxury country house hotels which have invested to expand their accommodation and leisure offer to provide alternative accommodation options such as tree houses at Chewton Glen in Hampshire and luxury woodland holiday homes at The Cornwall Hotel & Spa at St Austell in Cornwall. The applicant has advised that these growing trends towards specialist accommodation has continued with the erection of treehouses at Chewton Glen, New Milton Hampshire being the same model as those at the Fairmont Hotel. In addition, new specialist hotel accommodation has been granted at Legoland, Windsor. **Moderate weight**
- 7.21 Paragraph 81 of the NPPF confirms that planning decisions should help create the conditions in which businesses can invest, expand and adapt. The NPPF confirms that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The NPPF stresses that the approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. The Runnymede 2030 Local Plan also recognises the importance of the Borough's hotels in supporting local visitor attractions, the local business community, as well as providing direct employment and supporting local firms that provide goods and services. The Local Plan also recognises that the range and quality of hotel and tourism accommodation can also make a significant difference to the number of tourists that visit and stay in a place. Despite the Borough's varied and unique assets, the Local Plan confirms that there remains scope for further improvement in the quality of the visitor experience.
- 7.22 The applicant has advised that the new treehouses will provide a unique offer for guests seeking exceptionally high standards of accommodation in a natural, private setting close to the existing high quality 5* facilities at the hotel. The applicant has advised that whilst the quality of the new Fairmont Hotel is far superior to the original Savill Court Hotel it does not, unlike many country house competitor hotels, have a niche offer such as a golf course, specialist sports facilities, fishing, or other specific outdoor leisure pursuits. The ability to offer such a facility such as treehouse accommodation provides a special and unique feature which emphasises the hotel's rural location and will help the hotel to remain competitive with other high quality hotels across the Country. The applicant has confirmed that the treehouses are of considerable importance to the branding and marketing of the hotel and to its commercial success. **Moderate Weight**
- 7.23 Any very special circumstances are required to be assessed against the specific circumstances of the application site in question and the specific development proposals under consideration. These must be fully balanced against any harm identified. It is concluded that 'on balance' these material considerations in combination would amount to 'very special circumstances which would justify the development and clearly outweigh the 'significant harm' which has been identified to the Green Belt.
- 7.24 On the basis of the package of 'very special circumstances' a planning condition is recommended on any permission granted to secure the removal of Class E permitted development rights with respect to Dell Park House. This would prevent the applicant erecting detached outbuildings within the curtilage of this residential property and should the applicant wish to pursue such development a planning application would need to be submitted for the full consideration of the Local Planning Authority. It is also recommended that any approval should be subject to the prior completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) to ensure the treehouse lodges remain ancillary to the existing use of the Fairmont Hotel (Use Class C1) as visitor accommodation. This will ensure the development remains ancillary visitor accommodation to the existing hotel and will

prevent any future changes of use such as their conversion to independent residential accommodation.

- 7.25 Guidance within the NPPG (Enforcement and Post Permission Matters) advises that Enforcement Action should be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. In deciding each case the NPPF confirms that local planning authorities should avoid taking formal enforcement action where the development is considered to be acceptable on its planning merits.

8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The application relates to development linked to the existing hotel use (Use Class C1). On the basis that the development would not comprise either residential or office development it is considered that the development would not be CIL liable.

9. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

- 9.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which imposes a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

10. CONCLUSIONS

- 10.1 This retrospective planning application is not considered to fall within the exceptions contained within paragraph 149 of the NPPF and on this basis the development is considered to be an inappropriate and harmful development, by definition, within the Green Belt. The development is also considered to result in a development which would be harmful to the openness of the Green Belt and would conflict with the purposes of the Green Belt. This harm has been identified as significant. It is considered however that material considerations exist in this particular case which would cumulatively amount to 'very special circumstances' which would justify the development and which would clearly outweigh the 'significant harm' which has been identified to the Green Belt.
- 10.2 The development is considered to represent a high quality of design which will seek to protect and enhance the character of the area. There is not considered to be any harmful impacts upon highway safety. It is acknowledged that the development may have caused some damage to existing trees within the site (including those subject to a TPO). However, it is considered that any potential harm to existing trees can be reduced by soil compaction works and the use of a no-dig method of construction for new hardsurfaced areas. In addition an extensive new landscaping scheme is proposed in order to mitigate and offset any damage which may have occurred. With respect to biodiversity this application is retrospective and has therefore already been carried out on the site and is substantially complete. A planning condition requiring a Construction Environment Management Plan would therefore not be appropriate in this situation. Planning conditions are however recommended to protect

biodiversity including a planning condition to provide biodiversity enhancements within the site and the submission of a Landscape and Ecological Management Plan (LEMP) to mitigate against any potential damage caused during construction works. The development will be designed to comply with council policies relating to drainage and has been built to a high quality utilising sustainable design principles. The development is not considered to have any impact upon the Mineral safeguarding Area. Comments are however awaited from Surrey County Minerals and the committee will be updated by the addendum. The development is also considered to protect the amenities of existing surrounding properties and uses. The development has been assessed against the following Development Plan policies SD4, SD7, EE1, EE9, EE11, EE13, and IE4 of the Runnymede 2030 Local Plan, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

11. FORMAL OFFICER RECOMMENDATION

The CHDMBC be authorised to grant planning permission subject to no objections being received from the Minerals Planning Authority and the completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) to ensure the development remains ancillary to the existing use of the Fairmont Hotel (Use Class C1) as visitor accommodation.

And the subject to the following planning conditions:

1 List of approved plans

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans:

Block Plan 063(A)-GA-101 Rev P4 received 07.06.2022

Site Location Plan 063(A)-GA-100 Rev P3 received 23.03.2022

Deck Level Plan (051) received 23.03.2022

Ground Level Plan (050) received 23.03.2022

Roof Plan (052) received 23.03.2022

Elevations 3 and 4 (054) received 23.03.2022

Elevations 1 and 2 (053) received 23.03.2022

Sections AA and BB (055) received 23.03.2022

Reason: To ensure a high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and policy guidance in the NPPF.

2 External materials (as approved plan)

The development hereby permitted shall be constructed entirely of the materials as detailed within the Planning and Design Statement received 23.03.22 to include the following:

Roof - Charcoal grey standing seam metal roof.

Elevations - Vertical wooden cladding

Reason: To ensure a high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

3 Sustainable Design

The development hereby permitted shall be undertaken in complete accordance with the Sustainable Design Statement received on the 23.03.2022 and shall thereafter be retained and maintained unless a variation is approved in writing by the Local Planning Authority.

Reason: To ensure a sustainable design and to comply with policy SD7 of the Runnymede 2030 Local Plan and policy within the NPPF.

4 External lighting and floodlighting

Before any external lighting, including floodlighting, is installed at the site further details shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include details of the design of the lighting, its positioning within the site and details of lighting levels. Once approved the development shall be carried out in accordance with the approved details and be retained unless a variation is approved in writing by the Local Planning Authority.

Reason: To protect the residential amenities of neighbouring properties and to protect wildlife and the Green Belt to comply with policies EE1, EE2 and EE9 of the Runnymede 2030 Local Plan and policy within the NPPF.

5 Biodiversity enhancements

Prior to the occupation of the development hereby permitted, a biodiversity enhancement plan (including a biodiversity net gain assessment) shall be submitted to and approved in writing by the Local Planning Authority. These details shall also include timescales for the provision of the biodiversity enhancements. When approved the development shall be undertaken in complete accordance with the approved details and permanently maintained thereafter unless a variation is approved in writing by the Local Planning Authority.

Reason: To ensure the provision of suitable biodiversity enhancements within the site in accordance with policy EE9 and guidance in the NPPF.

6 Tree works - Preliminary bat roost assessment

Prior to the commencement of the proposed tree works as detailed within the Arboricultural Impact Assessment received on the 24.03.2022 a Preliminary Bat Roost Assessment (including any mitigation measures) shall be undertaken by a suitably qualified ecologist and submitted to and approved in writing by the Local Planning Authority. When approved the development shall be undertaken in complete accordance with the approved details including any mitigation measures (if required).

Reason: To ensure that the proposed tree works do not cause harm to any protected bat species and to comply with policy EE9 of the Runnymede 2030 Local Plan and policy within the NPPF.

7 Protection of existing trees

The development hereby permitted shall be undertaken in complete accordance with the Arboricultural Impact Assessment received on the 24.03.2022 unless a variation is approved in writing by the Local Planning Authority.

Reason: In order to protect the existing trees from damage and to comply with policy EE11 of the Runnymede 2030 Local Plan and policy within the NPPF.

8 Details of hardsurfacing and the proposed 'no dig' method of construction.

Prior to the installation of any hardsurfacing further details of the design and finished levels of the proposed hardsurfacing including details of the proposed no-dig method of construction shall be submitted to and approved in writing by the Local Planning Authority. When approved the development shall be undertaken in complete accordance with the approved details unless a variation is approved in writing by the Local Planning Authority.

Reason: To ensure an acceptable design and to protect existing trees to be retained within the site to comply with policy EE1 and EE11 of the Runnymede 2030 Local Plan and policy within the NPPF.

9 Demolition of existing buildings

Prior to the occupation of the development hereby permitted the existing buildings shown for demolition (1-8 inclusive) as outlined within the submitted table and as identified upon the proposed block plan (063(A)-GA-101 Rev P4 received 7.6.2022 shall be completely demolished and all materials removed from the site.

Prior to their demolition further details of the proposed restoration of the land following demolition works shall be submitted to and approved in writing by the Local Planning Authority.

When approved the development shall be undertaken in complete accordance with the approved details and thereafter retained.

Reason: In order to accord with the terms of the application and the applicants package of 'very special circumstances' and to protect the Green Belt to comply policy within the NPPF.

10 Soft Landscaping

The development hereby permitted shall be undertaken in complete accordance with the supporting Landscape Statement produced by LDA Design and the supporting Planting Plan (drawing number 5717_330) received 23.03.2022.

Prior to the occupation of the development hereby permitted further details of the proposed times of planting and a Landscape Management Plan providing details of the ongoing maintenance of the new planting shall be submitted to and approved in writing by the Local Planning Authority.

When approved the development shall be undertaken in complete accordance with the approved details unless a variation is approved in writing by the Local Planning Authority.

Reason: To accord with the terms of the application and to preserve and enhance the character, appearance and biodiversity of the surrounding area to comply with Policies EE1, EE9 and EE11 of the Runnymede 2030 Local Plan and guidance within the NPPF.

11 Restricted Permitted Development Rights

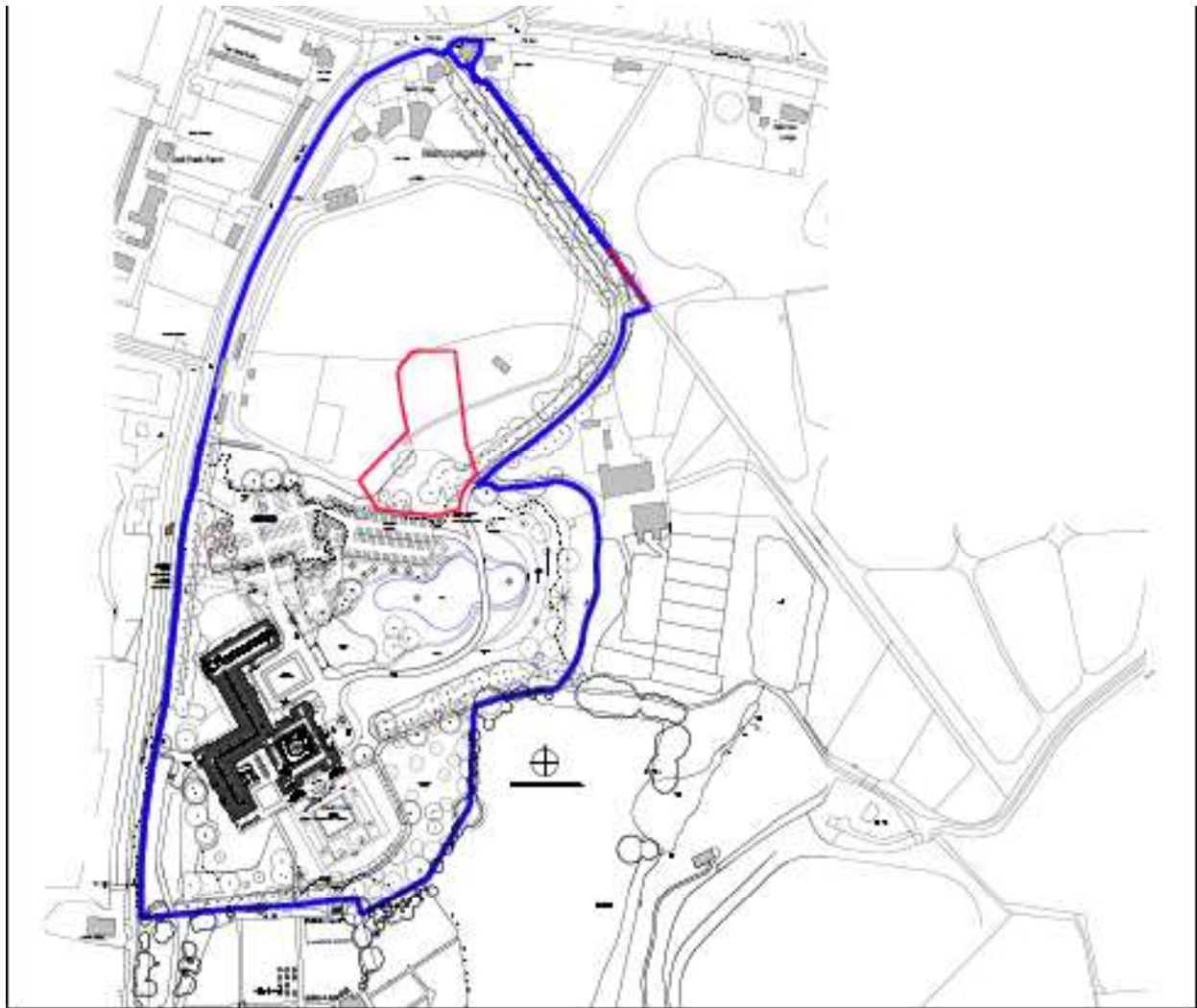
Notwithstanding the provisions of Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any orders amending or re-enacting that Order with or without modification, no development falling within the description of Class E with respect to Dell Park House shall be constructed or carried out, without the prior written permission of the Local Planning Authority.

Reason: To ensure the openness of the Green Belt is protected and to comply with Green Belt policy within the NPPF.

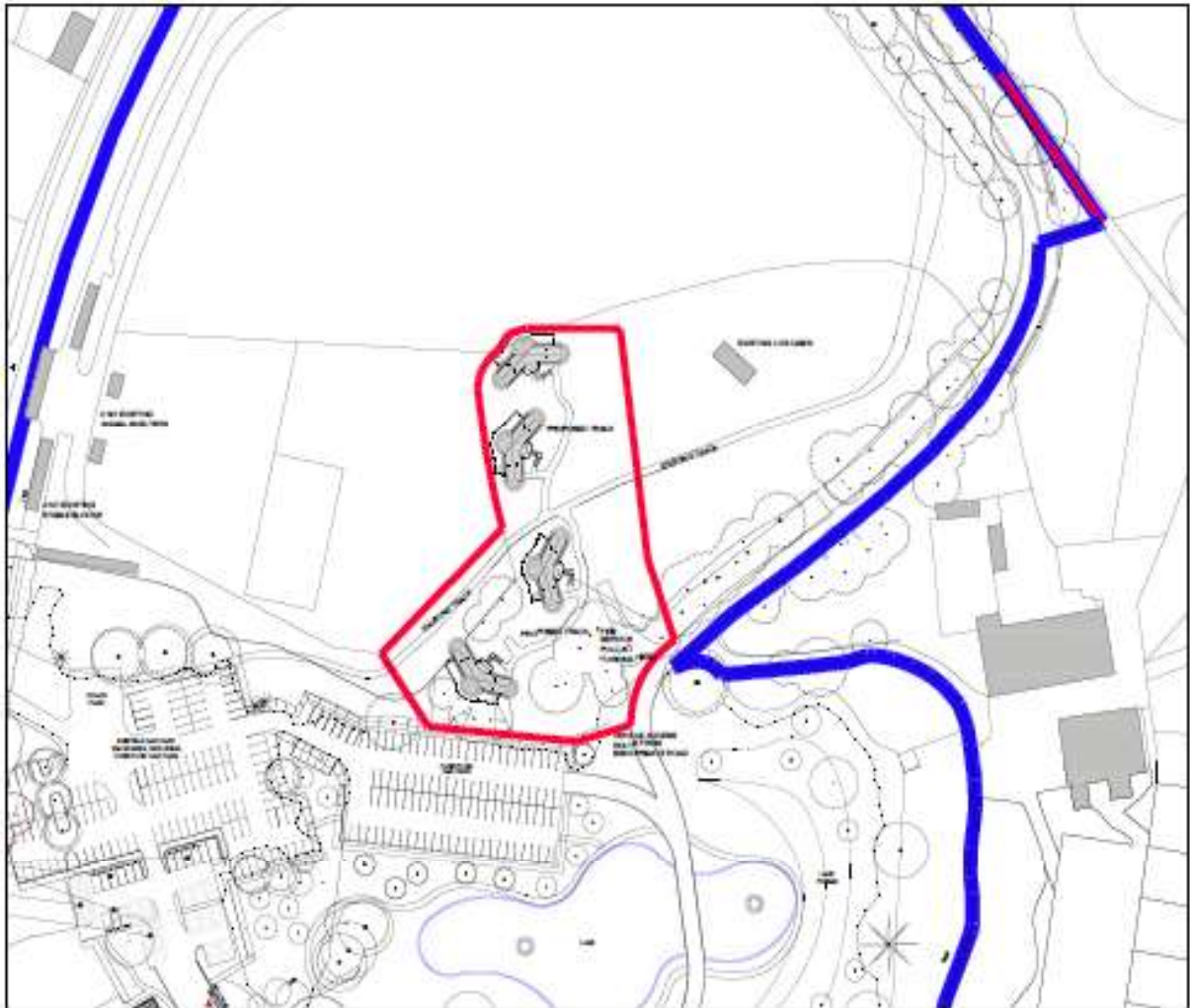
Informatives:

- 1 The applicant is advised of the comments received from the Surrey Wildlife Trust in their letter dated 27.04.22 with respect to the need to apply for a Bat Mitigation Licence from Natural England where activities may cause an offence to ensure that there is no harm to legally protected bat species.
- 2 The applicant is advised of the comments received from the Surrey Wildlife Trust in their letter dated 27.04.2022 which advises of a precautionary approach to the demolition of the existing buildings as outlined on the block plan (063(A)-GA-101 Rev P4) received 7.06.2022 to ensure that there is no harm to legally protected bat species. The Surrey Wildlife Trust advise that the buildings should be dismantled by hand to ensure any bats which may be sheltering beneath them will not be harmed. These works should ideally be timed to avoid the hibernation season (November to February inclusive). Workers should keep watch for fur and should be informed that bats take up to half an hour to rouse from the deep sleep that they enter each day called torpor and hence can easily be damaged before they are able to move when disturbed. If a bat is seen work should cease immediately and advice sought from Natural England or a qualified specialist.
- 3 The applicant is advised of the comments received from the Surrey Wildlife Trust in their letter dated 27.04.2022 with respect to invasive non-native species. The applicant will need to ensure they do not cause any invasive non-native species to spread as a result of the works associated with the development in order to comply with the relevant legislation. To prevent its spread Rhododendron Ponticum should be eradicated using qualified and experienced contractors and disposed of in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991. Further information on this species can be obtained from the GB Non-native Species Secretariat at 'www.nonnativespecies.org'.

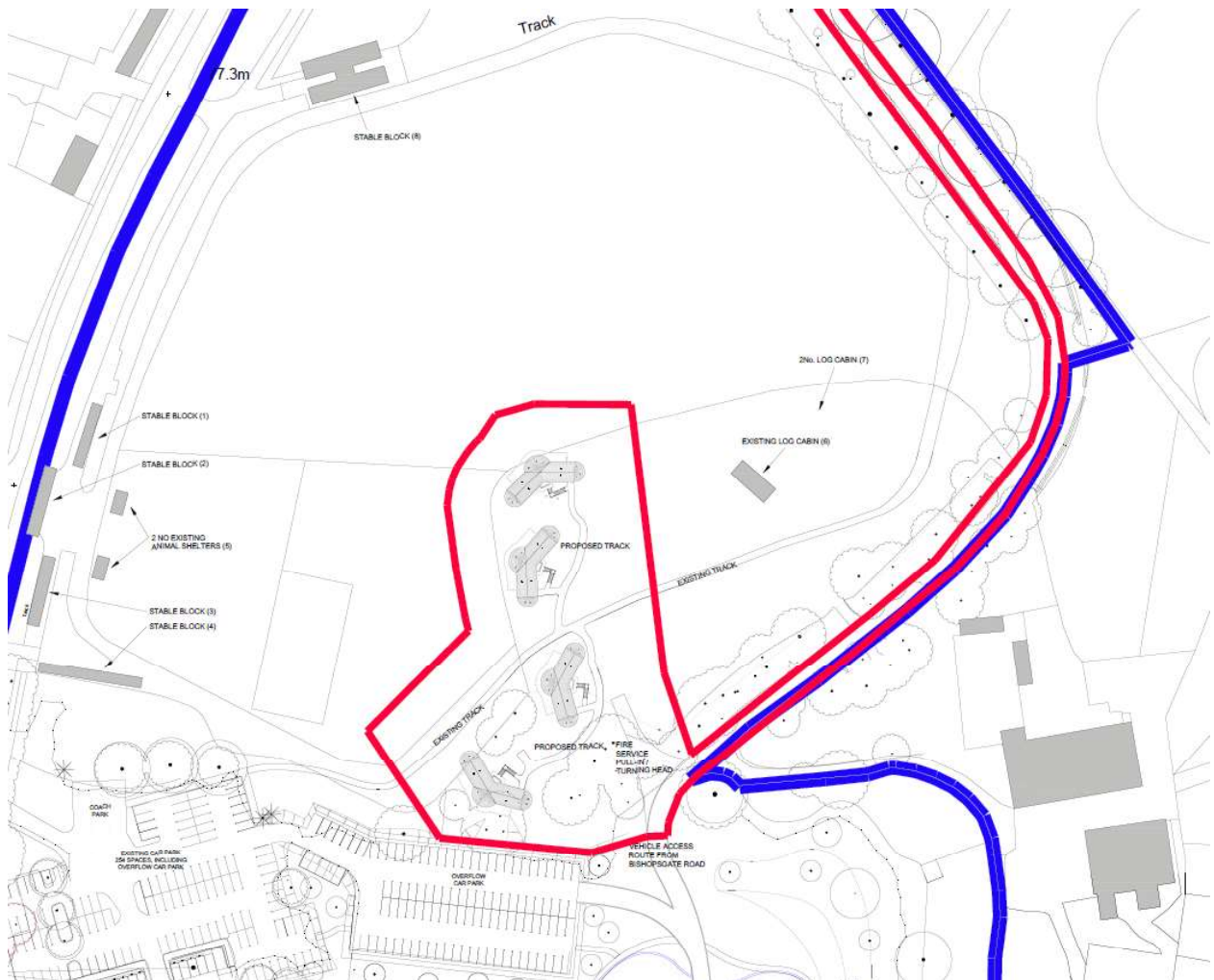
Location Plan



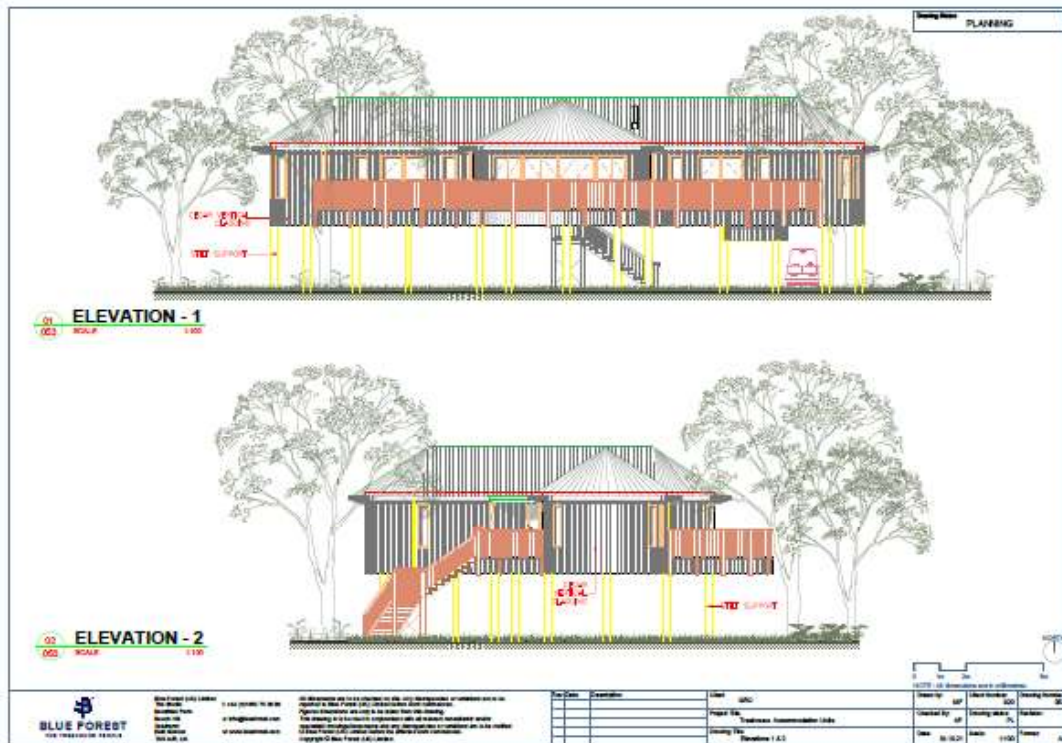
Proposed layout plan



Block Plan Showing Buildings to be Demolished



Elevations



Appeal Decisions

Site visit made on 25 January 2022

by [REDACTED]

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Appeal A Ref: APP/J1915/W/21/3272506

Bishops Stortford Lawn Tennis Club, Cricketfield Lane, Bishops Stortford CM23 2TD

- 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 Bishops Stortford Lawn Tennis Club against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2355/FUL, dated 23 November 2020, was refused by notice dated 23 February 2021.
 - The development proposed is Construction of two padel courts with canopy over & with associated floodlights & external works.
-

Appeal B Ref: APP/J1915/W/21/3275195

Bishops Stortford Lawn Tennis Club, Cricketfield Lane, Bishops Stortford CM23 2TD

- 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 Bishops Stortford Lawn Tennis Club against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0638/FUL, dated 11 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is Construction of two padel courts with associated floodlights & external works.
-

Decisions

1. Appeal A is allowed, and planning permission is granted for the construction of two Padel courts with canopy over and with associated floodlights and external works, at Bishops Stortford Lawn Tennis Club, Cricketfield Lane, Bishops Stortford CM23 2TD, in accordance with application Ref: 3/20/2355/FUL, dated 23 November 2020, and subject to the conditions in the attached schedule.
2. Appeal B is allowed, and planning permission is granted for the construction of two Padel courts with associated floodlights and external works, at Bishops Stortford Lawn Tennis Club, Cricketfield Lane, Bishops Stortford CM23 2TD, in accordance with application Ref: 3/21/0638/FUL, dated 11 March 2021, and subject to the conditions in the attached schedule.

Main Issues

3. The main issues common to both appeals are:
 - i) whether the proposals would constitute inappropriate development in the Green Belt;

- ii) the effect on the character and appearance of the surrounding area; and
 - iii) whether the proposals make appropriate provision for car parking, and if not, the effect of any under provision.
4. In addition, in relation to Appeal A, a further main issue is whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

5. The fundamental aim of Green Belt policy in the National Planning Policy Framework (the Framework) is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
6. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, an identified exception set out within the Framework relates to the provision of appropriate facilities (in the connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. Both proposals relate to the provision of new facilities for outdoor sport. Specifically, the proposals would make provision for Padel courts to facilitate and encourage participation in a growing sport. In both instances, the courts would be located in the same position on the site. This would be close to the entrance of the site and adjacent to existing tennis courts with their associated means of enclosures and floodlighting.
8. The principal difference between the two appeals relates to the proposed enclosure of the courts. Appeal A would introduce a tall structure with a barrelled roof thereby enabling use of the courts in all weathers. Appeal B does not propose such a structure.
9. The appeal site is a tennis centre and due to this use, there are a number of enclosures and lighting columns as well as courts themselves. This provides the site with an active use which impacts upon the openness of the Green Belt. In addition, there is a large building to the west of the specific location for the courts proposed. Built form is also apparent beyond the site and also opposite and it is in this context that the site for the proposed courts is experienced.
10. Despite this, Appeal A would introduce a degree of built form that would materially alter the openness of the site. It would be located on an area which currently has no built form, and which enables views to the existing courts. It also helps to provide the site with a degree of spaciousness when viewed from the site entrance and the public realm beyond. The introduction of a structure, albeit one with open sides, would, by its very nature, demonstrably alter the openness of the site. It would impact upon existing views both within and beyond the site and reduce the spaciousness that the site currently helps to

afford. Consequently, both visually and spatially, the proposal in Appeal A would reduce the openness of the Green Belt. Despite this effect, due to the surrounding context, I find that the impact on openness would only cause limited harm to the Green Belt.

11. Appeal B would introduce the same number of courts but without the associated structure. The built form would therefore only consist of the courts and associated enclosures and lighting columns. In light of the context in which the area would be experienced, I am satisfied that views into the site would not be materially altered, and the existing spaciousness would be preserved. Consequently, from both a visual and spatial perspective, this proposal would not harm the openness of the Green Belt.
12. I therefore conclude that having regard to Appeal A, the proposal would represent inappropriate development within the Green Belt. On this basis it would fail to comply with the Green Belt protection aims of the Framework as well as Policy GB1 of the East Herts District Plan (2018) (DP).
13. In contrast, in my judgement, due to the context of the appeal site, I am satisfied that Appeal B would preserve the openness of the Green Belt. I therefore conclude that it would not represent inappropriate development within the Green Belt, and that accordingly, it would comply with the Green Belt protection aims of the Framework as well as the same Policy identified above.

Character and Appearance

14. As identified above, the appeal site is host to numerous structures and courts that are associated within the Tennis Centre use. In addition, the surrounding environment contains a substantial presence of built form. As a consequence, the location of the proposed Padel Courts would be experienced within this well-established built context.
15. The location of the proposed courts would be close to the entrance of the site. However, due to the topography of the broader site, they would be located at a lower level than much of the existing built form. Accordingly, the courts would not dominate the site or be imposing when viewed from the site entrance. Instead, in both instances, I am satisfied that they would appear as a complementary addition to the well-established tennis centre which would not compromise the appearance of the broader site.
16. As a consequence, I conclude that for both appeals, the proposals would not harm the character and appearance of the surrounding area. They would therefore comply with Policies DES2, DES3 and DES4 of the DP. Taken together, these seek amongst other things, development of a high standard of design which conserves the character of the district's landscape.

Car Parking Provision

17. The Council point to an under provision of car parking on the site for the existing number of courts. Accordingly, in their view, an additional two courts would worsen the current situation. They also state that the appellant has not provided justification for what is perceived to be an under supply.
18. The under provision of car parking spaces is acknowledged. However, despite the Council's concerns relating to this matter, no evidence has been provided

to substantiate their concerns. For example, it has not been demonstrated that the existing parking provision is giving rise to indiscriminate car parking that is causing highway safety concerns. Nor has it been implied that the additional courts would worsen such a situation, or even generate one.

19. The concerns of the Council are understood. However, without substantive evidence, I have no reason to consider that an under supply of car parking spaces on site would give rise to highway safety concerns.
20. Consequently, based on the evidence before me, I conclude that the amount of parking spaces provided on the site would not have any detrimental effect on highway safety. The proposal would therefore comply with Policy TRA3 of the DP which establishes the parameters for sustainable transport.

Other Considerations

21. Due to my findings set out above, it is not necessary to consider this matter in relation to Appeal B. Accordingly, the following assessment relates solely to Appeal A.
22. Based on the evidence before me, the proposal stems from the national desire to integrate, build, accelerate and scale Padel as a sport within Great Britain. The Lawn Tennis Association seeks to provide 400 Padel courts by 2023 and accordingly, they have provided support to the proposal. The appellant also points to the housing growth that is forthcoming in the area and the need to provide additional sport and recreational facilities. The proposal would play a role in providing such facilities and the evidence suggests that it would also create opportunities for collaboration with schools to promote participation. In addition, the appellant suggests that the proposal garners support from the Council's Open Space, Sport and Recreation Supplementary Planning Document, as well as the Neighbourhood Plan.
23. The Framework is clear in how it promotes healthy and safe communities. Paragraph 98 confirms that access to a network of opportunities for sport and physical activity is important for the health and well-being of communities, and the benefits of physical activity for mental health are incredibly well-documented. As a consequence, I find that the opportunities of the proposal for promoting physical and mental well-being are a fundamental benefit of the proposal. Accordingly, this matter attracts very substantial weight in favour of the development.
24. Paragraph 148 of the Framework requires that substantial weight is given to any harm to the Green Belt. It also confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
25. As identified above, the proposal would represent inappropriate development and would cause some limited harm to the openness of the Green Belt. Due to the limited harm to openness, despite giving substantial weight to this matter, I find that this should be on the lower end of the spectrum of substantial weight. In contrast, due to the benefits that the proposal would facilitate, I find that the contribution towards a healthy community should attract very substantial weight, to such an extent that would clearly outweigh the harm that would be caused to the Green Belt. Consequently, on the basis of the other

considerations before me, I conclude that the very special circumstances necessary to justify the proposal do exist.

Conditions

26. In light of my findings for both appeals, conditions are necessary to control and manage the implementation of either proposal. Due to the nature and similarity of the proposals, I am satisfied that the conditions can be duplicated but two schedules are set out below because two decisions are being made.
27. Conditions 1 and 2 are necessary in the interests of clarity and precision. Condition 3 is necessary to the archaeological sensitivities of the site, and condition 4 is necessary to ensure proposed lighting is sensitive to its surroundings. This condition has been amalgamated with other suggested conditions by the Council so as to provide a clearer decision.
28. Condition 5 is necessary to promote sustainable modes of transport, and condition 6 is necessary to ensure that the developments are sympathetic to their surrounding context. Condition 7 is necessary to ensure a suitable landscaping scheme is proposed and conditions 8 – 10 are necessary to protect the amenities of neighbouring land users. Finally, condition 11 is necessary to ensure suitable tree protection.
29. Where conditions require information to be provided prior to the commencement of development, the appellant has confirmed their acceptance in writing.
30. The Council suggested additional conditions in relation to the provision of electric vehicle charging, and turning space on site. However, on the basis of the evidence before me, I find that these conditions fail to meet the tests established within the Framework. Accordingly, they have not been imposed.

Conclusion

31. For the reasons identified above, both appeals should be allowed.


INSPECTOR

APPEAL A - SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
- 2) The development hereby approved shall be carried out in accordance with the following drawing numbers: 08B.20.LP Rev A; 08B.20.10; 08B.20.11; 08B.20.12.
- 3) No development or groundworks shall take place until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to commencement of the development hereby approved, details of external artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:
 - a) Lighting contours to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'.
 - b) measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires.
 - c) a plan detailing the aiming angle and light spill of the proposed lighting for each Padel court.
 - d) Confirmation that the intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.

The approved details shall be implemented prior to use of the development and thereafter be permanently retained.

- 5) Prior to the first use of the development hereby permitted, a scheme for the parking of 8 cycles shall be submitted detailing the position of the cycle parking and the dimensions of the cycle storage and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
- 6) The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans, or in materials which have been approved in writing by the Local Planning Authority.
- 7) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or

contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

- 8) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.
- 9) The use of the Padel courts hereby approved shall be restricted to the hours 08:00 to 22:00.
- 10) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular(but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.
- 11) All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

APPEAL B – SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
- 2) The development hereby approved shall be carried out in accordance with the following drawing numbers: 08B.20.LP Rev A; 08B.20.10A; 08B.20.11A; and 08B.20.12A.
- 3) No development or groundworks shall take place until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to commencement of the development hereby approved, details of external artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:
 - a) Lighting contours to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'.
 - b) measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires.
 - c) a plan detailing the aiming angle and light spill of the proposed lighting for each Padel court.
 - d) Confirmation that the intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.

The approved details shall be implemented prior to use of the development and thereafter be permanently retained.

- 5) Prior to the first use of the development hereby permitted, a scheme for the parking of 8 cycles shall be submitted detailing the position of the cycle parking and the dimensions of the cycle storage and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
- 6) The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans, or in materials which have been approved in writing by the Local Planning Authority.
- 7) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or

contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

- 8) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.
- 9) The use of the Padel courts hereby approved shall be restricted to the hours 08:00 to 22:00.
- 10) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular(but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.
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