



17/00752/FUL

Scale 1:1,250 243 Thames Side, Chertsey. KT16 8LD

© Crown copyright and database rights 2014 Ordnance Survey 100024284.



## Planning Committee

23 August 2017



<b>Application No:</b>	<b>17/00752/FUL</b>		
<b>Site Address:</b>	243 Thames Side, Chertsey, KT16 8LD		
<b>Proposal:</b>	Erection of a detached two storey dwelling and associated wheel chair access (following division of plot)		
<b>Applicant:</b>	Kye and Nicole Gbangbola		
<b>Ward:</b>	Shepperton Town		
<b>Call in details:</b>	The application is being reported to the Planning Committee at the discretion of the Planning Development Manager.		
<b>Case Officer:</b>	Matthew Churchill		
<b>Application Dates:</b>	Valid: 22.05.2017	Expiry: 17.07.2017	Target: Over 8 weeks
<b>Executive Summary:</b>	<p>The proposal seeks planning permission for the erection of a detached two storey dwelling and associated wheel chair access, which would be constructed following the subdivision of the existing plot, and the removal of the existing garage to no.243.</p> <p>It is considered the proposed dwelling would be inappropriate development within the Green Belt (and would be materially larger than the garage it replaces). The scheme would also have an unacceptable impact upon the openness of the Green Belt site, contrary to Saved Policy GB1, and the National Planning Policy Framework (in particular paragraph 88 &amp; 89).</p> <p>The Council has to balance any 'very special circumstances' of the application against the 'harm' associated with inappropriateness within the Green Belt. In this instance, the impact upon the openness of the Green Belt, alongside 'other harm' in terms of flood risk, the impact upon a TPO tree within the site, an adverse impact on the street scene, the potential impact on Dumsey Meadow by the proposed sewage</p>		

	arrangements, the impact upon the amenity of no.243 Thames Side, and inadequate parking. The 'very special circumstances' put forward by the applicant do not 'clearly' outweigh the substantial harm in this case.
<b>Recommended Decision:</b>	The application is recommended for refusal.

## MAIN REPORT

### 1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- EN1 (Design of New Development)
- LO1 (Flooding)
- Saved Policy GB1 (Green Belt)
- CC3 (Parking Provision)
- EN6 (Historic Landscapes)
- EN7 (Tree Protection)
- EN8 (Landscape and biodiversity)
- EN9 (River Thames)

1.2 Also relevant is the Councils Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011, and the National Planning Policy Framework (NPPF), 2012

### 2. Relevant Planning History

STAINES/FUL/P10069/2	Erection of a garage and extension to existing garage.	Grant Conditional 13.02.1968
PLAN E/FUL/83/162	Erection of (a) a single-storey front extension to garage measuring 5 ft. 10 ins. (1.7 m) by 12 ft. (3.7 m) and (b) the construction of an accessway.	Grant Conditional 08.02.1984
SP/TPO/91/26	Crown thin by up to 30%, removing weak, crossing, damaged and superfluous branches. Raise crown to clear 10'.	Grant TPO Consent 24.12.1991

96/00041/TPO	Sycamore (T1) Crown thin by 30% removing weak crossing, damaged and superfluous branches and deadwood.	Grant TPO Consent 10.01.1997
98/00043/TPO	Sycamore (T1) crown thin by 25%, remove deadwood and epicormic growth and remove 4 lower limbs.	Grant TPO Consent 15.01.1999
05/00741/TPO	Crown reduction of 50% for the Sycamore (T1)	Refuse TPO 19.09.2005

### 3. Description of Current Proposal

- 3.1 The application site is occupied by a two storey semi-detached dwelling, situated on the eastern side of Thames Side, Chertsey. The property also contains a single storey detached garage, which is located at the south of the site. The River Thames runs to the west of the property on the opposite side of Thames Side, and the site is situated some 70 metres from Chertsey Bridge, which is a Grade II\* Listed Building. In addition, Dumsey Meadow, a Site of Special Scientific Interest (SSSI), is located approximately 72 metres to the south of the site. The street scene surrounding the property contains a mixture of single storey and two storey dwellings, and the Kingfisher Public House is located approximately 13 metres to the south of the property. The site contains a Sycamore Tree located within the rear garden, which is subject to a Tree Preservation Order (TPO 153/91 – T1). The property is also located within the Green Belt and the 1 in 20 year Flood Event Area (Flood Zone 3b), which is the highest level of flood risk.
- 3.2 The application proposes the erection of a two storey detached dwelling in the garden of no. 243 Thames Side, between no.243 and 245, which would be constructed following the removal of the existing garage. The works entail the sub-division of the plot, and the proposed dwelling would incorporate associated wheel chair access. The new dwelling would also contain 3 bedrooms, an integral garage, garden space at the rear, and wheel chair ramps that would be situated at both the front and rear of the property. There would also be an internal lift to allow wheelchair access to the first floor, and a roof terrace would also be contained within the front elevation. A parking bay would be available at the front of no.243 Thames Side, and a car ramp would provide access to the garage proposed within the new dwelling. An existing dwelling, no.244 Thames Side, also lies to the rear of the site.
- 3.3 Copies of the site layout and elevations are provided as an Appendix.

#### 4. Consultations

4.1 The following table shows those bodies consulted and their response.

Consultee	Comment
Environmental Health	It is recommended that any planning permission granted, has an informative on the proximity of a historic landfill, outlining basic gas protection measures that should be installed on site on a precautionary basis.
County Highway Authority	The County Highway Authority has no objection to the proposal.
Environment Agency	In accordance with the National Planning Policy Framework (NPPF) the EA OBJECT to the proposed development as the proposal falls within a flood use vulnerability category, which is inappropriate, and in any case a Flood Risk Assessment has not been provided.
Natural England	Comments that as submitted, the application could have potential significant effects on Dumsey Meadow Site of Special Scientific Interest (SSSI). Natural England requires further information regarding a proposed cess pit, in order to determine the significance of these impacts and the scope for mitigation.
The Council's Arboricultural Consultant	Objects due to the adverse impact upon the roots of the tree protected by Tree Preservation Order. The tree would dominate the rear garden and would be subject to increased pressure to heavily prune, which would reduce its value in the street scene.
Surrey Wildlife Trust	It does not appear that ecological information has been submitted with the application. It is therefore difficult for the Local Planning Authority to assess the impact of the proposal upon legally protected species.
Heritage Consultant	No objection.
Runnymede Borough Council	No objection.
Thames Water	No comments.

## 5. Public Consultation

The occupiers of eight neighbouring properties were notified of the planning application, and at the time of writing one letter of representation has been received, which objects to the proposal on the following grounds:

- The impact upon no.245 Thames Side and the character of the area.
- The scheme would interfere with the skyline and will exclude the view of the large sycamore within the rear garden.
- The dwelling would have an adverse impact upon the privacy of a neighbouring property.
- Concerns over the proposed balcony.
- The building would interfere with a large Sycamore Tree within the rear garden.
- A Party Wall Notice must be served (note this is not a planning matter).
- Potential concerns over the future sale of a neighbouring property (note this is not a planning matter).
- The site is within the 1 in 20 year, 3b flood plain.
- Concerns over the funding of the project (viability of the project is not a planning issue)
- Private rights of way for no.244 Thames Side (any private right of way is not a planning matter)

The Council has also received one letter of representation in support of the proposed works.

## 6. Planning Issues

- Green Belt.
- Flooding.
- Trees.
- Design and appearance.
- Amenity of the occupiers of neighbouring and adjoining residential properties.
- Parking Provision.
- SSSI.
- Listed Building.
- Contamination.

## 7. Planning Considerations

### 7.1 Green Belt

- 7.2 The National Planning Policy Framework (NPPF) 2012, (paragraph 89), states “a local planning authority should regard the construction of new buildings as inappropriate within the Green Belt”, with a number of exceptions, including amongst other things, “the replacement of an existing building, providing that the new building is in the same use, and is not materially larger than the one it replaces”, as well as limited infilling in villages.

- 7.3 Paragraph 88 of the NPPF also states “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt*”. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in ‘very special circumstances’. “*Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm, is clearly outweighed by other considerations*”.
- 7.4 Council Saved Policy GB1 states development will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness. This policy further states development in the Green Belt is inappropriate with exceptions amongst other things, including limited extension, alteration or replacement of existing dwellings.
- 7.5 The site is not located within a ‘village’ in the Green Belt, in the Local Plan, and therefore the claimed argument of ‘limited infilling’ set out in the NPPF cannot apply. The proposed dwelling would contain an external footprint measuring approximately 128 m<sup>2</sup> and would be two storeys (containing an internal floor space of approximately 186 m<sup>2</sup>). At this scale and in the context of the plot, whilst it is noted the existing garage (containing a footprint of approximately 25 m<sup>2</sup>) would be removed, the dwelling is substantially larger and cannot be considered in any way as a ‘replacement’ of this garage. The proposed house would also have an unacceptable impact upon the openness of the Green Belt, particularly given the scale of the dwelling, and the two storey nature of the scheme. The new dwelling is approximately 11.7 metres wide and substantially fills the approximate 14 metre gap between no. 243 and no. 245. This existing gap between the properties is part of the ‘openness’ of the Green Belt in this locality. The proposal is therefore considered to have detrimental impact the openness of the site, contrary to Saved Policy GB1 and the NPPF.
- 7.6 As set out within the NPPF, if permission were to be granted for such a proposal in the Green Belt ‘very special circumstances’ need to be demonstrated. The Design and Access Statement submitted in support of the application sets out what the applicant regards to be ‘very special circumstances’:
- 1) *The development of a new fully-accessible house is necessary for the applicant to be able to enjoy full access of his home, now that he is restricted to a wheel chair.*

#### Response

Whilst one of the applicants uses a wheelchair and has a requirement for the property to be able to accommodate his needs, a house could also be provided or adapted to his specification in a ‘non-Green Belt’ site. This is not a ‘very special circumstance’ to justify development of this Green Belt site.

- 2) *The applicant wishes to remain living close to the original family home and take advantage of the extensive garden.*

#### Response

Whilst the applicants would like to remain close to the original family home, this is not a 'very special circumstance'. Neither is the existence of a large garden a 'very special circumstance' to the development site of this Green Belt site.

- 3) *The applicant is not able to sell the current house and purchase a plot within the town where he might build a new home because of the difficulty of finding a suitable plot and the problem of finding temporary suitable accommodation in an adapted rental home while the new home is being built.*

#### Response

No evidence has been provided to demonstrate that such a plot would not come forward. Indeed the Council deals with a number of applications each year for single dwellings within the urban area, demonstrating there is some availability. As the site is close to the Borough boundary with Runnymede it would also be relevant to consider development opportunities within this borough as well. No valuation or technical evidence has been presented to demonstrate why the existing property cannot be sold at a price to enable another plot to be purchased, or another property or even the existing property to be adapted.

- 4) *The new proposed development between 243 and 245 Thames Side is able to sit without crowding the street elevation, acting as a sympathetic infill.*

#### Response

The proposal factually fills an open area of Green Belt, leading to a loss of openness, and cannot be regarded as sympathetic to the Green Belt. Additionally the openness to the side of this plot is also an important part of the character of the locality in terms of policy EN1. The proposal therefore cannot be regarded as sympathetic infill.

### 7.7 Conclusion on Green Belt Issues

In this case there is harm to the Green Belt, to which the NPPF requires substantial weight to be given. In addition there is an actual loss of Green Belt 'openness' to which very 'significant' weight is given. In assessing whether 'very special circumstances' exist, the tests in paragraph 88 of the NPPF also requires 'any other harm' to also be considered before judging whether the 'very special circumstances' and any 'other harm' are 'clearly outweighed' by other considerations.

This report goes on to identify other harm to:

- Flood Zone 3b (the highest level of flood risk) – This is given significant weight.
- A Sycamore within the site subject to a TPO (TPO153/91 – T1) – This is given significant weight.
- An adverse impact upon the character of the area – This is given significant weight.
- The amenity of no.243 Thames Side – This is given significant weight.
- Dumsey Meadow, a nearby SSSI, and contamination during flood events – This is given significant weight.

- 7.9 There are no credible 'very special circumstances' to 'clearly outweigh' the subsequent weight to the harm to the Green Belt and the subsequent harm arising from the other considerations set out.

### Flooding

- 7.8 Policy LO1 of the CS & P DPD and the Council's SPD on Flooding (July 2012), states the Council will seek to reduce flood risk and its adverse effects upon people and property within Spelthorne, by amongst other things, maintaining the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain, to both store water and allow the movement of fast flowing water, by not permitting any additional development including extensions.
- 7.9 The proposal seeks to introduce an additional residential dwelling into the 1 in 20 year flood event area (Zone 3b), which is the highest level of flood risk. It is noted the Design and Access Statement has included an assessment of flood risk, although it is stated that a full Environmental Flood Risk Assessment has not been carried out at this time. The Design and Access Statement further suggests that should a Flood Risk Assessment be required, it could be carried out as a condition should planning consent be granted. The Design and Access Statement further suggests that any problems associated within the plot being located within Zone 3b could potentially be addressed by raising the house sufficiently high to avoid being flooded.
- 7.10 The proposal seeks to introduce what is classified as a 'more vulnerable' use into Flood Zone 3b, which would contain a significant footprint. During the 2014 floods, this locality was extensively flooded with flood water coming through flood arches under the M3 to the north, and flowing across to Chertsey Bridge Road and westward across to Thames Side. This is a site which in a major flood event, would be in an area of fast flowing flood water and any development would impede the flow of water and reduce flood storage capacity, which can increase the impact of the flood elsewhere. Whilst it is proposed to construct the property with a floor level above the flood level, in a major flood, it would nevertheless be a further property to add to the challenge for the emergency services. Floods by their nature create risk to people's safety and can pose particular challenges for emergency services. That is why any added properties in flood risk area is contrary to local and national policy. The fact the property is specifically designed for wheelchair use suggests occupants that may inevitably add even further challenges to emergency services in a major flood event. As result the scheme presents even greater risks in the flood plain, and serves to undermine the seriousness of the flood risk concerns of this proposal.
- 7.11 The Environment Agency (EA) has also been consulted on the application, and has objected to the proposal on two grounds. Firstly the proposed development falls within a flood risk category that is inappropriate to the flood zone in which would be located, and secondly the EA has also recommended that planning permission is refused until a satisfactory Flood Risk Assessment has been submitted. The EA noted that the first objection could be overcome if the applicant demonstrates that the site is not located within

flood zone 3b. However, the Council's records indicate that the property is located within Flood Zone 3b, and as such a new dwelling or indeed a residential extension, is considered to be inappropriate development at the site from a flood perspective.

- 7.13 The NPPF advises generally that *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”*. The Planning Practice guidance issued by the Department for Communities and Local Government in 2014 includes advice on flood risk how to take account of and address the risks associated with flooding in the planning process. This guidance advocates a sequential, risk-based approach to the location of development. The approach is *“to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible”*.
- 7.14 The applicant states that a sequential test is not applicable in this instance *“as the applicant is only considering development on land that he already owns”*. The applicant states further that *“the alternative of selling the house and buying land on which to build a new home is not possible due to costs and the difficulty of finding an appropriate accessible home to rent in the meantime”*.
- 7.15 The NPPF advises that a sequential test should *“steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding”*. This means that development will be guided to Flood Zone 1, then Zone 2, and then Zone 3. It is considered that this proposal for a new dwelling in flood zone 3b requires a sequential test. The PPG states that *“it is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied (and they have not been satisfied), taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere.”* The NPPF sets out in a table a flood risk vulnerability classification. For flood zone 3b, only essential infrastructure is deemed to be appropriate and will be subjected to an Exception Test and water compatible uses. The site is located within close proximity of areas at lower risk of flooding which would be more suitable for this development, this point is also relevant in respect of Green Belt issues. In view of this and given the objection by the Environment Agency, it is considered that this proposal is unacceptable on flooding grounds.
- 7.16 In summary this site is located within the highest flood risk category where recent floods have highlighted the scale of risk that exists. The Council has a duty to take very seriously this risk in making planning decisions, and

there is no justification whatsoever to set aside proven risks so clearly evident in this case.

### Trees

- 7.17 Policy EN7 of the CS & P DPD states the Council will promote tree preservation orders wherever appropriate to safeguard healthy trees of amenity value, giving priority of those known to be under threat. This policy further states that permission will not normally be granted to fell preserved trees, but where such trees are felled replacement planting will be required.
- 7.18 The application site contains a Sycamore Tree situated within the rear garden, which is subject to a Tree Preservation Order (TPO 153/91 – T1), and provides considerable visual amenity to the surrounding locality. The applicant has submitted a Tree Survey and Assessment in support of the application. The Council's Arboricultural Officer was consulted, and reviewed the Tree Survey and Assessment and undertook a site visit. Following the site visit, the Arboricultural Officer objected to the application commenting:

*"I would object to the proposal for the following reasons:*

*The root distribution of T1 is likely to be greater within the proposed plot than shown due to the location of the adjacent property within the RPA (Root Protection Area), this means that the potential impact on the RPA is likely to be greater. The default position in BS5837:2012 is that structures should be located outside the RPA unless there is overriding justification and although they have tried to minimise the impact on the roots by specialist foundation design this in itself is not considered to be justification.*

*In addition underground services and pipe work such as sewers and soakaways are likely to lead to a conflict with the roots.*

*The tree will also dominate the new garden, especially the decking area to an unreasonable degree, debris and honeydew are going to create a continuous problem and pressure to heavily prune may be difficult to resist. This would reduce the value of this prominent tree which is important within the street scene.*

*The remaining trees are relatively low grade and are of no particular merit"*

- 7.19 It is evident the proposal would fundamentally prejudice the root system of this tree, and as the tree contributes significantly towards the visual amenity of the area, the application is considered to be contrary to policy EN7.

### Design and Appearance

- 7.20 Policy EN1 of the CS & P DPD states that the Council will require a high standard of design and layout of new development. Proposals should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land. Also of relevance is the

- 7.20 The application site is situated within a relatively wide plot, containing the frontages of both the existing dwelling house and detached garage. The surrounding street scene is predominantly characterised by detached and semi-detached dwellings sited within relatively large plots, which incorporate a generous degree of openness and spaciousness around them. However, it is noted no.242 Thames Side, located to the north of the application site, is an exception to this, as this property is situated within a relatively narrow plot. The proposed dwelling results in significant loss to the general openness between no. 243 and no. 245 Thames Side, which is an important part of the character of this part of Thames Side.
- 7.21 Whilst the plot sizes of both properties would allow for the garden space of each dwelling to exceed the Council's minimum garden area requirements, in terms of separation distances, the submitted site plan (PO2) appears to indicate that the proposed dwelling would project up to the common boundary with the sub-divided plot that would contain no.243 Thames Side. Furthermore, the proposed dwelling would be located approximately 1.1 metres from the southern flank of the host building. The Council's SPD on design indicates that two storey side extensions should be 'set in' a minimum of 1 metre from the boundary, and given that the proposed dwelling would project up to the northern boundary of the proposed plot, and would be located some 1.1 metres from the southern flank of no.243, the proposal is considered to result in a cramped form of development. Indeed, as outlined above, the proposed dwelling would measure a width of approximately 11.7 metres, and would be sited within the approximate 14 metre gap between the southern elevation of no.243 Thames Side, and the northern elevation of no.245 Thames Side. Aside from the loss of the openness of the plot as a whole, the width of the dwelling is considered to be disproportionate within the context of the plot, and bulk and a scale of the dwelling, would represent a cramped, over dominant form of development, which would result in the overdevelopment of the site.
- 7.21 Properties within this particular section of Thames Side and Chertsey Bridge Road, with the exception of no.242 Thames Side, are predominantly characterised by spacious plots, incorporating a relatively high degree of openness. The 'infilling' of the plot with a dwelling containing such a scale, width and bulk, particularly as a result of the two storey nature of the scheme, is from a design perspective, viewed to considerably detract from the open and spacious character of both the existing property, and dwellings within the surrounding street scene. The proposal would not therefore pay due regard to the characteristics of adjoining properties and land contrary to Policy EN1.
- 7.22 Whilst there is only a relatively small number of dwellings within the surrounding locality, acceptable levels of separation are necessary to ensure sufficient space between dwellings. The impact of the dwelling upon the open and spacious nature of surrounding properties, is considered to detract from the character of the surrounding street scene.

### Impact on Neighbouring Properties

- 7.23 Policy EN1 of the CS & P DPD states that new development should achieve a satisfactory relationship with adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook. The Council's SPD on new residential development provides detailed guidance on how to assess the impact on neighbouring properties.
- 7.24 The proposed dwelling would be sited at a distance of approximately 1.1 metres from the southern flank elevation of the host building. It was noted during the site visit that a number of ground floor window openings were contained within the southern elevation of the existing dwelling of no. 243. When measured from a height of 2 metres from the centre of the windows within the southern flank, the proposal would breach a 45° vertical arch and as such would be in breach of the Council's 45° Vertical Guide. This guide is design to ensure the height of two storey extensions or new dwellings either side of a property have an acceptable impact upon light. Given the position of window openings within this elevation and the scale and location of the proposed dwelling, it is viewed that the works would have an overbearing impact resulting in a loss of light.
- 7.25 The proposal is considered to have an acceptable impact upon no. 245 Thames side situated to the south of the application site. It was evident during the site visit this property contained a first floor window within the northern flank elevation, and whilst not visible during the site visit, it was also established whilst reviewing the planning history of this property that a ground floor window serving a utility area was also contained within this elevation. Given that this window does not serve a habitable room, it is not considered that an objection could be sustained on the grounds of light.
- 7.26 The proposed new dwelling would contain a roof terrace over the proposed garage. This would look out onto the River Thames, and the driveway area the front of the site. Given that the terrace would not overlook an area of amenity space, and also that no. 245 Thames Side, also contains an area of terrace at the front of the dwelling, it is not considered to be a reason to recommend the application for refusal.
- 7.27 The proposed works are considered to have an acceptable impact upon the residential occupiers of no. 244 Thames Side. The dwelling would be located approximately 15 metres from the rear boundary, and this distance is considered to mitigate any adverse impact upon light and privacy.

### Parking Provision

- 7.28 The Council's Parking Standards state that a dwelling at the size proposed would require a minimum of 2.25 parking spaces. In addition, a minimum of 2.5 spaces would be required at the existing dwelling.

- 7.29 The proposed dwelling would incorporate an integral garage, measuring an internal depth of 5.404 metres, and an internal width of approximately 4.15 metres. This would be in accord with the Council's minimum internal garage dimensions of 4.8 metres in depth and 2.4 metres in width, but would also enable space for 1 car with wheelchair access. A ramp would also be situated in front of the garage, and it is considered that this could accommodate an additional parking space. The proposed dwelling would fall marginally short of the Council's 2.25 minimum space requirements for a dwelling of this size but is considered to be acceptable. A single parking bay would also be provided in front of the existing dwelling. This would fall short of the Council's 2.5 metre requirement for a dwelling of this size. Within this section of Thames Side, parking restrictions mean it is not possible for 'on street' parking. A dwelling containing insufficient parking space within this particular location is therefore considered to be unacceptable and contrary to policy CC3.

### SSSI

- 7.30 The application site is located some 72 metres to the north of Dumsey Meadow, which is a Site Of Special Scientific Interest (SSSI). As such Natural England was consulted, and raised an objection to the scheme. The application form indicates the dwelling would contain a cess-pit, and Natural England stated there is a risk of foul water pollution from overflow and leakage of the cess-pit in flooding events. It was advised that confirmation is sought, to ensure that foul water is connected to the main sewage system or confirmation from Thames Water for assurance that this is not possible. Natural England has also requested further explanation as to how foul water would be managed within risk of discharge into Dumsey Meadow.
- 7.31 The applicant indicated within an email dated the 14<sup>th</sup> of July 2017 that it is not possible to connect the site to the mains sewage system, although the cess pit would have all the normal sealing. Whilst this may be the case, given that it is not possible to connect the cess pit to the main sewage system and given Natural England's objection and lack of any agreement with them, as a default position it must be concluded that the proposal may have an adverse impact upon Dumsey Meadow, and as such this is considered as a further reason to recommend the application for refusal.
- 7.32 The Surrey Wildlife Trust (SWT) has also been consulted, and commented that as no ecological information been submitted, it would be difficult for the Local Planning Authority to establish whether the proposal would have an adverse impact upon legally protected species, and the biodiversity of the site. The SWT also noted the site is located within the vicinity of Dumsey Meadow (SSSI), the South Shepperton Quarry Site of Nature Conservation Importance (SNCI), and the River Thames SNCI. In light of such comments, had the proposal been acceptable in all other regards, further ecological information would have been requested from the applicant.
- 7.33 Members of the Planning Committee are advised under Section 28I (6) of the *Wildlife and Countryside Act 1981* if Natural England advise against permitting the operations, or advise that certain conditions should be attached but the Local Authority does not follow that advice, the Authority shall –

- (a) *Shall give notice of the permission and its terms to Natural England, the notice to include a statement of how (if at all) the authority has taken account of the Councils advice, and*
- (b) *Shall not grant a permission which would allow the operations to start before the end of the period of 21 days beginning with the date of that notice.*

Given the above the Committee could not approve this application if it were minded to do so.

### Chertsey Bridge

- 7.34 The application site is located some 70 metres to the north of Chertsey Bridge, which is a Grade II\* Listed Building. Section 66 of the Listed Building Act 1990 requires authorities when considering whether to grant planning permission affecting a Listed Building to have special regard to the impact upon the Listed Building and its setting. As such the Council's Heritage Consultant was consulted upon the application. The Consultant indicated there would be no impact upon the setting of this listed structure and the preservation of its setting.

### Contamination

- 7.32 The Council's Environmental Health Department was consulted upon the application and commented:
- 7.33 *"This development is situated within 250 metres of a historic landfill site. Available monitoring information from the landfill site and the adjacent property indicates that the gas generation potential of the landfill is low and that ground gases are not migrating off-site to the application site. However, the applicant may wish to take a precautionary approach and install basic ground gas protection measures. Such measures may include a ventilated subfloor void, a resistant floor slab construction and or a gas resistant membrane. Some raised floor designs for flood protection which allow through flow of flood waters will in themselves create sufficient void beneath a property to negate application of further gas protection measures. Specialist advice should be sought to ensure that any measures incorporated comply with the British Standard BS 8485:2015, 'Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings'. Installation of basic ground gas protection measures may be a requirement under Building Regulations".*
- 7.34 It was also noted, *"in accordance with Spelthorne's Core Strategy and Policies, specifically EN15 on Contaminated Land, where a new dwelling is proposed within the Borough it would usually be subject to a recommendation that any planning permission be conditional to a requirement to check ground conditions (by means of excavating trial holes) to ensure that unexpected landfill is not present"*.
- 7.44 However, *"Environmental Health holds a copy of a site investigation report from July 2014 relating to a geo-environmental investigation at the property of 243 Thames Side, Chertsey. The fieldwork of May 2014 included five window sampler boreholes drilled in the rear garden of the existing property*

*of 243 Thames Side on 14 May 2014. Ground conditions encountered were topsoil over a thin layer of made ground, alluvium and Shepperton Gravel. The made ground, up to 0.5m thick, was described as being of brown grey sandy clay with roots flint gravel and brick fragments. There was no visual or factory evidence of contamination noted by the consultants, Geo-environmental Services Ltd (GESL). On the basis of this information additional trial pits for this development, the application site for which is a subdivision of the plot of 243 Thames Side, is not warranted”.*

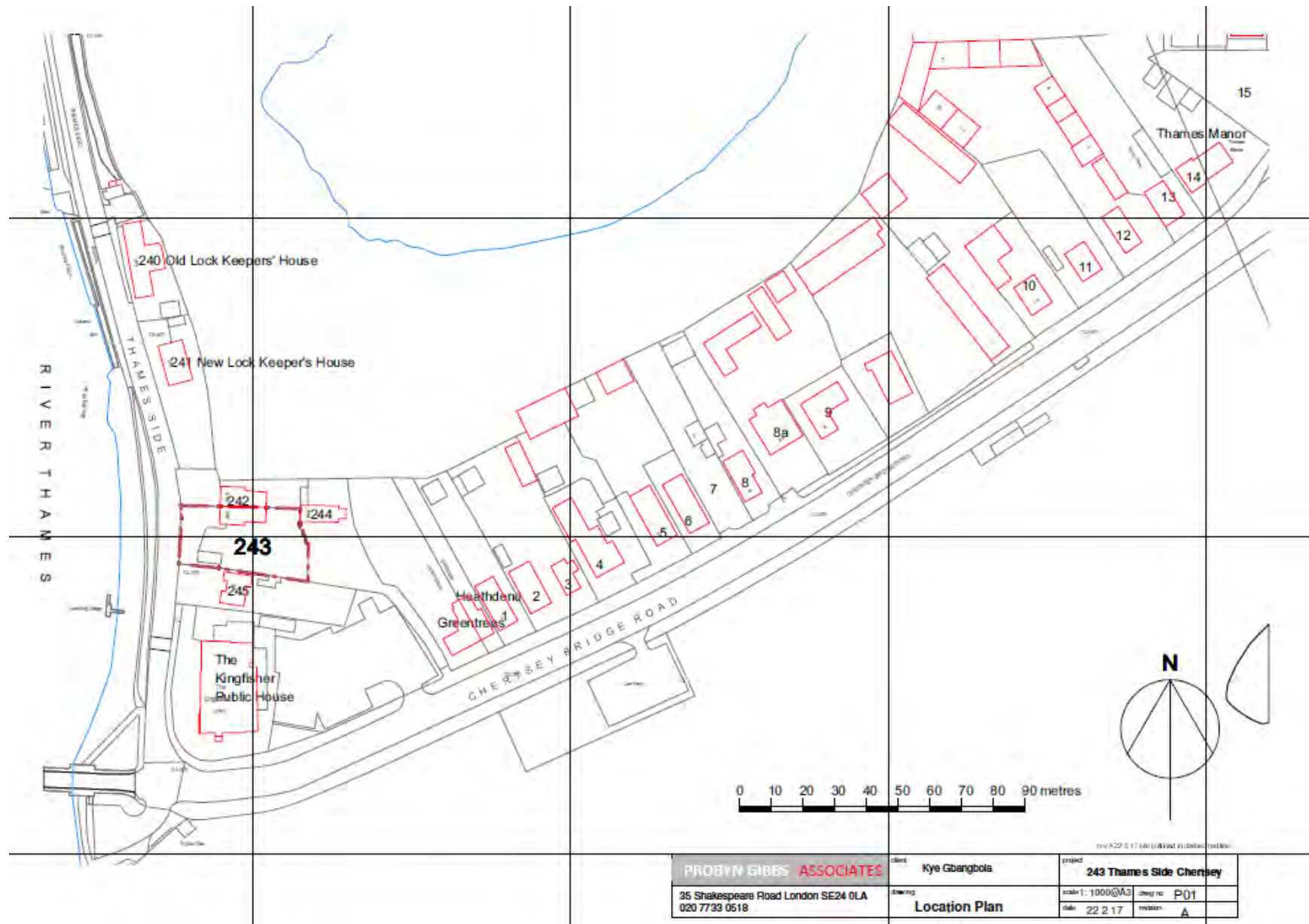
- 7.45 Had the proposal been recommended for approval, it would therefore have been recommended that an informative would be attached to the decision notice.

## **8. Recommendation**

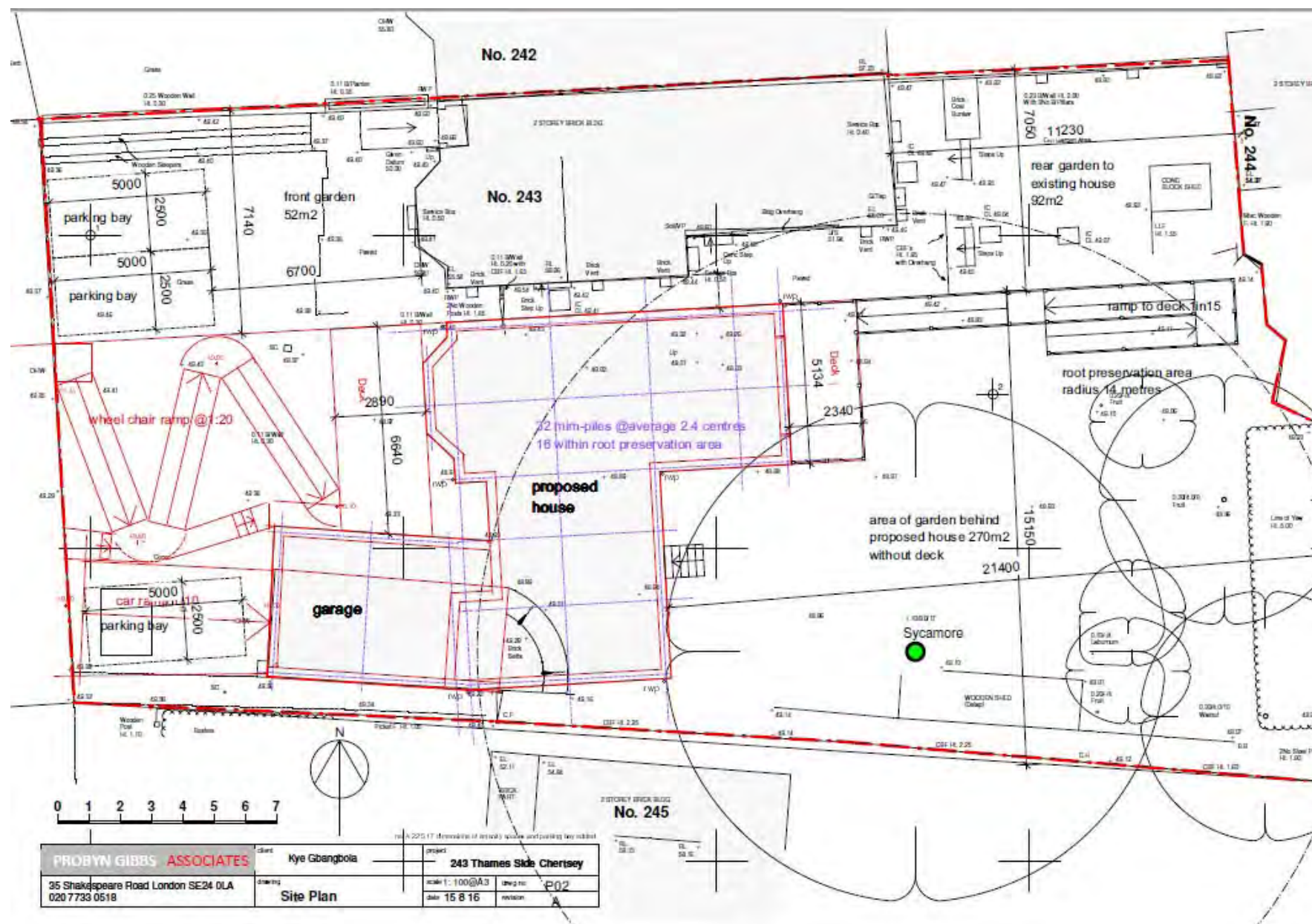
### **8.1 Refuse for the following reasons:-**

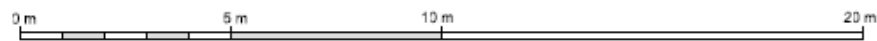
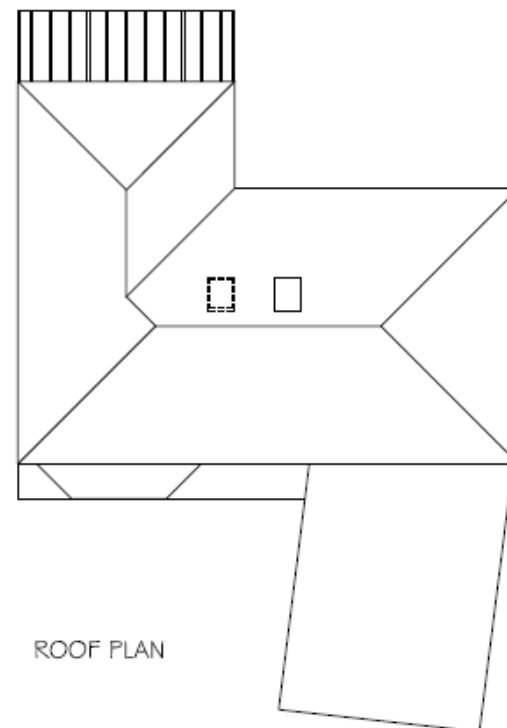
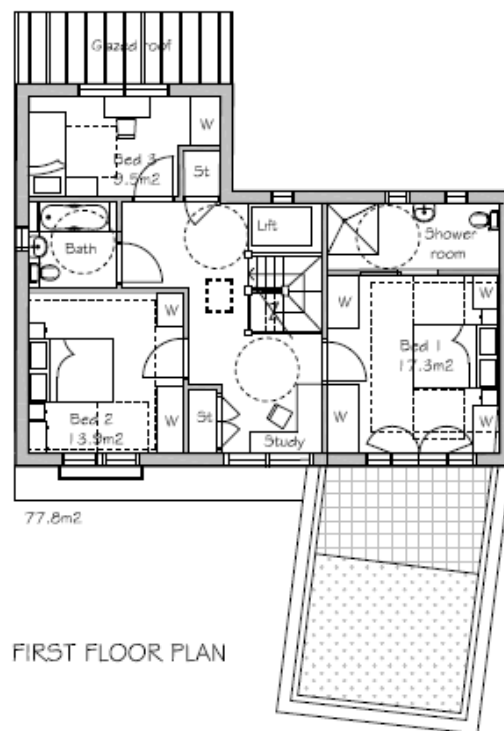
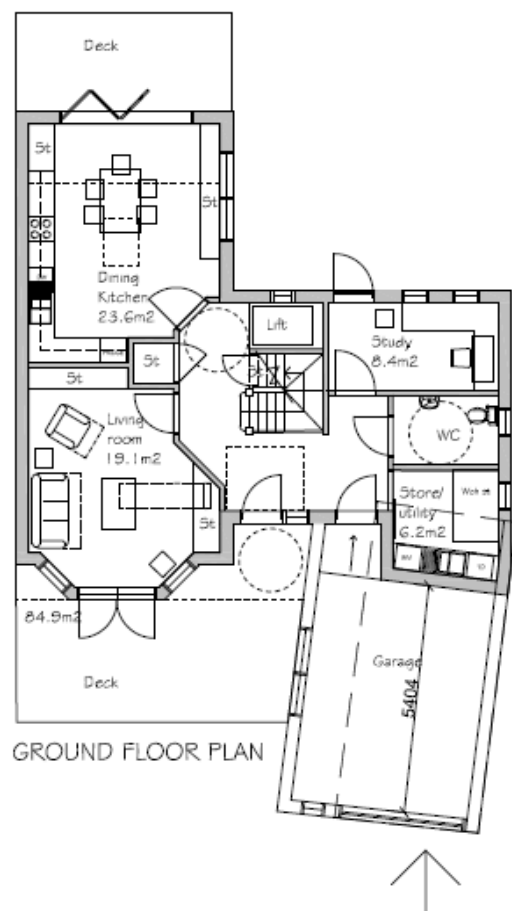
- 1) The proposed two storey dwelling would represent inappropriate development within the Green Belt to which substantial weight is given, and would have a detrimental impact upon the openness of the Green Belt to which significant weight is also given, and together with ‘other harm’ does not outweigh the claimed ‘very special circumstances’ of the proposal, contrary to policy GB1 of the Spelthorne Local Plan 2001 Saved Policies and Proposals (as updated December 2009), and the National Planning Policy Framework (March 2012).
- 2) The proposed two storey dwelling would introduce an unacceptable ‘vulnerable’ category of development into Flood Zone 3b, and a sufficient Flood Risk Assessment has not been submitted and the proposal will lead to a loss of flood storage capacity and impede the flow of flood water. The proposal is therefore contrary to Policy LO1 of the Spelthorne Core Strategy and Policies Development Plan Document (February 2009).
- 3) The proposed two storey dwelling would be located unacceptably close to the adjacent Sycamore Willow Tree which is protected by a Tree Preservation Order (TPO 153/91 – T1) and which provides considerable visual amenity to the locality. It is considered that the proposal will threaten the health and condition of the protected tree, contrary to Policy EN7 of the Core Strategy and Policies DPD 2009.
- 4) The proposed two storey dwelling by virtue of design, scale and siting within the plot, is considered to have an unacceptable impact upon the character of the area by loss of openness, which is part of the character of this immediate locality. The development is therefore contrary to Policy EN1 of the Core Strategy and Policies DPD 2009, and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
- 5) The proposed two storey dwelling by virtue of width, scale and siting, would result in a cramped form of development and the overdevelopment of the site contrary to Policy EN1 of the Core Strategy and Policies DPD 2009, and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.

- 6) The proposal would result in an unacceptable standard of amenity for future occupiers of no. 243 Thames Side and would have an overbearing impact upon this dwelling resulting in a loss of light. The development is therefore contrary to Policy EN1 of the Core Strategy and Policies DPD 2009, and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
- 7) The proposed two storey dwelling may have an adverse impact upon the biodiversity of Dumsey Meadow, through the overflow and leakage of foul water from the cess pit during flood events. In addition no ecological information has been submitted in support of the application to enable an assessment of the impact on protected species and the biodiversity of the site. The development is therefore contrary to Policy EN8 of the Core Strategy and Policies DPD 2009
- 8) The proposed subdivision of the plot and removal of the existing garage would result in insufficient parking space for the occupiers of no. 243 Thames Side, particularly within an area where 'on street' parking is not possible. The development is therefore contrary to Policy CC3 of the Core Strategy and Policies DPD 2009



<b>PROBYN GIBBS ASSOCIATES</b> 35 Shakespeare Road London SE24 0LA 020 7733 0518	client <b>Kye Gbangbola</b>	project <b>243 Thames Side Chertsey</b>	
	drawing <b>Location Plan</b>	scale 1: 1000 @ A3 date 22.2.17	sheet no. <b>P01</b> revision <b>A</b>
	<small>rev A22 2.17.18 (all other dates red line)</small>		





PROBYN GIBBS ASSOCIATES 35 Shakespeare Road London SE24 6LA 020 7733 0518	des: Kye Gbangboja	project: 243 Thames Side, Chertsey
	drawn: Ground, first floor and roof plans	scale: 1: 100@A3 date: 16,03,17 drawn: P03 revision:

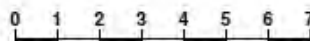


WEST, THAMES SIDE, ELEVATION OF NEW HOUSES AND IMMEDIATE NEIGHBOURS

<b>CHADWICK ASSOCIATES</b>	<b>DESIGNER</b> Kye Gbangbola	<b>PROJECT</b> 243 Thames Side Chertsey	
35 Shakespeare Road London SE24 9LA 020 7733 0818	<b>DATE</b> WEST ELEVATION	<b>DATE</b> 15.8.16	<b>FILE</b> 1000001

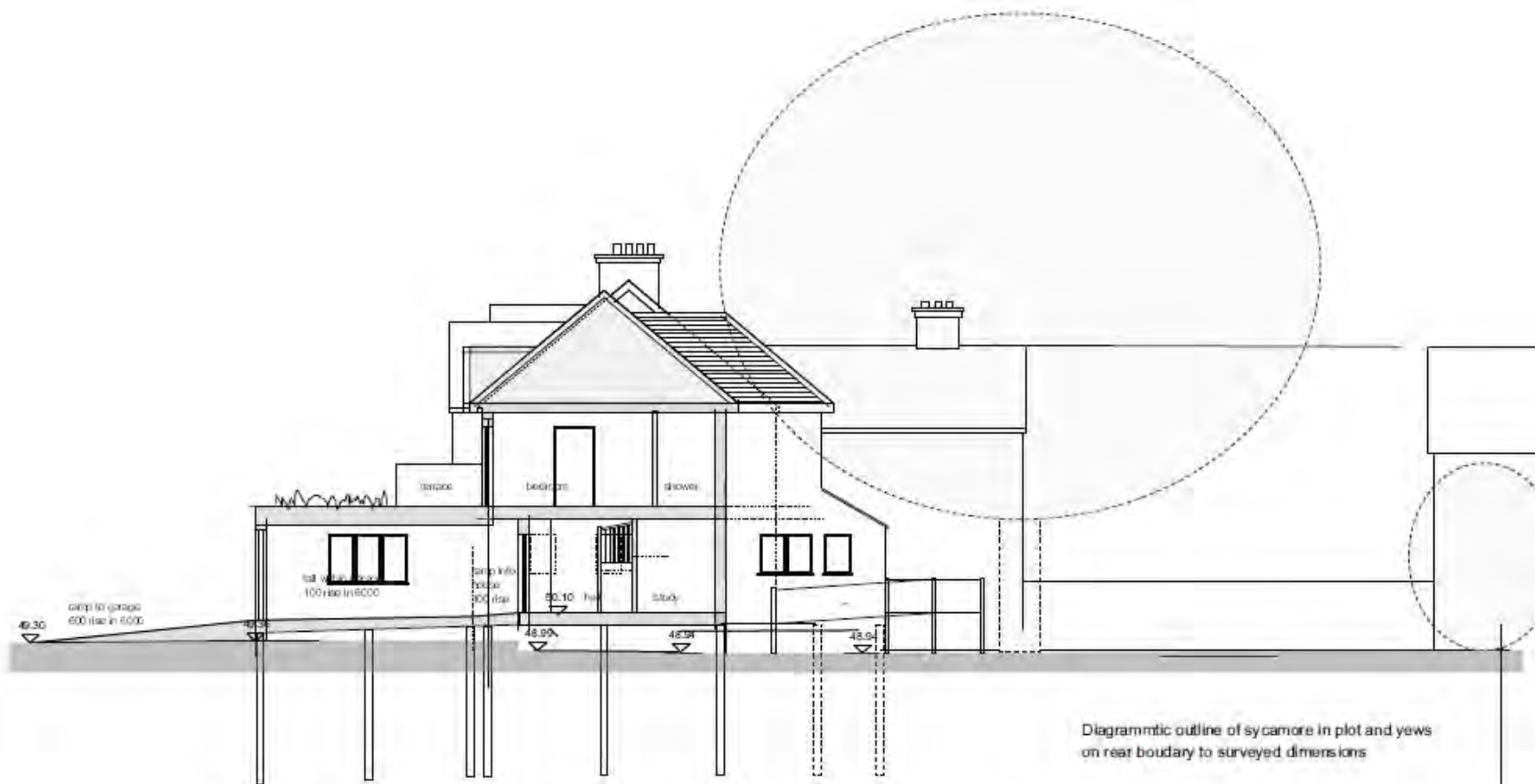


EAST, GARDEN, ELEVATION OF NEW HOUSE AND IMMEDIATE NEIGHBOURS



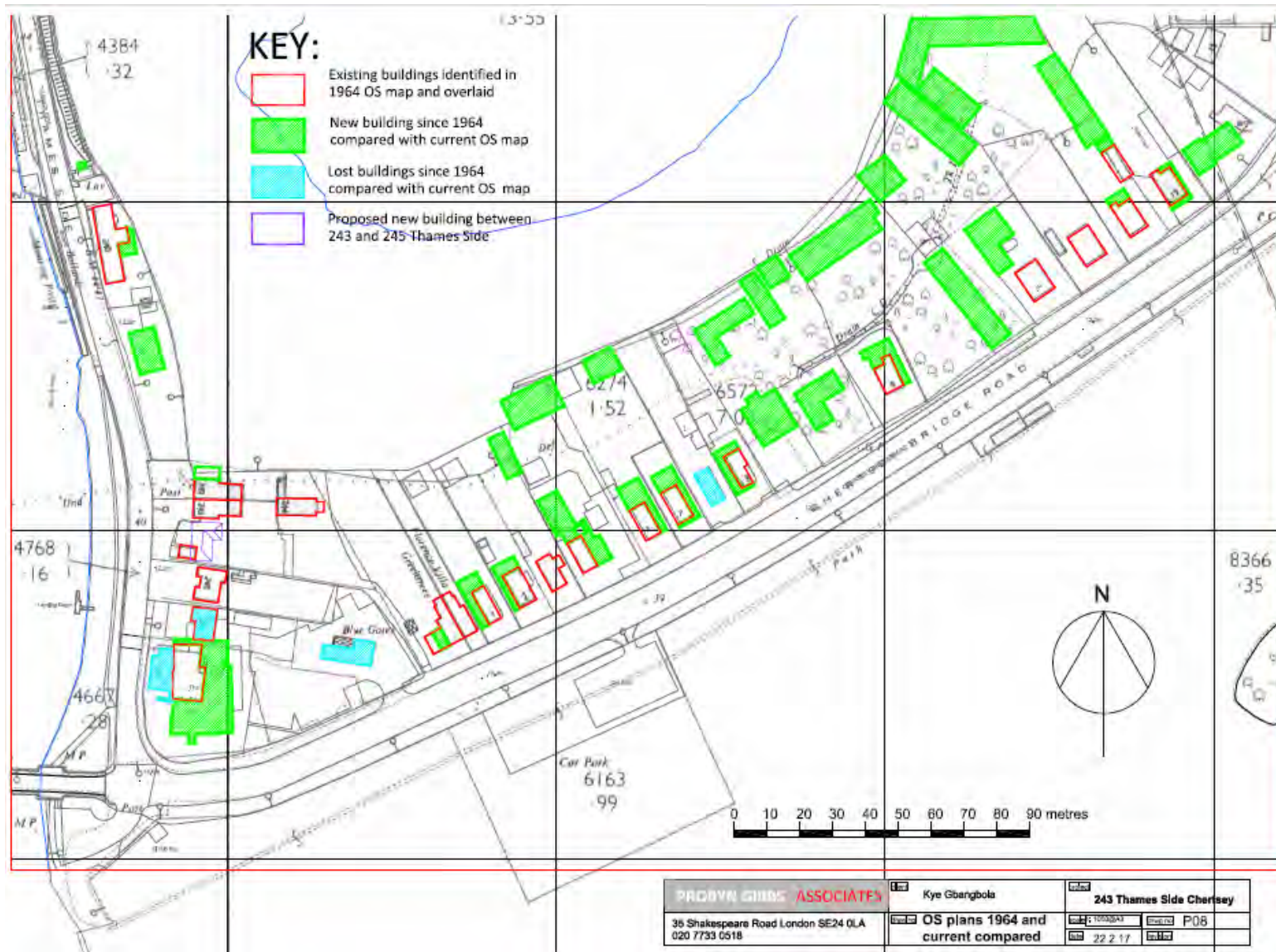
<b>FRUDYN GIBBS ASSOCIATES</b> 35 Shakespeare Road London SE24 0LA 020 7733 0518	client Kye Gbangbola	project 243 Thames Side Chertsey
	drawing EAST ELEVATION	scale 1: 100@A3 date 15.8.16 sheet no. P05 no. 10000





SECTION THROUGH PROPOSED HOUSE AND GARAGE,  
OUTLINE OF EXISTING HOUSES 243 AND 244 THAMES SIDE BEYOND

<b>PROCHYM GIBBY ASSOCIATES</b> 35 Shakespeare Road London SE24 6LA 020 7733 0518	client Kye Gbangbola	project 243 Thames Side Chensey
	drawing <b>section</b>	scale 1: 100 @ A3 date 15.8.16 stage no. revision





<b>PROBYN GIBBS ASSOCIATES</b> 35 Shakespeare Road London SE24 0LA 020 7733 0518	client Kye and Nicole Gbangbola  drawing <b>Street elevation</b>	project <b>243 Thames Side, Chertsey</b>	
		scale NTS date 07.04.17	drawing no P09 revision