



Appeal Decision

Site visit made on 20 August 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/Q3630/W/24/3341008

Augustine House, Gogmore Lane, Chertsey, Surrey KT16 9AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Intra Urban Chertsey Ltd against the decision of Runnymede Borough Council.
 - The application Ref is RU.23/1240.
 - The development proposed is described as the 'demolition of existing buildings and construction of a new mixed-use development including up to 840sqm commercial space (Class E); up to nine residential units; and associated refuse, cycle parking and landscaping'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Due to receiving updated Flooding data from the Environment Agency, during the course of the appeal, the Council introduced an additional reason for refusal. This reason reads as:

'The application would introduce more vulnerable users into a dry island (partially within Flood Zone 2) where the wider area is at risk of flooding. The lack of safe access and egress would lead to increased risk for future occupiers and additional pressure on emergency services contrary to Policy EE13, the Runnymede SFRA and the NPPF'.

3. The appellant was given the opportunity to address this reason for refusal and the comments received from the parties have been considered in the determination of this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the occupiers of the surrounding residential properties in respect of noise and disturbance; and
 - whether the proposed development would be suitably located in relation to flood risk;

Reasons

Character and appearance

5. The appeal site contains a two-storey building fronting Gogmore Lane. The lane is characterised by commercial and residential buildings of varying heights, facing the highway. The adjacent Nexus House is a part four-storey building incorporating a mansard roof. Hamilton Court to the northeast is a two-storey block of flats with a hipped roof. The roofscape along the lane is varied with examples of mansards, pitched, flat and hipped roofs.
6. Despite differences in height and form, the continuous frontage and building line combined with the predominant use of red brick with render detail provides a well-designed cohesive appearance.
7. Whilst the appeal scheme would have an eaves and ridge height higher than the closest sections of adjacent buildings, given there is no uniform roofscape the building would not appear incongruous. The additional height would be notable, but it would not be unduly prominent. This is due to the varying heights of buildings along the lane and the presence of taller buildings in close proximity to the appeal site. Despite being at the end of the road, the taller properties fronting Riversdell Close in combination with the neighbouring Nexus House, form part of the prevailing character and height of buildings, beyond the corner of Gogmore Lane.
8. The proposed building would have a deeper footprint than neighbouring buildings, but the additional depth would be marginal, and the resultant bulk and mass would be reduced due to the stepped design of the rear elevation.
9. The overall mass of the proposed building would sit comfortably within the plot with sufficient room to accommodate parking and cycle storage. In addition, the building respects the continuous frontage of the road and incorporates design cues such as the mansard roof and use of materials, which would respect the character and appearance of the area.
10. Reference is made to the scheme being contrary to Design Standard 14 of the Runnymede Design SPD¹ (Design SPD), in so far as it details that all proposals for taller buildings must be of the highest quality, contribute positively to the character of the townscape and play a role in urban design terms. The appeal is supported by a Townscape Character Study that provides an analysis of townscape in the immediate locality, looking at building forms, heights, design and detailing. This document has informed the design of the appeal scheme. As such it has been designed with consideration of the existing heights and degree of variation in the local context in accordance with the Design SPD.
11. For the reasons identified above, I conclude that the proposed development would have an acceptable effect on the character and appearance of the area. The development is therefore compliant with Policy EE1 of the Runnymede 2030 Local Plan (RLP) insofar as it requires development to achieve high quality and inclusive design which responds to the local context.
12. The proposed development is also compliant with the Design SPD, the National Planning Policy Framework (the Framework) and the National Design Guide (2019) which amongst other things require good design and proposals for

¹ Adopted July 2021

taller buildings to be of the highest quality and positively contribute to the character of the townscape.

Noise and disturbance

13. Gogmore Lane is located in the town centre and is characterised by commercial and residential buildings and the associated comings and goings. Guildford Road and London Road are the principal streets in the town centre and are in close proximity to Gogmore Lane. Vehicular movements arise from shoppers visiting Aldi located opposite the site and residents accessing parking to the rear of their respective units, which back onto the properties on Riversdell Close.
14. The site itself contains an office building that fronts Gogmore Lane and a single storey commercial building is positioned on the southwestern boundary. To the rear, the site is used for parking and vehicles park up against the rear boundary of the site.
15. The surrounding residential properties include those within the neighbouring Nexus Building and Hamilton Court and the residential properties on Riversdell Close to the rear.
16. With reference to potential noise and disturbance, arising from the use of the gym car park shown on the application drawings at night, the appellant has provided examples of average night time use across gyms operated by Pure Gyms. Whilst these examples may not be within the same borough, the figures provide a useful indicator of night time use.
17. These figures suggest that usage during anti-social hours is limited. As such, access by a low number of users at night would be unlikely to result in unacceptable levels of noise and disturbance to neighbouring properties. The examples of 24-hour gyms within mixed-use schemes in close proximity to residential properties also demonstrates that gyms such as that proposed on the drawings, operate in close proximity to residential properties.
18. The example of Anytime Fitness at Brookland House located to the rear of Runnymede Council Offices and beneath residential accommodation, does not benefit from a car park and would not be directly comparable to the appeal scheme. However, given that night time use would be limited, disturbance from use of the car park, would be minimal. In addition, the proposed car park area, adjacent to car parks serving the neighbouring residential units already attract comings and goings in close proximity to the Nexus Building, Hamilton House and properties on Riversdell Close during the day and night. The proposed development also utilises an existing car park area and vehicular access. These factors combined would mean that a small increase in activity at night would be unlikely to unacceptably increase noise and disturbance to surrounding residential properties.
19. In addition to the level of comings and goings generated from the residential properties, the site is located in a town centre which would have a level of noise and disturbance associated with those accessing restaurants and take aways on Guildford Road and London Road. Aldi is also located opposite the site and is open until 10pm six days a week. Whilst the supermarket does not operate 24 hrs, and permission has been refused to extend delivery and operating times of the store, noise and disturbance from lorries delivering to a

large supermarket would be very different to a small number of individuals accessing a gym.

20. For the reasons identified above, I conclude that the proposed development would not have an unacceptable effect on the living conditions of the occupiers of the surrounding residential properties in respect of noise and disturbance. The proposal is therefore compliant with Policy EE2 of the RLP which amongst other things seeks to control unacceptable noise impacts arising from proposed development.

Flood Risk

21. The appeal site is located partially within Flood Zone 2 on the dry island of Chertsey. Whilst the submitted Flood Risk Assessment addresses the sequential and exception tests, there are concerns about future occupiers of the proposed development having a safe access and egress route in a flood event. These concerns arose due to receiving updated Flooding Hazard data from the Environment Agency, during the course of the appeal.
22. Policy EE13 of the RLP advises that *'when a site is located in a dry island, applicants will be expected to consider the onset and duration of a flood, the vulnerability and willingness of occupiers to evacuate the site in a flood event and the ability of the site to operate an effective flood evacuation procedure'*.
23. In addition, the Runnymede 2030 Strategic Flood Risk Assessment (SFRA) details that it would be acceptable for access/egress routes to be wet in Runnymede, so long as the flood hazard is classified as having no greater than a Very Low Hazard – Caution, along the full length of the route. Until the River Thames scheme modelling is issued, the SFRA advises that where it is anticipated that the velocity of flow is likely to be low, the depth of flood water along an access/egress route should not exceed 250mm. This aligns with paragraph 173(e) of the Framework which requires all proposals to provide a safe access and escape route as part of an agreed emergency plan.
24. The appellants letter dated 17th October 2024 uses modelling to highlight the hazard risk to pedestrians and flood depths along the proposed evacuation route. This data shows that locations 5, 6 and 7 have flood depths exceeding 250mm at very low flow velocities, even using LIDAR data and flood levels. The SFRA identifies an acceptable flood depth of 250mm at low flow velocities, it does not identify a greater acceptable flood depth at very low flow velocities.
25. The supplementary note on flood hazard ratings and thresholds for development planning and control purpose 2008 referred to, shows 'Danger for some' at depths of 300mm with no flow velocity. The appellant shows greater depths than this at Locations 5, 6 and 7. In addition, at Locations 5 and 6, the appellant's data shows that approximately half of the highway width would have a flood depth exceeding 300mm. At Location 7, the appellant's data shows that approximately one third of the highway width as a whole would have a flood depth greater than 300mm.
26. In light of the above, even if the higher flood depth of 300mm is used, much of the highway cross section would exceed this level. As a result, navigating a safe pedestrian route would be difficult as it would involve users being able to identify the different depths of water to navigate a route.

27. Given that multiple points along the path fall within the 'Danger for some' hazard rating, the route would fail to comply with the SFRA and would not constitute a safe access/egress route or effective flood evacuation procedure.
28. Reference has been made to the ADEPT/Environment Agency Flood Risk Emergency Plans for New Development Document 2019. Whilst the proposed route would fall below the flood hazard rating of more than 2.0 (danger for all) deemed unsuitable for emergency vehicles, flood depths of more than 300mm along the route could be problematic to some emergency vehicles.
29. Whilst there would be facilities within the Chertsey dry Island that residents could use in a flood event, this does not negate the need for a safe evacuation route. In addition, the SFRA advises that if remodelled flood water levels were slightly higher, this would have a large impact on safe access from the Chertsey Dry Island, thus emphasising the vulnerability for future occupiers to occupy the site. This therefore adds weight to the concerns identified in respect of flood risk.
30. For the reasons identified above, I conclude that the proposed development would not be suitably located in relation to flood risk. The proposal would therefore be contrary to Policy EE13 of the RLP and the SFRA insofar as they relate to providing an effective flood evacuation procedure and safe access and egress in the event of a flood.

Other Matters

31. The appellant has had informal discussions with the Council, however, pre-application discussions are informal, and they would not influence any future decision the LPA may make once a proposal has been subject to the formal planning process.

Planning Balance and Conclusion

32. The suitability of the site in relation to flood risk carries substantial weight in the balance. The lack of an effective flood evacuation procedure and safe access and egress in the event of a flood event would unacceptably put more vulnerable users at risk.
33. The effect of the proposed development on the character and appearance of the area and the living conditions of surrounding occupiers would be compliant with the development plan. However, the absence of harm is a neutral factor and does not weigh in favour of the proposal.
34. The Framework supports the reuse of previously developed land to deliver homes, and this is supported by the Ministerial Statement dated the 19th February 2024. The provision of residential accommodation also plays an important role in the vitality of town centres as recognised at para 90(f) of the Framework. These considerations are given moderate weight.
35. The nine units proposed would be in a central location with good access to shops and services and a mix of accommodation is provided. The delivery of nine new units and the inclusion of a commercial space would provide social and economic benefits to the community that would be benefits of the scheme afforded moderate weight.

36. Taking all of the above into account, I consider that the substantial harm identified in relation to the suitability of the proposed development in relation to flood risk significantly outweighs the benefits when assessed against the policies in the Framework when taken as a whole.

Conclusion

37. Therefore, the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

V Goldberg

INSPECTOR