

## ITEM 4.4

**Application:** 2023/1044

**Location:** Scout Hut, Mill Lane, Hurst Green, Oxted, Surrey, RH8 9DF

**Proposal:** Installation of a 20ft shipping container for storage of large scale Scouting equipment such as tents, kayaks etc

**Ward:** Oxted South

Constraints – Biggin Hill Safeguarding, TDC\_legallandterrier, Road\_local d - Mill Lane, EA\_rofsw\_1\_in\_100 yes risk of flooding from surface water – 100, 100, Urban Area

### **RECOMMENDATION:**

**PERMIT subject to conditions**

1. This application is reported to Committee because the site is Council owned land.

### **Summary**

2. The application site is in a Category 1 settlement where the principle of development is considered acceptable.
3. The proposed container is located to the south-east of the site which will to some degree be visually shielded from public views and is not considered to detract from the character of the area or street scene. The development will not result in a significant impact on the residential amenity of the neighbouring properties. The development is not considered to impact on highways safety.
4. Consequently, it is considered that the proposal would accord with the requirements of the NPPF and with the policies contained in the Development Plan. Accordingly, it is recommended that permission is granted subject to conditions as outlined.

### **Site Description**

5. The application site comprises the land containing the Scout Hut and its associated curtilage located to the west of Mill Lane. The site is located within the urban area of Hurst Green. The Oxted Band building lies to the south with Mill Lane Playing fields to the west. Residential properties lie to the east of the site across Mill Lane.

### **Relevant History and Key Issues**

6. The relevant planning history is as follows:

GOR/352/71 - EXTENSION TO SCOUTS HALL Approved 02/06/1972

2006/904 - Demolition of scout hut. erection of replacement scout hut. Approved (full) 09/08/2006

7. The key issues for this application are the principle of development, acceptability in terms of character and appearance, impact on neighbouring amenity and highway safety and ecology. Each of these will be addressed in the report below.

## **Proposal**

8. This application seeks approval for the stationing of a shipping container on the land. The shipping container is to measure 6m long by 2.4m wide and 2.5m tall. The container is proposed to be painted green in colour.
9. The container is to be located to the south-east corner of the site some 1.2m from the east boundary and 1m from the southern boundary.

## **Development Plan Policy**

10. Tandridge District Core Strategy 2008 – Policies CSP1, CSP12, CSP18
11. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7
12. Limpsfield Neighbourhood Plan 2019 – Not applicable
13. Woldingham Neighbourhood Plan 2016 – Not applicable
14. Caterham, Chaldon and Whyteleafe Neighbourhood Plan – referendum version (Regulation 18) (2020) – Not applicable
15. Emerging Tandridge Local Plan 2033

## **Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance**

16. Tandridge Parking Standards SPD (2012)
17. Tandridge Trees and Soft Landscaping SPD (2017)
18. Surrey Design Guide (2002)

## **National Advice**

19. National Planning Policy Framework (NPPF) (2023)
20. Planning Practice Guidance (PPG)
21. National Design Guide (2019)

## **Statutory Consultation Responses**

22. Oxted Parish Council – In considering the planning application the Parish Council has found no material planning reasons for refusal.

## **TDC advice**

24. None sought.

## **Third Party Comments**

25. Neighbour Letters: Comments received relate to the following (where relevant);

- Character- please can the container be painted dark green like the container used by the Oxted Band Hut.

## **Assessment**

### Procedural note:

26. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2023. However, paragraph 213 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance with the degree of consistency with the current Framework.

### Location and principle of development

27. The application site lies within an Urban Area which Core Strategy Policy CSP1 identifies that development will take place in order to promote sustainable patterns of travel and in order to make the best use of previously developed land and where there is a choice of mode of transport available and where the distance to travel services is minimised. The principle of new development or redevelopment would be acceptable provided that it would meet the relevant criteria regarding its design and appearance as will be assessed in detail later in this report.
28. Policy DP1 of the Local Plan (2014) advises that when considering development proposal, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. As such, there is no objection in principle of the redevelopment of a site in this location under Core Strategy Policy CSP1 and Local Plan Policy DP1 in this regard.

### Character and Appearance

29. Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.
30. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
31. The NPPF sets out that design is integral to sustainable development and that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This was bolstered by the publication of the National Design Guide in 2019.
32. The proposal seeks to station a shipping container on the land. The container will be 6m long by 2.4m wide and 2.5m tall and painted in a green colour. It will be located to the south-east corner of the Scout Hut building in close proximity to the

container within the Oxted Band site. Whilst the proposed container would be larger than the one adjacent it would be seen in context with this structure and therefore not out of keeping with the area. The site has established vegetation on the eastern boundary of the site. It is noted there are gaps in this vegetation and therefore the container will not be totally obscured from public views along Mill Lane, however it would soften the appearance of the container and therefore not be overly prominent or harmful to the character of the street scene.

33. It is noted that the container proposed to be stationed on the land has been donated to the Scouts and is currently blue in colour. It is their intention through the Scouting program to have the Scouts paint the container green to be in keeping with the environment and hedgerow beside it. This would be necessary to mitigate the visual impact of the container and therefore will be secured by way of condition with a reasonable timeframe given to facilitate its painting.
34. Overall the proposal will not detract from the character of the area or street scene to accord with the requirements of Policies DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies, Policy CSP18 of the Core Strategy and Paragraph 130 of the NPPF.

#### Residential Amenity

35. Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any adverse effect. Criteria 6-9 of Policy DP7 of the Local Plan Part 2: Detailed Policies seek also to safeguard amenity, including minimum privacy distances that will be applied to new development proposals.
36. The container is proposed to be located to the south-east corner of the application site and would be 2.5m tall. The site is directly bordered by the playing fields to the west and band building to the south and would not significantly impact on the amenity of the uses of those sites. The closest residential properties are some 17m across Mill Lane to the east and 23m to the south beyond the adjacent land. As above the proposal will not adversely impact on the users of the adjacent sites nor as a result of the distance to the closest residential neighbours adversely impact on their residential amenity. The container will therefore have no significant impact on the amenity of the neighbours.
37. The proposal would therefore accord with the requirements of Policy DP7 of the Local Plan (2014) and Policy CSP18 of the Core Strategy (2008).

#### Highways safety and parking

38. Policy CSP12 of the Core Strategy advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety. Policy LNP3 of the Neighbourhood Plan advised that safe pedestrian access should be sustained or improved.
39. The proposal seeks to station a container on the land. It will not alter the access or parking arrangements to the site, nor would it result in any additional traffic generation. The proposal is therefore not considered to raise any highway safety

concerns to conflict with Policy CSP12 of the Core Strategy, Policy DP5 of the Local Plan.

### Conclusion

40. The principle of the development is acceptable within an urban area. The container would also not detract from the character of the area or amenity of the neighbouring properties. In light of the above, the officer recommendation is to grant planning permission.
41. The recommendation is made in accordance with the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraph 218 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
42. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

### **RECOMMENDATION: PERMIT subject to the following conditions**

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This decision refers to drawings Site Location Plan, Planning Drawings and Block Plan received 28<sup>th</sup> August 2023. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. Within one calendar month of the container being stationed on the land it will be fully painted dark green. Thereafter it will be maintained in this colour unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

### Informatives

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to

discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

2. The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP12, CSP18, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP5, DP7 and material considerations, including third party representations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.
3. The Local Planning Authority has acted in a positive and proactive way in determining this application, as required by the NPPF (2023), and has assessed the proposal against all material considerations including the presumption in favour of sustainable development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.