

ITEM 6.2

Application: 2021/137

Location: 13 Wolfs Wood, Hurst Green, Oxted, RH8 0HN

Proposal: Erection of vehicle crossover and hardstanding

Ward: Oxted South

Decision Level: Committee

Constraints – Urban, AWOOD within 500m, Surface Water 1 in 100 & 1 in 1000, Biggin Hill Safeguarding

RECOMMENDATION: RESOLUTION TO PERMIT SUBJECT TO FULL COUNCIL

1. This application is reported to the Planning Committee as the applicant is Tandridge District Council.

Summary

2. Planning permission is sought for the formation of a vehicular crossover and hardstanding. The crossover itself would be located on the eastern side of the highway and would be in association with a new hardstanding that would cut across existing green space in the form of a crescent around which no's. 11-23 (odds) Wolfs Wood are set. This would then connect with a new permeable hardstanding within the curtilage of No.13 Wolfs Wood.
3. Whilst the proposal would reduce the amount of green space forward of the dwellings in the vicinity, the harm this would have on the character and appearance of the area is considered limited given the modest length of the driveway and also the presence of other dropped kerbs and longer driveway lengths in the crescent. There would be no unreasonable level of harm to the amenities of neighbouring properties and no objection is raised in highways terms. The proposal would provide off-street parking for the property which would make a small contribution to relieving the stress of on-street parking in the area. As such, the recommendation is for a resolution to grant planning permission subject to Full Council.

Site Description

4. The application site comprises a mid-terrace, two storey dwelling located on the eastern side of Wolf's Wood and set behind a grass crescent. The area is residential in character, forming part of the larger development with a consistent layout and design.

Relevant History

5. No planning history.

Key Issues

6. The key issues relate to the impact of the proposal on character and appearance, residential amenity and highways and parking provision.

Proposal

7. Planning permission is sought for the formation of a dropped kerb and driveway/hardstanding to serve No.13 Wolf's Wood. The dropped kerb would have a width of 4.6 metres. The connecting crossover would extend over the two existing paths and grass and link to the permeable hardstanding in the curtilage of No.13 which would measure 4.4 metres in width and between 5.25 metres and 7.6 metres in depth.

Development Plan Policy

8. Tandridge District Core Strategy 2008 – Policies CSP1, CSP12, CSP18
9. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP22
10. Woldingham Neighbourhood Plan 2016 – Not applicable
11. Limsfield Neighbourhood Plan 2019 – Policies LNP1, LNP3, LNP8, LNP13
12. Caterham, Chaldon and Whyteleafe Neighbourhood Plan – Referendum version (Regulation 18) (2020) – Not applicable
13. Emerging Tandridge Local Plan 2033 – Policies TLP01, TLP02, TLP06, TLP18, TLP37, TLP38, TLP50

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

14. Tandridge Trees and Soft Landscaping SPD (2017)
15. Surrey Design Guide (2002)

National Advice

16. National Planning Policy Framework (NPPF) (2019)
17. Planning Practice Guidance (PPG)
18. National Design Guide (2019)

Statutory Consultation Responses

19. County Highway Authority – The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds recommends the following conditions be imposed in any permission granted (as set out at the end of this report).
20. Oxted Parish Council – no comments received.

Non-statutory Advice Received

21. None sought.

TDC advice

22. None sought.

Other Representations

23. Third Party Comments:

- Queries regarding applicant being TDC
- Would the works interfere with services, manhole stability?
- Concern with flooding and surface water onto neighbouring property
- Has the footpath access and pavement crossing been approved by Highways and a license issued?
- Are they using Council approved contractors for the work
- Is the hardstanding for a standard car and not a lorry or high sided vehicle as otherwise would obstruct light
- Concern about proximity due to noise from banging of car doors
- Contamination of water courses
- Concerns regarding reduction of path access to neighbouring properties and shared alleyway and perimeter fence needed to separate path from properties
- Would paving the remaining area of the front garden require planning permission and, if not, can a caveat be used stating no further extension of the driveway can be made
- Concerns about vehicle maintenance taking place on the road by the applicant and if directly in front of the house noise will be directly under bedrooms, living areas etc of neighbouring properties
- Request for conditions including;
 - a reasonable limit to times when a car may be worked on in the driveway and no excessive noise,
 - a new low fence between the driveway and common pathway to prevent a car being partly parked on the path and to prevent car parts or refuse impeding use of the path,
 - restricting cars to the new driveway and not surrounding grass.

Assessment

Principle of Development

24. The site is located in the urban area where there is no objection in principle to new development. As such, no objection is raised in respect of Policy CSP1 of the Core Strategy (2008) and Policy DP1 of the Local Plan (2014).

Character and Appearance

25. Policy CSP18 of the Core Strategy requires new development to 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.

26. Policy DP7 of the Local Plan provides the Council's general policy for new development and requires proposals to respect and contribute to distinctiveness of the area in which it is located and to have a complementary building design and materials.

27. Policy LNP3 of the Limpsfield Neighbourhood Plan seeks to manage high quality design in the built-up area of Limpsfield and requires all development to be well designed and to reflect the distinctive character of the different parts of the Parish.
28. The proposal would require the formation of a dropped kerb on the highway of Wolf's Wood and then the creation of a hardsurface over the existing grassed verge which would connect with the existing footpaths either side and lead to the new hardstanding in front of No.13 Wolf's Wood.
29. The proposal would as such result in the loss of some of the existing grass verge. However, this is not designated as local green space and while its retention would be desirable, given its small area and the presence of other driveways of greater length on this crescent, it is not considered that this proposal would result in significant harm which would be considered contrary to the above planning policies.
30. The creation of off-street parking forward of the dwelling reflects the use of other front gardens in the immediate surroundings. There is thus no harm raised in terms of the character of the area and Policy CSP18 of the Core Strategy, Policy DP7 of the Local Plan and Policy LNP3 of the Limpsfield Neighbourhood Plan.

Residential Amenities

31. Policy CSP18 states that new development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect.
32. Policy DP7 part (6) states that proposals should not significantly harm the amenity of neighbouring properties by reason of pollution (noise, air or light), traffic, or other general disturbance. Part (7) of Policy DP7 states that proposals should not significantly harm the amenities and privacy of occupiers of neighbouring properties (including their private amenity space) by reason of overlooking or its overshadowing or overbearing effect. Policy DP22 relates to minimising contamination, hazards and pollution as a result of new development.
33. The proposal would create a single parking space forward of the dwelling on the application site. The drawings annotate retained grass to the northern side and rear of the proposed hardstanding. The proposal, including the dropped kerb and access to the application site from the public highway, would be used by the occupants of the property. It is noted that the neighbouring property to the south also has a front driveway and the use of the front garden in the same manner would reflect the neighbour. The parking space would be separated from the front elevation of the dwelling by the retained grass area of approx. 5.5 metres in depth.
34. In terms of whether the proposal would result in significant harm to the amenities of neighbouring properties, the concerns of third parties have been considered. However, the use of the driveway and parking of vehicle/s on the hardstanding would not, in the opinion of officers, give rise to a level of harm that would be contrary to policies. Any noise associated with accessing vehicle/s on the driveway and lights from those vehicles would be momentary and given the layout of the hardstanding, would not be directed into

neighbouring properties, particularly given the boundary treatments and their heights which would limit light spill.

35. With regards to the use of the driveway for non-residential purposes by the applicant, there is nothing within the application to substantiate this concern. Furthermore, it is not possible for the local planning authority to place conditions on the times of use of a domestic driveway and if the use of it were to become commercial, this would be a matter that would need to be reported to the Enforcement department and investigated.
36. The proposal would provide off-street parking space for the occupants of the dwelling which would enhance their living environment.
37. For the above reasons, no significant harm to the amenities of neighbouring properties is identified and, as such, the proposal would accord in this regard with Policy CSP18 of the Core Strategy and Policies DP7 and DP22 of the Local Plan (2014).

Highways and Parking Provision

38. Policy CSP12 of the Core Strategy relates to Managing Travel Demand and sets out that the Council will require new development to make improvements to existing infrastructure network where appropriate and have regard to adopted highway design standards and vehicle and other parking standards.
39. Policy DP5 of the Local Plan states that development will be permitted where the proposal complies with the relevant Highway Authority's and any other highways design guidance, does not unnecessarily impede the free flow of traffic on the existing network or create hazards, retains or enhances existing footpaths and cycleway links, provides safe and suitable access to the site.
40. The County Highways Authority have reviewed the proposal and raised no highways policy, capacity or safety concerns. The proposal would provide off-street parking provision for the occupants of the dwelling which would relieve some pressure for parking on the highway. The design of the crossover and hardstanding is considered appropriate. As such, no objection is raised in relation to Policy CSP12 of the Core Strategy or Policy DP5 of the Local Plan.

Other Matters

41. Third party comments not addressed in the above sections have been reviewed and noted. However, it is not possible for the planning function to address issues that are not directly related to the proposal. It is not reasonable or enforceable to seek to use conditions to control the type of vehicle that may park on the hardstanding. Nor is it possible to seek to limit the use of the hardstanding by the occupants. As mentioned, should the hardstanding be used for commercial purposes that would need to be reported to the Council's Enforcement department and should nuisance arise from the use of the hardstanding for non-residential purposes, that could also be reported to Environmental Health. At this stage, no such harms have been caused as a result of the proposal that does not yet exist.
42. It is also not considered reasonable to remove any right from the property to hardstand a greater area of their front garden in the future as no justification for this is identified. Such works, within the curtilage of the property, may not require planning permission.

43. In terms of impact on services, this is not a matter for the local planning authority and the applicant will be required to undertake their own investigations in this regard. The hardstanding of the parking space would be permeable and therefore there are no concerns in relation to run-off to neighbouring properties. The surfacing of the crossover over the grass verge is to be confirmed but would most likely reflect that of the footpath for accessibility reasons. Grass verge would remain to the side of the crossover which would be permeable.
44. The third party request for a new fence between the parking space and footpath of the neighbouring property is noted. However, that is not considered reasonable or necessary. Should vehicles or material overhang the footpath, that would be a matter for the parties concerned to address.

Conclusion

45. The proposal is acceptable in principle and no harm is identified in respect of the character and appearance of the site and area or residential amenities. There would be no harm in respect of highway matters and no other harm is identified. As such, the recommendation is a resolution to grant planning permission subject to the referral of this application to Full Council given that Tandridge District Council is the applicant.
46. Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

The recommendation is made in light of 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 213 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: RESOLUTION TO PERMIT subject to the following conditions and referral to FULL COUNCIL

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 drawing numbered 13WOL/01-A (including the red-edged site plan scanned on 28th April 2021). 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. The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.

Reason: To ensure that the new works harmonise with the character of the area 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.

4. The proposed parking area shall not be first brought into use unless and until the proposed vehicular access to Wolfs Wood has been constructed in accordance with the approved plans.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to meet the objectives of the NPPF (2019) and satisfy Policy CSP12 of the Tandridge District Core Strategy (2008) and Policies DP5 and DP7 of the Tandridge District Local Plan: Part 2 – Detailed Policies (2014).

5. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked. Thereafter the parking area shall be retained and maintained for its designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to meet the objectives of the NPPF (2019) and satisfy Policy CSP12 of the Tandridge District Core Strategy (2008) and Policies DP5 and DP7 of the Tandridge District 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 permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs>
3. The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road

markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture equipment.

4. There is a disabled parking bay adjacent to the proposed access that should not be blocked during works.