

16 JULY 2024 PLANNING COMMITTEE

6B PLAN/2024/0078

WARD: C

LOCATION: 3 Blackmore Crescent, Sheerwater, Surrey, GU21 5NP

PROPOSAL: Proposed change of use of amenity land to provide access and creation of hardstanding from the existing dropped kerb to driveway.

APPLICANT: Mrs Khan

OFFICER: Barry Curran

REASON FOR REFERRAL TO COMMITTEE

The agent for the application is Woking Borough Council.

SUMMARY OF PROPOSED DEVELOPMENT

The application seeks a change of use of amenity land to a vehicle crossover along with the laying of 'grassblock'.

PLANNING STATUS

- Urban Area
- Thames Basin Heaths SPA Zone B (400m-5km)

RECOMMENDATION

GRANT permission subject to conditions.

SITE DESCRIPTION

The application site is located on the south-west side of Blackmore Crescent close to the junction with Albert Drive. The area is residential in character with two-storey terraced and semi-detached dwellings in the vicinity. The application site forms a mid-terrace site on a row of 5no two storey dwellings with a section of amenity land which is worn down to its hardcore. There are remnants of soft landscaping on this verge but over time and continuous use by and parking of vehicles has worn this down.

PLANNING HISTORY

No recent relevant planning history.

PROPOSED DEVELOPMENT

Planning consent is sought for the creation of a vehicular crossover to serve No.3 Blackmore Crescent and associated change of use of the amenity land. Access across the land, subject to the change of use, would be from the existing dropped kerb serving No.1 Blackmore Crescent and provide formal vehicular access to the application dwelling for the parking of vehicles on site.

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CONSULTATIONS

Surrey Highway: Recommend a number of conditions in the event of an approval (20.02.2024)

Arbocicultural Officer: No Arboricultural implications associated with the proposed (02.04.2024)

REPRESENTATIONS

None received.

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Section 12 – Achieving well-designed and beautiful places

Woking Borough Core Strategy

CS17 – Open space, green infrastructure, sport and recreation

CS18 – Transport and accessibility

CS21 – Design

CS24 – Woking's landscape and townscape

Development Management Policies DPD 2016

DM2 – Trees and landscaping

Supplementary Planning Documents

SPD – Design 2015

SPD – Outlook, Amenity, Privacy and Daylight 2022

SPD – Parking Standards 2018

PLANNING ISSUES

1. The main planning issues that need to be addressed in the determination of this application are; whether the proposal will have an unacceptable impact on the character of the area due to the loss of amenity land, impact on neighbour amenities, impact on highway safety and impact on trees.

Impact on Character

2. Policy CS21 of the Woking Core Strategy 2012 requires development proposals to “*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*”. Section 12 of the National Planning Policy Framework 2023 states that “*The creation of high quality, beautiful and sustainable 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*”. The proposal is to convert the existing area of amenity land to the front of the application property, which serve as amenity land on the wide verge off Blackmore Crescent, to hardstanding for the parking of vehicles in association with the application property.

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3. The application site comprises a dwelling, pedestrian footpath and public amenity space which includes a section of verge that fronts onto Blackmore Crescent. The site forms part of a development approved under Planning Ref: 3743 in 1949 for the wider development of the Sheerwater estate that included open amenity land to the front and grass verges specifically designed for the area which, in turn, contributed to its character. These soft landscaped areas are evident in the approved plans of this application where they were intended, as in many instances in the Borough, to offer open soft landscaping relief amongst the built-up urban environment.
4. It is now proposed to remove a section of this amenity land and convert it to a crossover for the private use of No.3 Blackmore Crescent. This section of grass verge, along with other large open verges on the south-western and western side of Blackmore Crescent, contribute to the spaciousness evident in the area given the significant set-back nature of properties on this side of the highway. The open amenity land was designed distinctly along these frontages with parcels of open green spaces in a bid to retain an open soft aspect. The Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2022 advises in Section 3, amongst other things, that the incorporation of any landscaped margins between the property and the road should reflect the characteristic depth of frontage and incorporate similar landscape elements such as trees and hedges, where they contribute to the character of the street scene. Loss of this section of verge and amenity space would typically, therefore, not be considered acceptable given the erosion of the amenity area, much to the detriment of the character of the area.
5. Policy CS17 of the Core Strategy 2012 sets out that areas of green infrastructure play a key role in the Borough's landscape setting and local identity. This policy goes on to note that "*development involving the loss of open space will not be permitted unless – alternative and equivalent or better provision is made available in the vicinity – or the development is directly related to the enhancement of the open space*". It is evident in the area, particularly, the south-western and western side of Blackmore Crescent, that vehicle crossovers have been created with large section of the front curtilage of properties laid to hard landscaping for the parking of vehicles. The application dwelling forms part of a pair of semi-detached dwellings alongside a similar terraced row. These properties were constructed as post-war council houses with limited-to-no parking provided. Over the decades as vehicle ownership increased, ad-hoc parking was formed with many parking on the front amenity space to the properties themselves with some illicit parking and use of the soft landscaped verge to access these spaces. This has slightly eroded the character of the area with several informal crossovers in place in the immediate vicinity. Further to this, many other neighbouring properties have parked their vehicles on the remaining and un-tarmacked section of the verge which has ultimately, over time, eroded the sections of grass verge down to their hardcore. Whilst this gives the appearance of a hard crossover, the spaces are, nevertheless, considered as amenity land.
6. It is apparent that the application site has utilised the existing dropped kerb serving No.1 Blackmore Crescent for many years resulting in the loss of the soft landscaping on this section of amenity land. It is proposed to install 'grassblock' over this section of amenity land and convert it to a vehicle crossover to serve the application dwelling. 'Grassblock' is described as a modular block system, which will flex under load and creates a surface with the appearance of natural grass combined with the strength of concrete. The

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character of the soft landscaping has been somewhat diminished by way of erosion due to the unauthorised use of these sections of amenity land to the point that the exposed hardcore gives the impression and appearance of a hard crossover. It is understood that this is primarily down to the occupants of the property and the needs associated with their child. Whilst such a matter is not typically considered a material planning issue, it is pertinent in this case that the space between the application dwelling and on-street parking is significant and located adjacent to a busy highway of Albert Drive. It is considered in this case, therefore, that the positioning of the parking space for the dwelling weighs significantly in the determination of this application.

7. Further to this, it is considered that the change of use of the amenity space with the installation of 'grassblock' can, to some degree, reverse this significant erosion and with the replanting and reseeded of this section of verge reinstate the amenity land to its intended appearance. As such, subject to conditions to ensure appropriate planting occurs in connection with the laying of 'grassblock', the development is considered to somewhat alleviate the loss of the amenity land with a product that could provide an enhancement to the existing verge with repatriation of grass along with hardstanding onto this desolate parcel of land.
8. The application sites' amenity land ties in with the other section of amenity land on this side of Blackmore Crescent and is a soft relief in an area with limited soft amenity land. Policy DM2 of the Development Management Policies DPD 2016 sets out that trees, hedgerows and other vegetation of amenity significance or which form part of the intrinsic character of an area must be considered holistically as part of the landscaping treatment of new development. The removal of this defined amenity land requires significant justification, and it is considered that such justification has been provided in this instance and, subject to conditions, the scheme can ultimately restore the once soft landscaped verge to its bygone state. Removal of other sections of amenity land would be required to demonstrate similar justifications for the change of use of the amenity land given its significance to the wider character of the area.
9. It is, therefore, considered that the proposed change of use of the land from amenity land to a crossover with 'grassblock' for the use of the application site can be justified in this instance given the opportunity to reestablish the initially envisaged soft aspect of the amenity land. Appropriate conditions can be attached to ensure the replanting is sustainable and robust to withstand regular vehicle movements and to ensure the parking of vehicles is not permitted on this crossover.

Impact on Residential Amenity

10. Policy CS21 of the Woking Core Strategy 2012 requires development proposals to *"achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook"*. Detailed guidance is provided within the Council's Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2022 and 'Design' 2015.
11. Sited towards the front of the application dwelling and therefore the front of the adjoining properties, the change of use of the amenity land would not have a direct implication on the amenities enjoyed by neighbours in terms of

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loss of light, loss of privacy or overbearing impact, although it would result in the removal of an aesthetically pleasing green space for the specific reasons set out above.

Impact on Highway Safety

12. The proposal involves the change of use of a section of amenity land and the installation of a system of paving to allow for a vehicular crossover to serve the application dwelling. Surrey County Highway Authority have been consulted on this application and raise no concern subject to conditions relating to visibility zones and the parking of vehicles along with EV charging. It is not considered that all of these conditions meet the tests set out in legislation, the test being that they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The application seeks to utilise an existing dropped kerb and therefore no introduction of an addition dropped kerb which requires visibility zones is proposed. The application site comprises the property at No.3 Blackmore Crescent as well as public footpaths and an area of public amenity land. It is noted that the development could result in the crossover being shared with a footpath and would cause danger and inconvenience to pedestrians. As such, it is considered necessary to attach a condition to ensure the crossover space is not used for the parking of vehicles at any time to ensure no inconvenience to pedestrians or highway safety.

Local Finance Considerations

13. The proposed development does not involve the creation or increase of residential or retail floorspace and would not, therefore, be liable for a payment under the Community Infrastructure Levy.

Conclusion

14. To conclude, it has been set out that the application site includes a section of amenity land which, together with other sections of amenity land, contribute to the open character of the area. It has also been set out that given changes over the past decades including increases in vehicle ownership, parts of this once soft amenity land on the verge of Blackmore Crescent have been eroded back to its hardcore due to persistent parking of vehicles and associated traffic be it illicit or otherwise. It is proposed to change the use of a section of this amenity land to a vehicle crossover to serve No.3 Blackmore Crescent with the installation of 'grassblock' as the hard surfacing. Usage of this type of material would allow for the repatriation of grass along with hardstanding onto this desolate parcel of land which would contribute to the improvement in appearance of this section of amenity land. This along with the personal circumstances of the occupants of the application dwelling as set out in the main body of the report, are considered to represent justification to the change of use of public amenity land in this instance and under these particular circumstances.
15. A number of conditions are considered relevant and necessary to ensure appropriate planting occurs in line with the laying of the hardstanding materials. Further conditions are proposed in respect to highway safety and to ensure the crossover does not inconvenience other highway users including pedestrians.

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16. Subject to these conditions, it is considered that the proposed development would accord with the provisions of the National Planning Policy Framework 2023, Policies CS17, CS18, CS21 and CS24 of the Woking Core Strategy 2012, Policy DM2 of the Development Management Policies DPD 2016 as well as the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2022, 'Design' 2015 and 'Parking Standards' 2018 and is accordingly recommended for approval subject to the attached conditions.

BACKGROUND PAPERS

1. Site visit photographs.
2. Response from County Highways Authority

RECOMMENDATION

Permit subject to legal agreement and the following condition(s):

01. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

02. The development hereby permitted shall be carried out in accordance with approved plans and documents;

- Location Plan Drawing No. 2020.151.002
- Proposed Grasscrete Driveway Drawing No. 2020.151.001 Rev B

Reason: For the avoidance of doubt and in the interests of proper planning.

03. ++ Notwithstanding details already submitted within the above plans, no development shall commence on site until: the final design and specification of the driveway, including cross sections showing the existing and proposed levels; dropped kerb; and the details of the soft landscaping planting plans as well as the details of a suitably qualified Arboriculturalist to oversee the construction works and planting has been submitted to and approved in writing by the Local Planning Authority. The driveway shall then be installed as per the approved documents.

Reason: In the interests of amenity and to preserve and enhance the character and appearance of the locality.

04. The crossover, hereby approved, must not be used for the parking of vehicles of any sort without the prior written consent of the Local Planning Authority.

Reason: To ensure appropriate and sustainable parking arrangements.

Informatives:

01. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework 2023.

02. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local

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Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance.

You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

03. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.

04. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.

05. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

06. 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. www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs.