

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
3 June 2020

REFERENCE: HW/FUL/19/00426

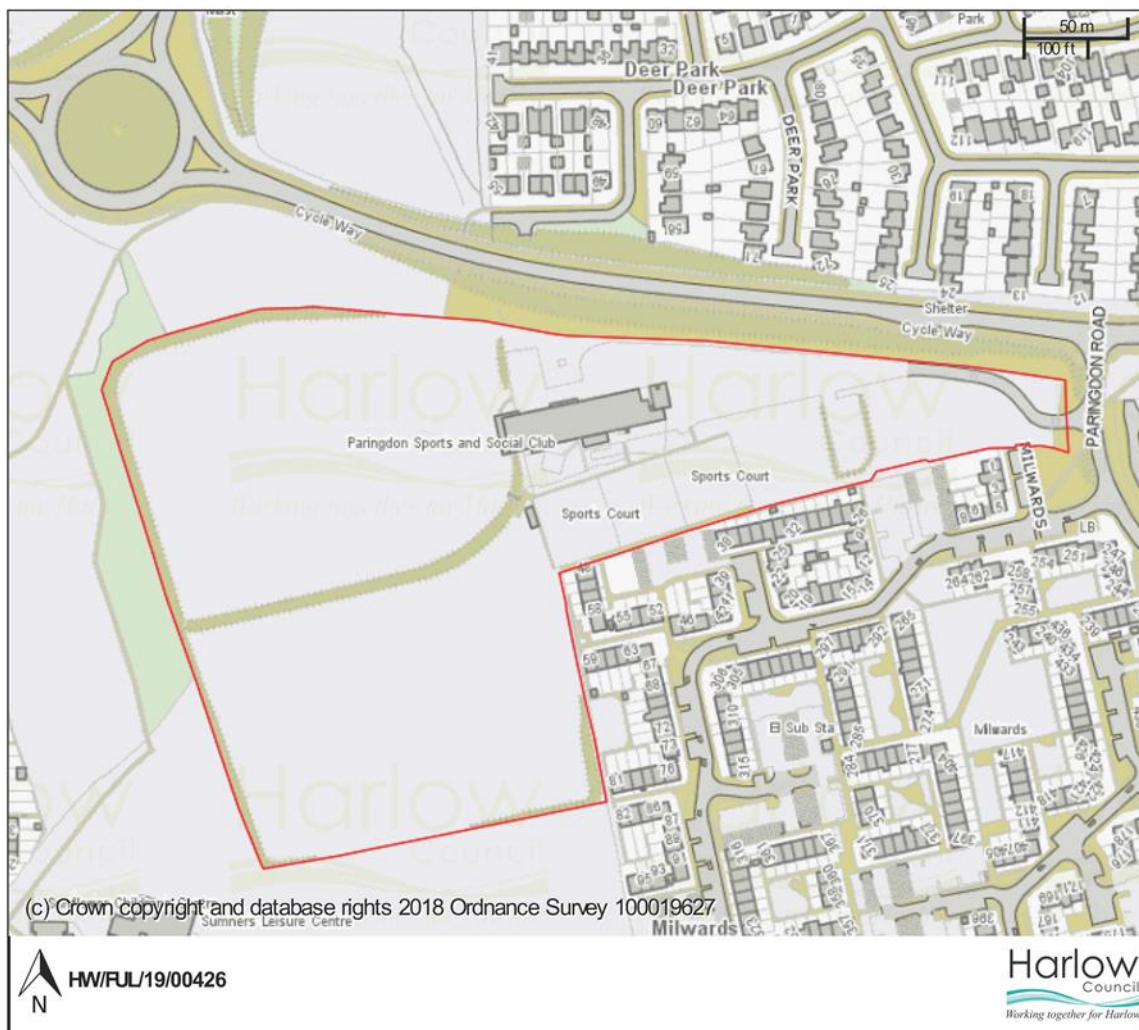
OFFICER: Sangeeta Ratna

APPLICANT: Mr David Hancock

LOCATION: New Frontiers Leisure Club
Paringdon Road
Harlow
Essex
CM19 4QT

PROPOSAL: Retrospective application for the retention of 11 containers and the change of use of the tennis court to store cars. (Amended Description).

LOCATION PLAN



REASON BROUGHT TO COMMITTEE

Three objections have been received and the application has been called in by Councillor Eddie Johnson who is in support of the proposal.

PROPOSED DEVELOPMENT

Retrospective application for the retention of 11 containers and the change of use of the tennis court to store cars. (Amended Description).

Application Site and Surroundings

The site is a sports and leisure facility located in the south west of the district to the south of Southern Way. It lies within a designated Green Wedge. Access is provided via Paringdon Road to the east. The south boundary of the site is shared with the residential development at Milwards.

There exists a main sports club building which is two storeys in height with a pitched roof over. There exists a single storey extension with a flat roof located on the east flank wall of the main building. The remaining site is laid to parking, a tennis court (currently used as car storage area), a basket-ball court and playing fields.

Details of the Proposal

The application seeks retrospective planning permission for the retention of 11 containers and the change of use of the tennis court to a car storage area. The dimension of the containers, their numbers and location within site are as follows –

4 containers - 9.6m wide by 6m deep by 2.6m high located to the east of the main building.

6 containers – 14.4m wide by 6m deep by 2.6m high located near the south boundary and towards the east of the main building.

1 container – 6m wide by 6m deep by 2.6m high located near the north boundary towards the north of the main building.

The tennis court which has been changed to a car storage area lies to the rear east of the main building.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

CONSULTATIONS

Internal and external Consultees

Essex County Council - Infrastructure Planning Officer
No Comment Received.

Essex County Council - Highways
No objection.

Sport England

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Paragraph 97 of National Planning Policy Framework (NPPF).

Sustainable Drainage Team

Object on grounds that the application does not provide sufficient information to assess the impact of the development in terms of flood risk and sustainable drainage point of view.

Neighbours and Additional Publicity

Number of Letters Sent: 213

Total Number of Representations Received: 3

Date Site Notice Expired: 13 December 2019

Date Press Notice Expired: 12 December 2019

Summary of Representations Received

The three objections have been received as follows -

- The application does not clearly state the purpose of the provision of containers or the purpose of car storage, whether they would be long stay airport parking, sale, disposal or dismantling.
- The number of containers is an eye sore
- The number of containers sited is not justified with the existing use of the site. This may lead to the main use of the site changing from sports and leisure to storage.
- Parking congestion which is an existing problem due to events at the club especially on Sundays.
- Noise nuisance at late in the night.

PLANNING POLICY

NE1:"Green Wedge" will be protected from inappropriate development. Permission will be granted, for small scale development proposals or replacement buildings that do not have an adverse effect on the roles of the Green Wedge.

L1:"Playing Fields" planning permission will not be granted for development which will result in the loss of all or part of a playing field, unless: it can be demonstrated that there is an excess of playing fields in the locality; a replacement, equivalent or better is to be provided in a suitable location; ; or any proposed development for an indoor or outdoor sports facility is of sufficient benefit to the development of sport to outweigh the loss of the planning field(s); or the development only affects land that is incapable of forming a playing field or part of a playing field; or the proposed development is ancillary to the use of the playing field.

L3:"Recreational, Leisure and Sports Facilities" where a loss is proposed, permission will only be granted if: it can be demonstrated that the facility is surplus to requirement and an alternative facility is not required; such a development will be ancillary or support and/or enhance the facility; the whole or part of the facility cannot be used to redress deficiency of other leisure provision within the locality; or suitable replacement facilities are provided elsewhere.

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2019) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)
Open Spaces, Sport and Recreation SPD (2007)
Planning Practice Guidance (PPG)

Harlow Local Development Plan Pre-Submission Publication (2018)

The new Harlow Local Development Plan is currently being examined by an Inspector appointed by the Secretary of State.

Paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging local plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The 'Harlow Local Development Plan Pre-submission Publication' (the 'emerging Local Plan') was submitted for examination in October 2018. The Examination started with public hearings which ran between March and April 2019.

In December 2019, the Inspector wrote to the Council with suggested modifications to the emerging Local Plan. The modifications are necessary in order to ensure the Plan is sound, that issues raised during the Examination have been considered, and that the Plan can, therefore, be formally adopted by the Council.

The detailed Main Modifications to the emerging Local Plan, will be consulted on between 12 March and 31 May 2020. The Inspector will then consider any representations made to these modifications, before issuing his final report, but it is anticipated the Plan will be formally adopted by the Council in summer 2020.

It is considered, therefore, that the policies within the emerging Local Plan are consistent with the policies in the 2012 NPPF, as it was submitted during the transition period between the 2012 and 2018 NPPF versions. Significant weight can, therefore, be given to relevant emerging Local Plan policies at this stage. Relevant policies are discussed within the Planning Assessment section.

Summary of Main Issues

The main issues in consideration are the impact of the change of use of the tennis courts to car storage space on the existing community sports facility and the impact of the installation of the containers on the Green Wedge.

Impact of the change of use of tennis courts to car storage

Policy L3 of the ARHLP deals with proposals that would result in net loss of all or part of any sports, leisure or recreational facility. It states that planning permission for such a change will only be granted if:

- 1. It can be demonstrated that the facility is surplus to requirement and an alternative replacement facility is not required; or*
- 2. Such a development will be ancillary or support and /or enhance the existing facility; or*

3. *The whole or part of the facility cannot be used to redress deficiency of other leisure provision within the locality; or*
4. *Suitable replacement facilities are provided elsewhere in an agreed location within or convenient to Harlow.*

Policy L2 of the emerging local plan reflects the same aim as in Policy L3 of the ARHLP in order to guard existing facilities and services, particularly where their loss would reduce the community's ability to meet its day-to-day needs.

The car storage space has resulted in the loss of tennis courts. The Applicant has informed that the tennis courts had fallen into disrepair prior to their use being changed to car storage area in 2018. The nearest sports facility is within 2 miles east from the site at the Harlow Lawn Tennis Club at Latton Bush Centre. However this facility has come into existence after planning permission was granted in 2002 under reference HW/ST/02/00016.

Taking into account the time lapse between 2002 and 2018 it is considered that both facilities existed for a substantial period of time. On this basis the loss of one would not be justified in terms of being surplus to requirement. Additionally its change of use to a car storage space is not considered to be ancillary, or support and or enhance the existing leisure facility at site

Therefore the proposal would not comply with any of the four options required in order to accord with Policy L3.

Impact of the installation of the storage containers and the change of use of tennis courts to car storage space on the character and appearance of the surrounding area

The area surrounding the site is characterised by openness as a result of the site being located in the Green Wedge. Residential development at Millwards to the south would be the nearest development to the site within this green wedge.

Policy NE1 of the ARHLP seeks to protect Green Wedges in the district from inappropriate development. It states that in this regard inappropriate development is all development other than that for school or sports related, community uses, statutory undertakers and householder applications. Policy WE2 of the emerging Local Plan reflects the same. Policy BE1 of the ARHLP requires all development with high public visibility to enhance the character, image and perception of the area. Policy PL1 of the emerging Local Plan aims to achieve high quality built environments which are well connected to revitalised green spaces.

The 11 containers on site are located at three different places. Two of the locations which contain the groups of four and six containers are visible from the rear aspects of the dwellings within Milwards. They are also within obvious public vision as they are sited on the left as one drives into the parking area from Paringdon Road. Owing to their size and siting their appearance is dominating, visibly uncharacteristic of the area and takes away from the character of the Green Wedge.

The single container located near the north boundary of the site is visible from the basket-ball courts and the main entrance of the building. Although it appears visually less intrusive as compared to the other two groups of containers on site it is uncharacteristic and detrimental to the character and appearance of the surrounding area.

The Applicant suggests that the containers should be viewed as small-scale development as they were all placed on existing areas of hardstanding within the site, in accordance with policies NE1 and PL4. They also highlight that the containers can be transported off the site in the future with no impact on the Green Wedge/Finger.

The Applicant highlights that the use of all 11 containers is simply for storage. Some are used by Paringdon for storage of tables/chairs/sports equipment/patio equipment. One is used by Paringdon for storage of groundsman equipment etc. Some are allocated to sports teams based at Paringdon (sports equipment etc), and some are allocated to companies that use facilities at Paringdon (storage of spares/tools etc). In order to maintain this storage which they consider important for the users of the facility, they have offered to move the containers to different positions within the site to limit the overall impact they represent.

The Applicant also wants to highlight that New Frontiers Leisure Club is a 'not for profit' organisation. The materials stored in the container units are associated with the sports club use and allow it to function as a 'not for profit' community facility. Their concern is that the loss of these container units and the income derived from the storage of the cars on the tennis court would prevent the sports club from providing the community use that it currently provides (insufficient storage space) and would divert funding away from the club (funds from the car storage use are currently put back into the sports club (i.e. in line with its 'not for profit' status)).

The use of the tennis courts to car storage space would not be in accordance to the uses which are identified in the ARHLP as not resulting in an adverse impact on the role of Green Wedges.

The Applicant has put forward the argument that the area of land upon which both the containers are positioned and that the cars are to be stored is 'previously developed land'. They suggest that Green Wedge and Green Finger policies are not dissimilar in their aims to Green Belt policy. The National Planning Policy Framework (NPPF) is clear that the erection of buildings in the Green Belt is appropriate where it would involve the redevelopment (partial or complete) of previously developed land. They suggest that it therefore follows that the reuse of a small part of this previously developed land for the storage of cars (i.e. a use that is even less intrusive to the openness of the Green Wedge/Finger than the actual erection of physical structures or buildings) should be regarded as appropriate. They also suggest that the storage of cars on the former tennis court area will not reduce the amount of green wedge/finger in this area; the impact on the Green Wedge/Finger occurred when the tennis court was created and the hardstanding was laid. In the Applicant's view the parking of cars on this area of hard standing will not now lead to a further loss of Green Wedge/Finger and the impact on the Green Wedge/Finger is negligible.

This interpretation put forward by the Applicant is not agreed. The appropriate policy test for the application to be assessed against is policy NE1 of the Local Plan rather than national Green Belt policy. This site is not located within the Green Belt. The use of the land as a tennis court maintains openness and contributes towards the amenities of local residents through the provision of sport related infrastructure. The open storage of cars on this land would be very different, and having cars positioned on the land is harmful in terms of the visual impact.

Whilst the argument of the Applicant has been taken into account, these elements are not considered to outweigh detrimental impact the installation of the containers and the change of use to car storage space represents to the character and appearance of the surrounding area and the Green Wedge within which the site is located contrary to Policies BE1 and NE1.

Other issues

With regard to the objections received in relation to this application, the impact of the installation of the containers on the visual amenity of neighbours in the surrounding area is addressed within the assessment. The noise nuisance, parking congestion resulting from the activities of the club and the contents of the containers would fall outside the remits of this application and therefore they will need to be dealt with as an enforcement matter.

The site visit revealed that there already a single storey extension on the east flank wall of the main building on the site. There is no planning history to indicate that this extension was built with the benefit of a planning permission. There are two separate businesses currently operating from this extension. Both these businesses are not related to the sports and leisure facility at site. A Planning Contravention Notice (PCN) was served on 17 January 2020. In response to the same the Applicant has advised that part was erected in 1984, and another part in 2013.

It may be that through the passage of time this extension could now be lawful, subject to evidence to demonstrate this. The Applicant has been advised to apply for a certificate of lawful development (existing use) in order to regularise the extension and its use. This advice has been given in a meeting with the Applicant on 20 February 2020 and the same was reiterated in an email dated 5 March 2020. An application in this regard has not been made to this Local Planning Authority.

The two businesses existing in the extension do not relate to the sports club. There is no evidence that the two businesses are ancillary or support and /or enhance the existing facility. No information in terms of what services those businesses provide, their potential customers, staff, access, working hours, waste management that would enable the assessment of their impact as a mixed use development at this site has been provided. The retention of these elements is not included in the description of development for the application submitted.

CONCLUSIONS

The installation of the containers and the car storage space at the site results in a detrimental impact on the Green Wedge within which the site is located. The change of use of the tennis courts does not accord with the criteria set out in the local plan policy that deals with loss of existing leisure facilities serving the local community. When considered together with the change of use of the tennis court and the installation of 11 containers on site, it undermines the main use of this site as a leisure centre. Therefore the proposal is contrary to Policy NE1, L3 and BE1 of the ARHLP.

RECOMMENDATION

That Committee resolve to REFUSE planning permission for the following reasons:

1. The eleven containers installed on site by reason of their number, size, bulk and siting together with the car storage space appear detrimental to the openness of the Green Wedge adversely affecting the character and appearance of the surrounding area from within the site and from the rear aspects of nearby dwellings and the role of the Green Wedge contrary to Policy NE1 and Policy BE1 of the Adapted Replacement Harlow Local Plan.
2. The change of use of the existing tennis court adversely affects the use of the site as a community facility and its use as a car storage area is not ancillary to or it does not support or enhance the existing facility contrary to Policy L3 of the Adapted Replacement Harlow Local Plan.

Plan Reference	Version No.	Plan Type	Date Received
No Ref.	4 Containers	Block Plan	05.11.2019
No Ref.	6 Containers	Block Plan	05.11.2019
No Ref.	Container	Photographic Image	05.11.2019

	Metric Measure		
No Ref.	4 Containers	Photographic Image	05.11.2019
	Metric Meas		
No Ref.	6 Containers	Photographic Image	05.11.2019
	Metric Meas		
No Ref.	--	Location Plan	16.10.2019
No Ref.	1 Container	Block Plan	05.11.2019