

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**27<sup>th</sup> September 2022**

**REFERENCE:** HW/FUL/22/00280

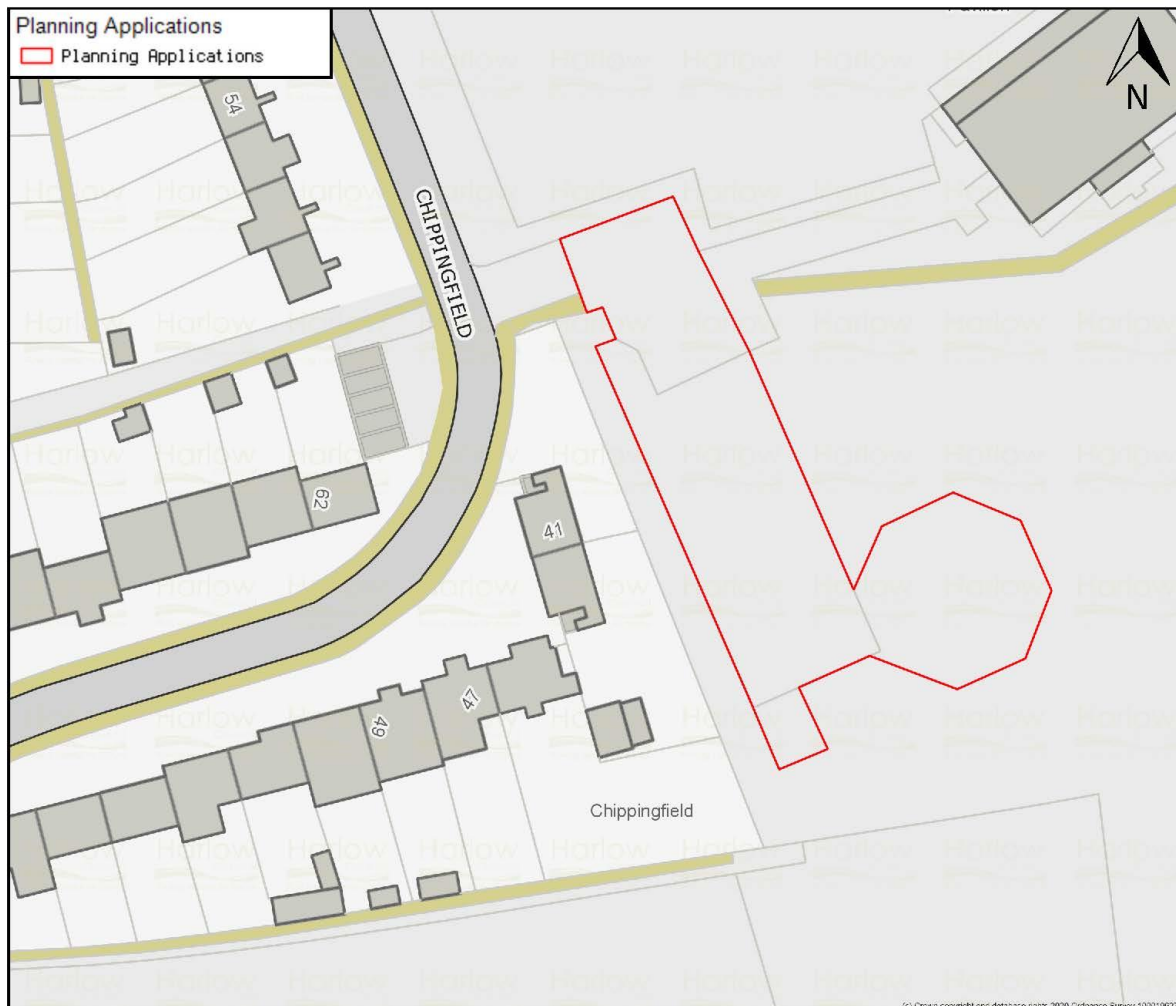
**OFFICER:** Roland Sheldon

**APPLICANT:** Mr Charles Chapman

**LOCATION:** Marigolds Recreation Ground, High Street, Harlow, Essex

**PROPOSAL:** Installation of Storage Container (permanent) and Fabric Shelter (seasonal) for use as Outdoor Gymnasium

**LOCATION PLAN**



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**REASON BROUGHT TO COMMITTEE –** A number objections have been received which are contrary to the officer recommendation.

## Application Site and Surroundings

The subject site contains land within the south of Marigolds Recreation Ground in the east of Harlow, CM17. Harlow Cricket Club clubhouse is located immediately to the east of the site. The site is not located within a conservation area, but the boundary of Old Harlow Conservation Area is located approximately 200 metres to the north of the site. The residential dwellings of Chippingfield are located to the east of the site, with allotments located to the south-east. The area forms part of a designated Green Wedge as identified within the Local Plan.

## Details of the Proposal

The proposal seeks to erect a fabric shelter and place a metal storage container on the site, to facilitate the use of part of the site as an outdoor gymnasium.

The fabric shelter and storage container would be stored within the south of the site. The storage container would be located approximately 5 metres away from the rear garden of no. 45 Chippingfield, with the fabric shelter located approximately 22 metres away. The fabric shelter would reach a height of 5.05 metres with a diameter of 21.445 metres. The storage container would measure 6.06 metres length, 2.44 metres width and 2.59 metres height and would have a green metal exterior.

Following a request for additional information, the applicant has confirmed in a supporting letter that the intention is to provide outdoor exercise classes, predominantly using dumbbells barbells and kettlebells, for a maximum of 20 people per class. Each class would be a maximum of 1 hour long.

The number of classes would be limited to 2 per day, and would be held between 8:00am and 7:00 pm Monday to Friday. The applicant indicates that if it transpires that there is sufficient demand, they would wish to hold classes on Saturday morning, no earlier than 8:00am and no later than 12 noon. No classes are proposed on Sundays or Bank Holidays.

The gym equipment would not require plug-in power and would be stored in the storage container between sessions. The proposed shelter would be required to provide shelter for participants from inclement weather. It is proposed to be erected no earlier than September each year and would be dismantled no later than April each year.

The applicant confirms in a supporting letter that it is not anticipated that any amplified music would be proposed in association with the classes.

## RELEVANT PLANNING HISTORY:

### Planning Applications

#### Harlow Cricket Club, Chippingfield, Harlow, CM17

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PD/17/30059	Installation of Lockable Notice Board on Wall Between Wayre Street/High Street and Old Harlow Fire Station	No further action	20.02.2020
HW/CND/22/00042	Application for approval of details reserved by condition 2 (Arboricultural Tree Protection Method Statement & Tree Protection Plan) of planning permission HW/FUL/21/00515	ADIS	14.02.2022

HW/ADV/22/00281	Advertising for Installation of Storage Container (permanent) and Fabric Shelter (seasonal) for use as Outdoor Gymnasium	Pending consideration	
HW/FUL/21/00515	Erection of 15m high safety fence	Granted	12.11.2021
HW/PL/14/00299	Replacement Clubhouse Building, Relocated Between Cricket Grounds. Diversion of 2 No. Public Rights of Way. Removal of Hedgerow With New Planting and Landscaping in Mitigation. Creation of New Vehicle Access and Parking Area from Chippingfield On To Site	Granted	21.08.2014
HW/PL/14/00266	Creation of New Access to Spicers Field	Granted	26.08.2014
HW/PL/14/00094	Application for Approval of Details Reserved by Condition 2, 3, 4 & 10 of Planning Permission HW/PL/12/00209 for a Replacement Clubhouse Building, to be Relocated Between Cricket Ground and Creation of New Vehicle Access from Chippingfield on to Site	Granted	17.04.2014
HW/PL/12/00209	Replacement Clubhouse Building, to be Relocated Between Cricket Ground and Creation of new Vehicle Access from Chippingfield on to Site	Granted	14.09.2012
HW/ST/01/00173	Erection of Portable Cabin (6.1m x 2.4m) on Paving Slab Base for Storage of Equipment/Use as Changing Room	Granted	17.07.2001
95/00179	EXTENSION AND IMPROVEMENTS TO CRICKET/HOCKEY CLUB PAVILION	Granted	

## Internal and External Consultees

No Comment Received.

## Neighbours and Additional Publicity

Number of Letters Sent: 3

Total Number of Representations Received: 3

Date Site Notice Expired: N/A

Date Press Notice Expired: N/A

## Summary of Representations Received

- Development will result in graffiti
- Development will result in pest control and overgrowth management issues for neighbours
- The marigold trust holds the field for use of residents of Chippingfield, not for the use of the general public.
- The increased noise of moving equipment and people encouraging each other on is yet more disruption to the area. Many people use gyms before going to work and after coming home. What times will this container be in use?
- Will the parking be behind the two houses backing on to the field, thus increasing disturbance and pollution for the residents?
- Where will users park if the vehicle gate is closed, as there is already limited space for parking on the bend adjacent to the entrance.

- Will the council mark out numbered bays on the road for the two houses so that the parking they now have ,which works well for all the residents in that area , is protected?

**Non-material**

- The development would result in a loss of view

Officer comment: Loss of view is not a material planning consideration

- Will the gym only be available for residents of Chippingfield?

Officer comment: Who is permitted to use this private gym facility is a commercial-related matter that is not a material planning consideration in determining the planning application.

- It has not been researched if there is demand for this type of outdoor gym facility.

Officer comment: The matter of demand for the facility is not a material planning consideration in the determination of this planning application.

**PLANNING POLICY:**

National Planning Policy Framework (NPPF)

The Development Plan is prepared taking account of the National Planning Policy Framework (NPPF) (as extant at the time - the NPPF is regularly updated; currently in its 2021 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF).

Development Plan

Planning law requires that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the site consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP), Essex County Council (ECC) Essex and Southend on-Sea Waste Local Plan 2017 and ECC Essex Minerals Local Plan 2014.

The part of the Development Plan applicable to the proposal is the HLDP. The HLDP is prepared in the context of the National Planning Policy Framework (NPPF) – see ‘Planning Standards’ below. It is important to note that this is recently adopted and therefore ‘up to date’ plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

Harlow Local Development Plan 2020

- WE2: Green Belt, Wedges and Green Fingers
- PL1: Design Principles for Development
- PL2: Amenity Principles for Development
- PL5: Green Wedges and Green Fingers
- IN2: Impact of Development on the Highways Network including Access and Servicing
- IN3: Parking Standards
- L2: The Provision and Loss of Recreational, Sporting and Cultural Community Facilities

## Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)  
Essex Parking Standards 2009  
Harlow Design Guide Addendum (2021)

### HGGT Guidance

Harlow and Gilston Garden Town (HGGT) is a designated 'Garden Community' under the Government's Garden Communities Programme.

NPPF Para.72 provides the national policy context for Harlow and Gilston Garden Town (HGGT) as a location for larger scale (housing) development. Of particular note is the emphasis on; existing or planned investment in infrastructure, the areas economic potential and the scope for net environmental gains..... plus; clear expectations for the quality of development and how this can be maintained (such as by following garden city principles). The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town and are therefore relevant to this application.

The HGGT Vision elaborates on the HGGT's interpretation of garden city principles and sets expectations for high quality development to accord with the principles.

The HGGT Design Guide requires consideration of design quality in a garden city principles sense and draws attention to specific local issues.

The HGGT Transport Strategy (Draft) explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

## Summary of Main Issues

The main planning considerations in the determination of the planning application are listed below:

- Design, character and appearance;
- Impact on neighbouring amenity;
- Impact on the function of the community use facility;
- Impact of the development on the Green Wedge;
- Parking and highways and
- Equalities.

### Design, character and appearance

Policy PL1 of the Harlow Local Development Plan (HLDP) 2020 requires a high standard of urban and architectural design for all development. Part (b) of the policy states development should:

*"..protects, enhances or improves local distinctiveness without restricting style and innovation, whilst taking account of local character and context, including patterns of development, urban form and landscape character, Green Infrastructure including trees and landscaping, building typology and the historic environment;"*

The proposed development would see the temporary erection of a fabric shelter and a storage container within the south of the site. The fabric shelter would reach a height of 5.05

metres with a diameter of 21.445 metres. The storage container would measure 6.06 metres length, 2.44 metres width and 2.59 metres height and would have a green metal exterior. Given the scale of the recreation ground in which they would be located, the scale of the additions would not be considered to result in an unacceptable impact on the character and appearance of the locality. The shelter itself would also be a temporary feature that is only on site in the Autumn and winter months. As such, the proposal is acceptable with regards to design and character considerations.

#### Impact on neighbouring amenity

Policy PL2 of the HLDP requires that proposals preserve or enhance levels of amenities of existing and future occupants and neighbours. In assessing the acceptability of development on amenity, the following criteria and the cumulative effects will be considered.

- (a) privacy and overlooking;
- (b) overshadowing and loss of daylight and sunlight;
- (c) aspect and outlook;
- (d) overbearing and the perception of overbearing;
- (e) the perception of enclosure;
- (f) access to high quality and useable amenity space;
- (g) compatibility and sensitivity of adjacent uses.

The storage container would be located approximately 5 metres away from the rear garden boundary of no. 45 Chippingfield, with the fabric shelter located approximately 22 metres away. The fabric shelter and storage containers would be set a sufficient distance away to ensure that their bulk, massing and height would not result in any unacceptable loss of light or outlook by neighbouring occupants.

The proposed use of the site as an outdoor gym space could be limited to a maximum of 20 people, for no more than 2 classes per day up to a maximum of 1 hour per class, between the hours of 8:00am – 7:00pm Monday – Friday and 8:00am – 12 noon on Saturdays. Amplified music could be restricted unless satisfactory details are submitted to and approved by the Local Planning Authority. These matters could be controlled by restrictive conditions.

The proposed hours, scale and intensity of the use would not be considered to result in unacceptable noise and general disturbance on neighbouring residents within Chippingfield. Objections have been received that indicate there are concerns that the proposal could result in an increase in graffiti and problems with pests and vermin. There is nothing within the submission that would give rise to concerns that the proposal would result in an increase in anti-social behaviour or vermin.

There is an existing area of parking on the area covered by geotextile matting adjacent to the rear gardens of Nos. 41 and 43 Chippingfield. This area could be used for parking during if necessary during the classes. This would not be considered to give rise to unduly detrimental disturbance to neighbouring amenity, given the proposed hours of operation and the number of classes being limited to 2 per day.

As such, the proposal is considered to be acceptable with regards to amenity impact considerations. However, in order to monitor the use and its impact on neighbouring amenity and parking/highway conditions in the locality, a condition shall be imposed on the development to only permit a temporary grant of consent of 2 years from first occupation and use of the site for the approved use. It would be necessary for the applicant to apply to extend the continuance of the use after this point, where the LPA could review the impact of the use on neighbouring amenity over the preceding 2 years as part of the assessment of any subsequent proposal.

### Impact on the function of the community sports facility

Part 2 of HLDP policy L2 states that development that will result in the loss of all or part of any recreational, sporting, cultural and community uses and/or facilities will not be supported unless it meets one or more of the following criteria:

*“(a) it can be demonstrated that the use and/or facility is surplus to requirements and an alternative replacement is not required;*  
*(b) replacement uses and/or facilities of equivalent or better quantity and quality are provided in a suitable location before the existing use and/or facility is replaced. The replacement should be provided in an agreed location;*  
*(c) such a development is ancillary or will support and enhance the existing use and/or facility”*

At present, the land that would be occupied by the storage container and shelter forms part of the cricket pitches of Harlow Cricket Club. Given the seasonal nature of cricket which is a game played within the spring and summer months, the proposed use of this area of the cricket pitch during the autumn and winter months would not result in any loss of the existing sporting use, and would provide an additional sporting facility for the benefit of the general public. As such, the proposal would not result in an unacceptable impact on the function of the existing sporting facility.

### Impact of the development on the Green Wedge

HLDP Policy WE2 outlines the roles of Green Wedges and Green Fingers within the District. HLDP Policy PL5 states development on land designated as Green Wedge or green Finger must meet one or more the following criteria:

*(a) it is for small-scale development;*  
*(b) it is for infrastructure, including local transport infrastructure, which demonstrates a requirement for a Green Wedge or Green Finger location and demonstrates it is of benefit to the wider community;*  
*(c) it is for the alteration, extension or replacement of buildings.*

The development is considered to be small-scale.

Additionally, development must meet both the following criteria:

*(d) it demonstrates that the roles and functions and historic significance of the Green Wedges and Green Fingers (as set out in policy WE2) are preserved, enhanced and not adversely affected; and*  
*(e) it demonstrates that the wider landscape and setting is preserved, enhanced, promotes biodiversity and integrates with existing Green Infrastructure.*

The development would be in general accordance with and would not conflict with the roles and functions/historic significance of the Green Wedge as set out within policy WE2. It is understood that it is possible for some neighbouring residents to use the cricket ground for recreation, and the proposal would not unduly harm the ability for this amenity to continue functioning. As set out in the community sports facility section of the report, the use of the cricket club facility would not be impacted by the proposal, given that it would be in operation outside the cricket season. The proposal is small-scale and does not involve any construction, which would mean it would be considered to preserve the wider landscape and not harm biodiversity value of the Green Wedge.

Where development includes replacement uses, redevelopment, extensions or alterations, it must meet all the following criteria:

- (f) it does not result in a greater negative impact on the roles and functions of the Green Wedges and Green Fingers than the existing development;*
- (g) it does not result in disproportionate additions to the original building(s); and*
- (h) any replacement buildings must be in the same use.*

The proposal would not be considered to result in a significant negative impact on the roles and functions of or excessive development on the Green Wedge. Taking the above into consideration, the proposal is acceptable with regards to its impact on the Green Wedge.

### Parking and Highways

HLDP policy IN2 requires proposals to not cause a severe residual cumulative impact on highway congestion and movement, and not cause a detrimental impact on the safety of all highway users. Policy IN3 states that vehicle parking must be provided in accordance with Essex Vehicle Parking Standards, unless otherwise indicated elsewhere in the Local Plan and/or supporting documents.

The proposal would provide lessons during daytime hours Mon-Friday and Saturday mornings for up to 20 people, outside of the cricket season, and thereby not clashing with times where journeys for training and matches will occur. There is a large area of geotextile matting which was added to the site as part of the 2014 grant of consent for the new clubhouse, which was identified on the originally approved plans as being able to accommodate approximately 30 cars. This would provide ample parking capacity for the proposed operation. There is a gated access into the site.

A supporting letter dated 18<sup>th</sup> August was received from the applicant that outlined that the end user will not operate during hours where the main pavilion building is being used for other functions, or on matchdays. It is the intention of the applicant according to the letter, that the end user will be responsible for unlocking the gate in advance of participants arrival and closing/locking the gate upon completion of the proposed lessons.

In order to ensure that this gate will always be open to allow members of the gym classes travelling by car to enter and park on-site and avoid the need for on-street parking, a parking management plan will be required to be submitted to and approved by condition, that clearly sets out how access into and out of the site by vehicles during classes will be handled.

Subject to compliance with this condition, the proposal is acceptable with regards to parking and highways considerations.

### **Equalities**

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

For the purposes of this obligation the term “protected characteristic” includes:



- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.”

Officers consider that the application does not give rise to any concerns in respect of the above.

## **CONCLUSIONS**

Officers recommend that planning permission is granted subject to conditions.

## **RECOMMENDATION**

Granted Planning Permission subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The number of people for the outdoor gymnasium use shall be limited to 20 customers per class, for no more than 2 classes per day. Each class shall last no more than 1 hour.

The hours of use of the proposed outdoor gymnasium shall be limited to the following hours:

8:00am - 7:00pm Monday - Friday

8:00am - 12 noon on Saturdays

No lessons shall be permitted on Sundays or Bank Holidays.

The proposed fabric shelter shall be dismantled and stored between the months of April and August of each year.

Reason: In the interests of protecting the amenities of neighbouring occupants, and the recreational enjoyment of the Green Wedge, in accordance with policies PL2 and PL5 of the Harlow Local Development Plan 2020.

- 3 Notwithstanding the plans and other information hereby approved, this grant of planning consent is limited to a period of 2 years from first use of the site as an outdoor gymnasium, after which point the use shall cease and the fabric shelter,

storage container and contents, and any other materials associated with the use shall be removed from the site, unless otherwise agreed in writing by the Local Planning Authority. Notification in writing shall be submitted to the Council on first occupation of the site for this use.

Reason: In order to allow a temporary period for the impact of the use on neighbouring amenity and parking/highway conditions in the locality to be monitored, in accordance with policies PL2, IN2 and IN3 of the Harlow Development Management Plan 2020.

- 4 No external lighting shall be installed on site in association with the proposed use unless full details of proposed external lighting are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any subsequent approved details.

Reason: In the interests of protecting the amenities of neighbouring residential occupants, in accordance with policy PL2 of the Harlow Development Management Plan 2020.

- 5 There shall be no amplified music/noise in association with the proposed use unless full details of a noise management plan that satisfactorily demonstrates that there would not be an unacceptable impact on the amenities of neighbouring residential occupants, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any subsequent approved details.

Reason: In the interests of protecting the amenities of neighbouring residential occupants, in accordance with policy PL2 of the Harlow Development Management Plan 2020.

- 6 Prior to the commencement of the first use of the site as an outdoor gymnasium hereby approved, a parking management plan that demonstrates where parking for users of the gym classes would be provided within the site, and how access into the site by vehicles would be controlled, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the subsequently approved details.

Reason: To ensure that the development does not result in an adverse impact on highway and parking conditions in the locality, in accordance with policies PL2 and PL3 of the Harlow Development Management Plan 2020.

- 7 The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

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

<b>Plan Reference</b>	<b>Version No.</b>	<b>Plan Type</b>	<b>Date Received</b>
22/006/A/002	C	Proposed Plans	06.09.2022
22/006/A/003	Shelter	Proposed Plans	08.08.2022

22/006/A/001

C

Location and Block Plan

16.08.2022

Supporting letter

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22/006/A/mc

## **INFORMATIVE CLAUSES**

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.