

5.01 - SE/11/01112/FUL Date expired 21 July 2011

PROPOSAL: Erection of two additional containers on site.

LOCATION: Meopham Cricket Club, Manor Road, Longfield DA3
8LD

WARD(S): Hartley & Hodsoll Street

ITEM FOR DECISION

This item is referred to Development Control Committee at the request of Councillor Abraham on the grounds that there is an overriding need for the containers on the site.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green belt and to its openness. This conflicts with policy LO8 of the Sevenoaks Core Strategy and the aims and objectives of national guidance contained within PPG2: Green Belts.

The proposal by virtue of the number of containers, their size and bulk would detract from the character and appearance of the area. This conflicts with policies EN1 and EN8 of the Sevenoaks District Local Plan and policies SP1 and LO8 of the Sevenoaks Core Strategy.

Description of Proposal

- 1 This is an application for the siting of two storage containers on and within an existing recreation ground within the Parish of Hartley. The containers are to be sited adjacent two existing shipping containers near to the southern boundary of the site to form a linear row of containers.
- 2 The applicants have advised that the additional two containers are required for the local cricket club for catering purposes and to provide showering facilities. These additional containers would be connected to utility services i.e. drainage, water etc.

Description of Site

- 3 The application relates to the siting of containers within an existing recreation ground. Towards the southern boundary of the recreation ground are two

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existing containers set on a base of concrete where a sports pavilion once stood.

- 4 The site is very open and rural in character with a series of mature treeline and hedgerows at the boundaries, which enclose the site. To the north of the containers is a play area with associated play equipment.
- 5 The site lies within the Metropolitan Green Belt.

Constraints

- 6 Metropolitan Green Belt.

Policies

South East Plan:

- 7 Policies - CC6, SP5

Sevenoaks District Local Plan:

- 8 Policies- EN1, EN8

Sevenoaks Core Strategy:

- 9 Policies- SP1, LO8

Other:

- 10 PPS1, PPG2, PPS7

Planning History

- 11 02/01821/FUL Two new container cabins Granted on 11/11/2002.
- 12 10/02039/FUL Place two steel containers each of 6.10m x 4.438m on the existing base of the old cricket pavilion, adjacent to the two containers already there, within the footprint of the old pavilion. The containers to be connected to mains electricity, drainage and water, container 1 used for changing and shower facility. Container 2 for catering storage. Refused on 10/11/2010.
- 13 11/01111/FUL Renewal of planning permission, for the existing two containers (SE/02/01821) Granted on 20/07/2011.

Consultations

Hartley Parish Council

- 14 The Parish Council have made the following comments:-

Hartley Parish Council supports the application, provided it complies with Green Belt regulations.

SDC Environmental Health

15 SDC Environmental Health have made the following comments:-

The following would need to be complied with and can presumably could be added as informatives:-

- a) current food legislation including Regulations EC No 178/2002, EC No 852/2004 the Food Hygiene (England) Regulations 2006 and all associated national legislation and regulation, assuming that food is stored as the "catering supplies" in one container.
- 16 If one container is to be used as a changing facility with water, electricity showers, etc. I presume Building control would be interested in these facilities and proposed ventilation etc.
- 17 Though it appears that one container is now to be used for " rudimentary food preparation areas for rolls sandwiches etc". This would involve consideration to provision of suitable water supply, drainage, ventilation, lighting, sink(s), hand washing facilities, food storage facilities, work surfaces etc. These being the requirements of the regulations mentioned though the extent of this depends on the nature of the operation. They would need to register with this authority as a food premises.
- 18 Health and safety law and regulations may apply to the facilities if the club operates as a business and has employees but this would have to be determined. They do mention the use of volunteers.

Representations

19 No representations have been received.

Head of Development Services Appraisal

Principal Issues

- 20 The main considerations of this application are:
- whether the containers constitutes a building operation;
 - principle of development and impact upon the Green Belt;
 - impact on the character and amenity of the area;
 - impact upon residential amenity;
 - whether the very special circumstances clearly outweigh the harm to the Green Belt.

Whether the containers constitute a building operation

21 A key issue is whether the containers constitute a building operation or whether the containers fall to be considered as a change of use of the land.

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- 22 The containers would be used for purposes in association with the recreational use that currently prevails on site. In this respect it is considered that there would be no material change in the use of the land.
- 23 The other way of considering this proposal is to ascertain whether the containers would constitute operational development.
- 24 In s.336 of the 1990 Act a building operation is defined as "any structure or erection and any part of a building, as so defined, but does not include plant or machinery comprised in a building". The key factors in making this assessment are the size, use and degree of permanency.
- 25 The containers are large metal boxes measuring approximately (2.438m by 6.1m) that would have been made for transporting goods.
- 26 Overall it is considered that the containers would have a strong degree of permanence since the containers would be placed on the land in a stationary position. In view of this it is considered that they would constitute a building operation.
- 27 In this respect for the purposes of this application the shipping containers can be seen as operational development due to their size, use and air of permanency.

Principle of the development and impact upon the Green Belt

- Is the development appropriate?

- 28 PPG2 states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 29 Paragraph 3.4 of PPG2 states:-
- The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:
- agriculture and forestry
 - essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it
 - limited extension, alteration or replacement of existing dwellings
 - limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG3
 - limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C

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- 30 The most pertinent criterion to this proposal is the second indent of paragraph 3.4. This key issue is whether the proposed containers constitute an essential facility for outdoor sport and outdoor recreation. PPG2 states that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.
- 31 The tests of paragraph 3.4 are also acknowledged in paragraph 30 of PPG17 which refers to essential facilities for outdoor sports and recreation. It specifically states:-
- “Planning permission should be granted in Green Belts for proposals to establish or to modernise essential facilities for outdoor sport and recreation where the openness of the Green Belt is maintained. Development should be the minimum necessary and non-essential facilities (eg additional function rooms or indoor leisure) should be treated as inappropriate development. Very special circumstances which outweigh the harm to the Green Belt will need to be demonstrated if such inappropriate development is to be permitted.”*
- 32 The applicants have provided a lot of information about the cricket club in general and have provided information about how the containers will be used. This is summarised as follows:-
- 33 The applicants have advised that the Saturday senior sides play the majority of their games on the Green at Meopham on an alternative home and away basis, the Colts and the Juniors play the majority of their games at Manor Road Longfield. The home games are played on various days/evening for example the under 11s will play their home games from 5:00 pm on a Friday, the other age groups will play their games on a Sunday morning or some other evening during the week. In addition to this the ground is also used for elite coaching on a Wednesday evening for an age group side away from the larger group that gathers on the Green on a Wednesday evening during the summer for training.
- 34 In addition occasional 3rd eleven may play there and finally if there and finally if there is a clash of home fixtures for the senior sides then one of those will play at Longfield.
- 35 As stated above there are two existing containers on the site which were recently granted planning permission under application SE/11/01111. The first of the existing containers houses assorted equipment such as rollers, mowers and other groundwork equipment and the other container stores seating, has a toilet and a place for making tea and coffee.
- 36 The justification for the two new containers is to provide additional space for:-
- Changing and washing/showering facilities for teams within a closed environment.

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- Catering facilities for not only teas coffees, but to provide a rudimentary preparation area for rolls and sandwiches
- 37 As stated above the key is whether the proposal is an essential facility for outdoor sport and recreation.
- 38 It is however considered that the containers do not provide an essential facility for outdoor sports and recreation (as the recreational use could take place without the proposed facilities). In essence it is contended that the washing and showering facilities and food preparation areas are not essential, but a desired facility for the club to substantially improve the provision for people who take part in the sport on the site. It is considered that people are still able to play cricket on the recreational ground (as they currently do), without having a changing room and for somewhere to prepare food. The distinction between what is essential and what is desired has to be made. Whilst paragraph 3.5 of PPG2 states that small changing room facilities can be essential, in this case there are other containers already on site that have an impact on the openness of the Green Belt. The use of the existing container could be modified if changing facilities were considered more important to the club. The cumulative impact of all four containers would provide a volume of space in excess of what would be considered essential facilities for outdoor recreation.
- 39 In view that the containers cannot be regarded as essential facilities, it is submitted that the containers would be regarded as inappropriate development as the proposal does not comply with paragraph 3.4 of PPG2.

The harm caused

- 40 As stated above there would be harm in principle as the proposal would be considered as inappropriate development in the Green Belt. In addition to the harm in principle there would also be harm to the openness of the Green Belt and to the visual amenities of the Green Belt, and these are discussed in more detail below.
- 41 PPG2 at paragraph 3.15 advises that *“the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt, which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design”*. This element of Green Belt policy places an additional requirement upon potential new development. Not only must it be appropriate in terms of its use but must also be appropriate in terms of its siting, materials and design and its impact upon the visual amenities of the area.
- 42 Due to the size and number of containers on the site (which would amount to four in total) it is considered that the proposal would result in a clutter of structures which, by reason of their siting; design/materials are considered to be visually intrusive.
- 43 As the containers occupy a prominent location that are clearly visible from many locations within the recreation ground and by virtue of their individual

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size, appearance and design of the containers and their cumulative impact of the containers, these permanent features, would result in harm to the otherwise open and rural character of the area. The linear appearance and massing of the containers detracts from its setting, highlighting their prominence within the landscape and especially the two existing containers have been subjected to graffiti.

- 44 Although the dark green colour of the existing containers reduces their visual prominence, due to their haphazard positioning and industrial appearance, they fail to harmonise with the surrounding open space.
- 45 The development is considered to be inappropriate in this context, due to the visual massing of the containers; they harm the local character and appearance of the area contrary to policies EN1 and EN8 of the Local Plan.

Whether there are very special circumstances

- 46 This proposal is development is inappropriate development. The onus is therefore on the applicant to set out any very special circumstances they consider may apply in this case. Paragraph 3.2 of PPG2 makes it clear that "Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations." It goes on to state that in view of the presumption against inappropriate development substantial weight to the harm to the Green Belt will be attached in considering any planning application or appeal.
- 47 Although not presented as very special circumstances within the application submission, it is considered that the following case can be made:-
- Need for changing and washing/showering facilities for teams within a closed environment.
 - Need to provide catering facilities for not only teas coffees, but to provide a rudimentary preparation area for rolls and sandwiches
- 48 An assessment of whether these circumstances are very special, and if they are whether they clearly outweigh the harm in principle to the Green Belt and any other harm, will be made later in this report once all of the potential areas of harm have been considered and assessed.

Impact on the landscape character of area

- 49 Policy EN1 of the Local Plan and policy SP1 of the Sevenoaks Core Strategy states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 50 Policy LO8 from the Core Strategy is also applicable to this application. This policy states that the countryside should be conserved and the distinctive

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feature that contribute to the special character of its biodiversity will be protected and enhanced where possible.

- 51 As stated above due to the size and number of containers on the site (which would amount to four in total) it is considered that the proposal would result in a clutter of structures which, by reason of their siting; design/materials are considered to be visually intrusive within the landscape.
- 52 In this respect the proposed containers are considered to conflict with policies EN1 from the Sevenoaks District Local Plan and policy LO8 from the Core Strategy.

Impact upon Residential Amenity

- 53 Policy EN1 from the Sevenoaks District Local Plan state that the proposed development including any changes of use does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 54 It is considered that the proposal would not materially harm the amenity of adjoining residential occupiers as they are located approximately 55m from the nearest property (which is located to the south of the site), I consider that this is sufficient distance not to unduly affect their amenities.
- 55 Environmental Health Officer raises no objection to this proposal.

Other Issues

- 56 The Parish Council raise no objection to this proposal provided it complies with Green Belt regulations.

Whether the Special Circumstances clearly Outweigh the harm to the Green Belt

- 57 The report has shown that there is harm in principle to the Green Belt as the proposed containers constitute inappropriate development in the Green Belt. In addition it is also submitted that there is harm to the openness of the Green Belt and to the visual quality of the landscape.
- 58 PPG2 states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The possible very special circumstances are:
- Changing and washing/showering facilities for teams within a closed environment.
 - Catering facilities for not only teas coffees, but to provide a rudimentary preparation area for rolls and sandwiches
- 59 As already stated, whilst the facilities described above may be considered helpful and desirable they are not considered to be facilities that are deemed necessary for the carrying out of the sport. It is considered acceptable to

arrive at a sporting venue of this nature without having changing room facilities or a place to prepare and make food.

- 60 In this case, it is considered that the desire for the facilities does not amount to very special circumstances. It is therefore submitted that the very special circumstances do not clearly overcome the harm in principle and the harm in practice to the openness of the Green Belt and the character and appearance of the area.

Conclusion

- 61 For the reasons above, there are no overriding material considerations to overcome the Green Belt Policy objection as no very special circumstances exist. As such, it is recommended that this application should be refused as it is contrary to policies EN1 of the Local Plan, policy SP5 of the South East Plan and the aims and objectives of PPG2.

Background Papers

Site and Block Plans

Contact Officer(s): Vicky Swift Extension: 7448

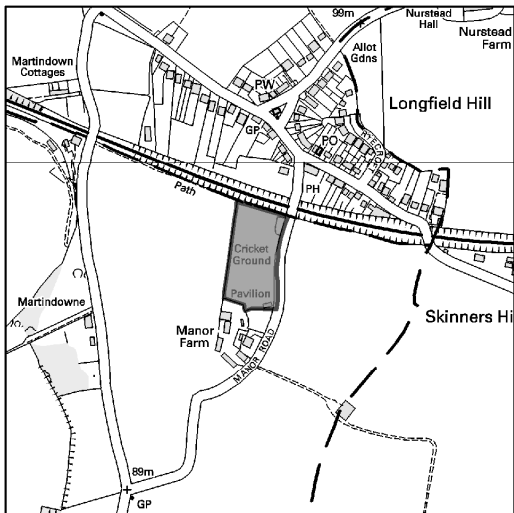
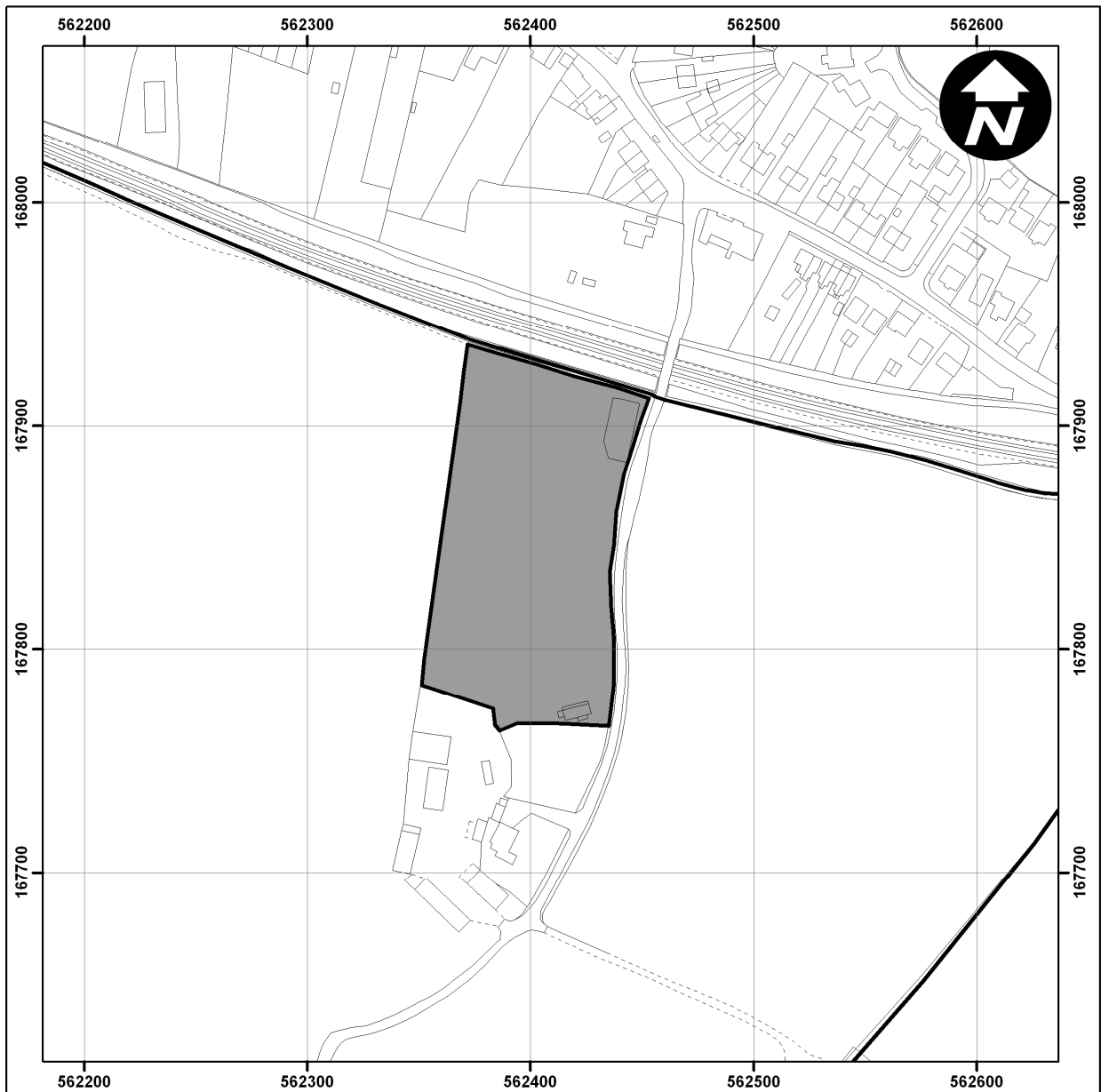
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LKRX37BK0CR00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LKRX37BK0CR00>



Site Plan

Scale 1:2,500

Date 09/08/11



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