

## ITEM

**Application:** 2023/175

**Location:** Sports Pavilion Mill Lane Playing Field Mill Lane Hurst Green, Surrey RH8 9DF

**Proposal:** Installation of 20ft shipping container for storage of field maintenance and sports equipment

**Ward:** Oxted South

*Constraints – Bigginhill Safeguarding, Gas pipeline(s) within 175m, Road\_local d - Mill lane, risk of flooding from surface water – 100 / 1000, Urban Area*

**RECOMMENDATION:** **PERMIT subject to conditions**

1. This application is reported to Committee because the site is Council owned land.

### Summary

2. The application site is in a Category 1 settlement where the principle of development is considered acceptable.
3. The proposed container is located within a discrete corner of the site and is not considered to detract from the character of the area or street scene. The development will not result in a significant impact on the residential amenity of the neighbouring properties. The development is not considered to impact on highways safety but requires a condition to protect adjacent trees which are not protected by a Tree Preservation Order.
4. Consequently it is considered that the proposal would accord with the requirements of the NPPF and with the policies contained in the Development Plan. There are no adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The presumption in favour of sustainable development remains to be applied. Accordingly it is recommended that permission is granted subject to conditions as outlined.

### Site Description

5. The site comprises a playing field, with running track, trim trail and outdoor recreation facilities. It is located within the urban area of Hurst Green and is surrounded by other fields to the south and west, with residential dwellings to the north and east.

### Relevant History and Key Issues

6. The relevant planning history is as follows;

76/85 - EXTENSION TO PAVILION AND PROVISION OF HARD SURFACE CAR PARKING Approved with Conditions 23/03/1976

79/19 - ERECTION OF SHED FOR STORAGE OF SPORTS EQUIPMENT Approved with Conditions 26/02/1979

80/1182 - Erection of covered area for sports equipment Approved (full) 16/06/1981

85/582 - Demolish existing beer store and garage and erect addition to provide replacement beer and equipment store Approved (full) 31/07/1985

87/946 - Erection of extension to provide beer and crate store together with new entrance porch. Approved (full) 02/11/1987

85/362 - Retention of 2 poles with 500w floodlights Approved (full) 11/06/1985

2006/330 - Retention of single storey side extension providing covered access ramp. Approved (full) 23/05/2006

2007/982 - Change of use of land to allow stationing of 12.2m x 2.4m steel container Withdrawn/substituted 17/07/2007

2007/1188 - Stationing of 12.2m x 2.4m steel container. Approved (full) 30/08/2007

2016/42/TPO - TPO 27, 2013 (T) - Oak x 4 (TPO T6, T7, T8 & T9): Clean out to remove all dead, diseased, dying, broken hanging branches & stubs throughout the crown. Oak (TPO T7): Reduce lowest (forked) limb on SE side of stem back to beyond fork (as per submitted photograph) Approved 29/02/2016

2016/1762 - Formation of trim trail track. Approved 23/01/2017

2023/175 - Installation of 20ft shipping container for storage of field maintenance and sports equipment Not yet determined

7. The key issues for this application are the principle of development, acceptability in terms of character and appearance, impact on neighbouring amenity and highway safety and ecology. Each of these will be addressed in the report below.

## **Proposal**

8. This application seeks approval for the stationing of a shipping container on the land for the storage of sports equipment associated with Holland Sports Junior Football Club. The shipping container is to measure 6m long by 2.4m wide and 2.5m tall. It will be green colour.
9. The container will be supported by 6 concrete pads which will sit approximately 100mm above the existing ground level. Each pad will have a foundation of approximately 300mm compacted type 1 hardcore, followed by 200mm concrete. Each pad will be no more than 800mm square.
10. The container is to be located to the south-east corner of the site some 3.2m from the east boundary and 4m from the southern boundary.

## **Development Plan Policy**

11. Tandridge District Core Strategy 2008 – Policies CSP1, CSP12, CSP18
12. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7
13. Limpsfield Neighbourhood Plan 2019 – Not applicable

14. Woldingham Neighbourhood Plan 2016 – Not applicable
15. Caterham, Chaldon and Whyteleafe Neighbourhood Plan – referendum version (Regulation 18) (2020) – Not applicable
16. Emerging Tandridge Local Plan 2033 – Policies – TLP01, TLP02, TLP04, TLP06, TLP10, TLP12, TLP18, TLP19, TLP35, TLP45, TLP47, TLP50

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

17. Tandridge Parking Standards SPD (2012)
18. Tandridge Trees and Soft Landscaping SPD (2017)
19. Surrey Design Guide (2002)

### **National Advice**

20. National Planning Policy Framework (NPPF) (2019)
21. Planning Practice Guidance (PPG)
22. National Design Guide (2019)

### **Statutory Consultation Responses**

23. Oxted Parish Council – In considering the planning application the Parish Council has found no material planning reasons for refusal.

### **TDC advice**

24. TDC Parks: No comments received.

### **Third Party Comments**

25. Neighbour Letters: Comments received relate to the following (where relevant);
  - Character- visible from dwellings, visually unattractive, eye sore. Concern over surrounding open storage.
  - Amenity- interrupt views
  - Mitigation- alternative location or visual mitigation.
  - Proximity to water course.

### **Assessment**

#### Procedural note:

26. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2019. However, paragraph 213 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.

27. This report will consider the application as submitted and alternatives/ mitigation will only be considered if reasonably justified to mitigate identified harm.

#### Location and principle of development

28. The application site lies within an Urban Area which Core Strategy Policy CSP1 identifies that development will take place to promote sustainable patterns of travel and to make the best use of previously developed land and where there is a choice of mode of transport available and where the distance to travel services is minimised. The principle of new development or redevelopment would be acceptable provided that it would meet the relevant criteria regarding its design and appearance as will be assessed in detail later in this report.
29. Policy DP1 of the Local Plan (2014) advises that when considering development proposal, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. As such, there is no objection in principle of the redevelopment of a site in this location under Core Strategy Policy CSP1 and Local Plan Policy DP1 in this regard.

#### Character and Appearance

30. Policy CSP18 of the Core Strategy requires that new development should 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. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.
31. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
32. The NPPF sets out that design is integral to sustainable development and that the creation of high-quality 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. This was bolstered by the publication of the National Design Guide in 2019.
33. The proposal seeks to station a shipping container on the land. The container will be 6m long by 2.4m wide and 2.5m tall and finished in a green colour. It will be located to the south-east corner of the playing field some 3/4m from the sites established boundary treatment to the south and east. The proposed location of the container is some 30m from Mill Lane however would not be overly visible from public vantage points outside the site. It will be visible within the site however by being located within a corner it will not be prominent and will be viewed in context with the establish outdoor recreational use of the site where such storage would be typically expected with an existing container already stationed elsewhere within the site.
34. The proposed container by virtue of its functional form and appearance will not enhance the character of the area. However it has been positioned in a location to not be visually prominent and through the choice of colour has been proposed to be as discrete as possible. I am therefore of the view that the proposal would not detract and, by virtue of its location and colour, it would adequately respect

the character of the area. The public comments with regards to view from private dwellings are acknowledged and will be considered later within the amenity section of this report. Comments received with regards to further visual mitigation are also noted however for the reasons above are not considered to be justified to mitigate visual harm in this case.

35. Overall the proposal will not detract from the character of the area or street scene to accord with the requirements of Policies DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies, Policy CSP18 of the Core Strategy and Paragraph 130 of the NPPF.

#### Residential Amenity

36. Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any adverse effect. Criteria 6-9 of Policy DP7 of the Local Plan Part 2: Detailed Policies seek also to safeguard amenity, including minimum privacy distances that will be applied to new development proposals.
37. The container is proposed to be located to the south-east corner of the application site. The container will be 2.5m tall on top of a 100mm foundation pad. It will be 4m from the southern boundary with the closest residential neighbour and 3m from the eastern boundary with the adjacent Oxted Band building. The boundary treatment to the south and east elevation consists of established hedging in excess of 3m in height. Taking into account the height of the proposed container and its separation with the closest neighbour is not considered to result in a significant impact on the residential amenity of the neighbours in terms of loss of light or having an overbearing impact. The use of the container will result in some noise generated from this part of the site however would not be significantly greater than overall operation of the site and would not be to a degree to result in significantly harm to the residential amenity of the neighbouring properties.
38. The public comments received for the application has raised the issue of impact on view from the neighbouring residential properties and how the appearance of the proposed container will impact on their property. The right to or impact on a view is not a material planning consideration. The proposal is not considered to be harmful to the amenity of the neighbour in terms of loss of light or being overbearing and as above is not considered to be harmful to the character of the area. In light of this whilst the proposed container would be visible from the nearby dwellings is not considered to result in a significant impact on the residential amenity of the neighbouring properties. The proposal would therefore accord with the requirements of Policy DP7 of the Local Plan (2014) and Policy CSP18 of the Core Strategy (2008).

#### Highways safety and parking

39. Policy CSP12 of the Core Strategy advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety. Policy LNP3 of the Neighbourhood Plan advised that safe pedestrian access should be sustained or improved.

40. The proposal seeks to station a container on the land. It will not alter the access or parking arrangements to the site, nor would it result in any additional traffic generation. The proposal is therefore not considered to raise any highway safety concerns to conflict with Policy CSP12 of the Core Strategy, Policy DP5 of the Local Plan.

### Trees

41. The application site is not subject to any tree preservation orders nor is any of the trees on the site protected by way of other statutory designation. Nonetheless, by virtue of the location of the proposed container in close proximity to the root zones of a number of mature trees the proposed development has the potential to impact on those trees.

42. Core Strategy Policy CSP 18 (Character and Design) requires that:

Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.

43. Paragraph 13 of Policy DP7 of the Local Plan states:

Where trees are present on a proposed development site, a landscaping scheme should be submitted alongside the planning application which makes provision for the retention of existing trees that are important by virtue of their significance within the local landscape. Their significance may be as a result of their size, form and maturity, or because they are rare or unusual. Younger trees that have the potential to add significant value to the landscape character in the future should also be retained where possible. Their retention should be reflected in the proposed development layout, allowing sufficient space for new and young trees to grow to maturity, both above and below ground. Where existing trees are felled prior to permission for development being sought, the Council may require replacement planting as part of any permission granted.

44. Further guidance on the consideration of trees in relation to development is provided within the Tandridge Trees and Soft Landscaping SPD (2017).

45. The application has not been submitted with an arboricultural impact assessment to assess the potential impact on the adjacent trees. The pad foundations proposed for the container will minimise any impact on the root protection zones of the adjacent trees however it is recommended that an arboricultural method statement is required by way of condition. Therefore subject to the condition the development is not considered to be contrary to Policy DP7 of the Local Plan (2014) and Policy CSP18 of the Core Strategy (2008) with regards to impact on trees.

### Conclusion

46. The principle of the development is acceptable within an urban area. The container would also not detract from the character of the area or amenity of the neighbouring properties. In light of the above, the Officer recommendation is to grant planning permission.

47. The recommendation is made in accordance with 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 218 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

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

**RECOMMENDATION: PERMIT subject to the following conditions**

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 drawings Site Location Plan received 07<sup>th</sup> March 2023, Elevation received 27<sup>th</sup> March 2023, Site Plan received 11<sup>th</sup> April 2023. 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 existing building 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. No development shall start until an arboricultural method statement, [appropriate and specific to the approved scheme], to include details of all works within the root protection area, or crown spread [whichever is greater], of any retained tree, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the Local Planning Authority.

Reason: To prevent damage to trees in the interest of the visual amenities of the area in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge 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.

The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP12, CSP18, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP5, DP7 and material considerations, including third party representations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.