
Site Address:	The Pavilion and Recreation Ground, Horndean Road, Emsworth, PO10 7PT		
Proposal:	Installation of shipping container.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00417	Expiry Date:	11/08/2023
Applicant:	Mr Turner		
	Innovations Fitness		
Agent:		Case Officer:	Denise Sheath
Ward:	Emsworth		

Recommendation: **GRANT TEMPORARY PERMISSION**

1 Site Description

The proposed siting of the storage container would be between a tractor storage building and sports pavilion within the Emsworth Recreation Ground. Trees are also located to the rear of the proposal. To the north of the application site is an existing tractor storage building, a pedestrian walkway and playing fields. To the rear (south) is a pedestrian walkway with the bowling green to the east. To the west of the application site is a pedestrian walkway; the tennis courts and car park accessed from Horndean Road. To the south there is the Pavilion and changing rooms and more playing fields.

2 Planning History

90/52368/001 - Erection of a skateboard ramp. PERM - 12/03/1990
90/52368/002 - Bowls pavilion and bowling green with car park extension and relocation of tennis courts. PERM - 17/05/1990
90/52368/003 - Bowls pavilion and bowling green and extension of car park. PERM - 28/06/1990
97/52368/005 - Erection of 6m flag pole to front elevation of bowls pavilion. PERM - 21/03/1997
03/52368/006 - Tree pruning, UNK,
06/52368/007 - Single storey extension to the rear (south) elevation. PERM - 26/04/2006
07/52368/008 - Construct a cycleway/pedestrian footway. PERM - 10/09/2007
APP/22/00427 - Redevelopment of existing sports pavilion to create two changing rooms, changing facilities for match officials, plus clubhouse room, kitchen and WC facilities, including new extension to the entrances of the changing rooms and new windows and doors with integrated security shutters. Also extending podium deck area to the south elevation with ramped access. PERM - 22/08/2022

3 Proposal

Installation of shipping container for the storage of sports equipment

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS1	Health and Wellbeing
CS16	(High Quality Design)
DM1	(Recreation and Open Space)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D4	(Design of Public Spaces & External Areas)
ENP_C5	(Designated Local Green Spaces)
ENP_C4	(Leisure & Recreational Facilities)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

No objection subject to conditions:

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including measures taken to ensure their continued survival.

The applicant has sought to work with the authority to determine a suitable location that provides for the specific development needs and proximity to facilities with suitable access, whilst also taking account of the impact on the mature trees within the recreation ground.

The additional information submitted by the applicant has sought to clarify the limited impact the development will have to the adjacent mature trees. Whilst the information submitted is very limited there is an obvious intention to respond to initial comments from the authority that raised concerns of the development being potentially within the root protection area of the adjacent trees. The applicant has amended the development so that the shipping container will be placed above ground level on wooden sleepers to allow the aeration of the soil, therefore minimising impact to the root protection area of the tree.

Based on the measures proposed by the applicant, if the officer was minded to grant permission the potential impact of the surrounding trees should be secured by way of condition, and would be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Recommendation:

Approval subject to the following condition:

Pruning works:

Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To ensure the continuity of amenity value afforded by the trees in question and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

Tree protection measures:

No development, including site clearance, shall extend beyond the red outline of the container shown in the 'Emsworth Park Copy' Site plan (dated 2023-06-28 14:03:45). If development did extend beyond this boundary a dimensioned tree protection plan in accordance with Section 5.5 and an impact and method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) must have been submitted to and approved in writing by the Local Planning Authority prior to commencement.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

Foundations:

No dig construction must result in the shipping container being located above ground level in the location shown on 'Emsworth Park Copy' Site plan (dated 2023-06-28 14:03:45). If additional foundation details were required no works shall commence until details of special foundations that will be able to 'bridge' the rooting areas of trees or foundations that can be inserted through the root system without causing harm to the neighbouring trees must have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To safeguard the continued health and presence of such existing trees and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

Tree Protection: Foundations - Hand digging excavations:

Any excavation work, including foundations, within the existing root protection area of the neighbouring trees shall be carried out only by hand in accordance with the BS:5837:2012 'Trees in relation to design, demolition and construction Recommendations'. Any roots over 25mm in diameter shall not be severed and if exposed should be packed with sphagnum moss and wrapped with hessian to prevent the entry of rot causing fungi and micro-organisms. No roots shall be left exposed to the air, water, snow or frost for more than two hours without appropriate protection.

Reason: To ensure the trees are not adversely affected by the construction of the development and having due regard to policies CS16 and DM8 of the Havant Core Strategy (2011) and the National Planning Policy Framework.

Officer Comment: if permission is granted the above conditions are recommended.

Countryside Access Team

Thank you for consulting Hampshire Countryside Service (HCS) as Highways Authority

regarding Public Rights of Way (PROW) and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application, taking into account the material considerations relating to PROW, Commons and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

Response: No Objection

Context:

□ Public Footpath Havant 71 (FP71) runs west from Horndean Road along a metalled surface through the Recreation Ground, passing just south of the proposed container site, then turning south towards an underpass under the A27 dual carriageway.

□ The site is not located in a material proximity to any HCC Countryside Site.

A copy of the Definitive Map of Rights of Way and Definitive Statement and Countryside Sites can be found at <https://maps.hants.gov.uk/rightsofwaydefinitivemap/> and <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

Commentary:

Although a section of the vehicular access route to the proposed container site is a PROW, it is reasonably assumed that the work described in this application will not have a significant detrimental impact on FP71 and its public users. HCS therefore offers no objection

Informatives:

1. No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to a Public Right of Way as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the PROW at all times.

2. All vehicles that would be legitimately accessing the site via a Public Right of Way should give way to public users, which could include horse-riders and cyclists, at all times. In cases with legitimate vehicular access a Construction Traffic Management Plan (CTMP) should be submitted to, and approved by, Hampshire Countryside Service as Highways Authority prior to any approval by the Planning Authority, and prior to commencement, to ensure the protection of public safety.

3. There must be no surface alterations to a Public Right of Way without the consent of Hampshire County Council as Highways Authority. Planning permission under the Town and County Planning Act (1990) does not provide this and separate consent is required. To carry out any such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).

Officer Comment: *if permission is granted the above informatives would be imposed on the decision notice.*

County Minerals

No comments received

Crime Prevention -Minor Apps

Thank you for your letter of the 22nd June 2023 and the opportunity to comment upon the application. Having considered the application I have the following comments to make with reference to the prevention of crime and disorder (Anti-Social Behaviour (ASB)).

The National Planning Policy Framework makes clear the Government's continuing commitment to "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience".

National Planning Practice Guidance advises, that planning has a role in preventing crime and malicious threats. It reminds Local Authorities of their obligations under Section 17 of the Crime and Disorder Act 1998 (as amended), specifically “to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.”

The guidance advises: “Planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides.” It continues, “Good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience.” “Good design means a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult.” Whilst the plans give some indication as to where the container is to be positioned, the supporting documentation does not provide any measured distances. The container should be positioned so that it cannot facilitate access to the roof of the adjacent building nor create a passageway with little natural surveillance within which a person might lie-in-wait unseen. It should be at least 2m away from the existing building.

With reference to the second position again the container should be positioned at least 2m from the building and the wall to the rear of the proposed container. Additionally in this position the container will obscure the natural surveillance of windows in the adjacent building.

Environmental Health Manager, Community Group

Following my review of the application details, I have no adverse comments regarding the proposed shipping container. The applicant's statement confirms the shipping container will be used for storing sports equipment. It is not considered that this will have a significant effect on the locality.

Leisure Officer

The Leisure team at Havant Borough Council fully support this application to locate a storage container on the park at Emsworth Recreation Ground.

The proposal will enable continued delivery of physical activity sessions for the community on this site, working to impact on poor local physical activity levels. It is the most appropriate physical structure, location within the park and operational model to ensure safe ongoing provision that does not negatively impact on the other users of the park

Open Space Society

No comments received

Property Services Manager

No comments received

Southern Gas Network

No comments received

Sport England

Having assessed the application, Sport England is satisfied that the proposed development will not impact on the principal playing field area nor will it affect the sporting capability of the site. It is therefore considered capable of meeting exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England **does not wish to raise an objection** to this application.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

Emsworth Neighbourhood Forum

We are concerned that a shipping container installed for up to ten years is not appropriate in Emsworth Recreation Ground. We have every wish to support the applicant in the work which he is doing to improve the health and fitness of local people, but we think that other solutions should be fully explored rather than installing an industrial facility on the park.

It would be possible for a storage facility to be erected as an extension to the existing tractor store on the site proposed for this shipping container, with one or more small stores as part of that facility to be offered to sports local clubs.

For that reason we are opposed to the current application

Officer Comment: the application has to be considered on its individual merits.

Further Comments:

The application to install a shipping container in the Recreation Ground is strongly opposed by the ERF on design grounds, since it ignores the policies in the Neighbourhood Plan which are specifically focussed on requiring high quality design generally and specifically in public spaces.

Policy D1 a) calls for high quality design generally, whilst Policy D4 a) specifically requires high quality design in public spaces. A shipping container cannot be seen as representing high quality design by any measure.

The ERF wishes to support the activity provided by the applicant for the community but we believe that a storage solution should be found, possibly incorporated into the current tractor/service store as an addition to that building. We would propose that that solution be fully explored to provide storage for the fitness classes as well as other sports activities which take place on the Recreation Ground.

Such a solution would be more aesthetically pleasing, in keeping with the environment of the park and less likely to become a eyesore covered in graffiti.

We believe that the community wishes to see facilities which are properly and thoughtfully designed, not facilities which are repurposed simply on the grounds of cost and expediency

Councillor Grainne Rason - No comment

Councillor Lulu Bowerman

Raised a concern regarding the aesthetics of the proposed container and the visual impact on other park users and enquired whether a condition could be placed upon the decision in relation to screening of the container.

Officer Comment:

It is not considered that screening would be beneficial as the container would only be subject to a temporary permission of 5 years to allow for the applicant to find an alternative solution to the storage issues for his business.

The container would only be likely to be seen from the western footpath of the park area. Notwithstanding this the container is to be placed in an area alongside other forms of built development such as the pavilion and tractor shed and would be very much screened by these buildings and surrounding trees.

In view of the opinions on the matter of screening of the sea container Councillor Bowerman and Councillor Kennett do not wish the application to be considered at the planning committee.

Councillor R Kennett – See comments from Councillor Bowerman

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 58

Number of site notices: 2.

Statutory advertisement: Not applicable.

Number of representations received: 39 in total - 20 representations of support and 19 representations of objection.

Summary of Objection:

- Eyesore
- Out of keeping with surroundings
- Alternative storage facility should be considered (Brick built building) or alternative location for placement of container
- Create and encourage anti-social behaviour
- Why is existing pavilion being used for storage? - Unable to attain a lease from NORSE

- If planning permission is granted should be for a temporary period and include fencing.
- Will only benefit the business who use the container.
- Should not be considered a long term solution.
- Will encourage more containers to be placed within the recreation grounds - If any future applications are received they will be assessed on their own merits.
- Recreation ground slowly being taken away from residents of area - tennis courts being locked, bowls green now private. - Not a planning consideration.
- Concerned the container will be used an indoor gym - The container will be used for the storage of sports equipment and will not be used as a gym.

Summary of Support:

- The container will be kept next to other equipment buildings
- The container will allow the fitness classes to continue and provide a valuable service to the local community in terms of tackling physical and mental health as well as providing a place to meet new people who may otherwise struggle to socialise.
- The business will not be able to continue without a storage facility which will impact the mental and physical health of local residents if this facility is taken away.
- The proposed storage facility will house equipment essential to running of the fitness business.
- The position of the container would not obstruct public pathways, or have a negative impact upon the environment or wildlife.
- Other recreational grounds have installed storage containers with no adverse impacts.
- The founder has raised a lot of money towards the up keep of the play facilities at the recreational ground.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact upon trees

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

(ii) Impact upon the character and appearance of the area

The proposal is for the placement of a container for the use of storing sports equipment related to the Innovations Fitness business which takes place within Emsworth Recreation Grounds. The proposed storage unit will be placed upon wooden sleepers on the grassed area 2m from the south elevation of the adjacent existing brick building. The storage container will be green in colour and will have the following dimensions: a width of 2.44m, a length of 6.096m and a height of 2.59m.

The proposed use of the container for the storage of sports equipment would allow for the Innovations Fitness business to continue to provide physical activity sessions promoting positive health and wellbeing for local residents within the borough. The

Council's Leisure Officer has been consulted over the proposal, who fully support the development as "*The proposal will enable continued delivery of physical activity sessions for the community on this site, working to impact on poor local physical activity levels.*"

No objection to the proposal has been raised by Sports England.

The location of the proposed storage container is considered appropriate due to its placement on land adjacent the pathway between trees and other built development (The Pavilion and other storage facilities) within the recreation ground. The proposed container would be visible from the pathway leading to and from the pavilion. However, it is considered that the container which would be green in colour, would blend in with the natural features of the area and would be partially screened by the existing buildings and trees. It is therefore considered that the proposal would have a limited impact upon the visual amenities of the recreational ground.

The recommendation is temporary planning permission. It is considered that limiting the time period of consent of the current application for a 5 year period is an appropriate means of reviewing the appearance of the container on the locality and may enable a more permanent solution to be sought during this period.

(iii) Impact upon residential amenity

Given the proposed layout, relationship and degree of separation from neighbouring properties it is not considered that the development would have a significant adverse impact on the amenities of neighbouring properties with regard to loss of sunlight/daylight, overlooking or overbearing impact.

(iv) Impact upon trees

The Council's Tree Officer was consulted and has raised no objection to the proposed siting of the storage container providing conditions are placed upon the decision should planning permission be granted to ensure the protection and health and safety of the adjacent trees.

8 Conclusion

- 8.1 The proposal would not have a detrimental impact on Emsworth Recreation Ground, which would help facilitate the delivery of sporting activities, in accordance with the aims of Policy CS1 of the Havant Borough Local Plan (Core Strategy) and the advice in the National Planning Policy Framework. The proposal would not impact on residential amenity or trees within the immediate locality. The recommendation is that temporary conditional planning permission be granted, expiring on 30 September 2028.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT TEMPORARY PERMISSION** for application APP/23/00417 subject to the following conditions

- 1 This permission shall be for a limited period expiring on 30 September 2028, on or before which date the container hereby permitted shall be permanently removed from the site and the land shall be restored to its previous condition unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: The containers are of a type not considered suitable for permanent retention and having due regard to policies CS11, CS16 and DM1 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form - Received 19 June 2023

Location Plan - Received 01 June 2023

Detailed Proposed Block Plan - Received 08 August 2023

Container Specifications - Received 01 June 2023

Proposal Statement - Received 01 June 2023

Site Plan and Photographs - Received 01 June 2023

Tree Protection Statement - Received 14 June 2023

Email confirming colour of the storage container - Received 07 August 2023

Reason: - To ensure provision of a satisfactory development.

- 3 No development, including site clearance, shall extend beyond the red outline of the container shown in the 'Emsworth Park Copy' Site plan (dated 2023-06-28 14:03:45). If development did extend beyond this boundary a dimensioned tree protection plan in accordance with Section 5.5 and an impact and method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) must have been submitted to and approved in writing by the Local Planning Authority prior to commencement.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

- 4 Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To ensure the continuity of amenity value afforded by the trees in question and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

- 5 No dig construction must result in the shipping container being located above ground level in the location shown on 'Emsworth Park Copy' Site plan (dated 2023-06-28 14:03:45). If additional foundation details were required no works shall commence until details of special foundations that will be able to 'bridge' the rooting areas of trees or foundations that can be inserted through the root system without causing harm to the neighbouring trees must have been

submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To safeguard the continued health and presence of such existing trees and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

- 6 Any excavation work, including foundations, within the existing root protection area of the neighbouring trees shall be carried out only by hand in accordance with the BS:5837:2012 'Trees in relation to design, demolition and construction Recommendations'. Any roots over 25mm in diameter shall not be severed and if exposed should be packed with sphagnum moss and wrapped with hessian to prevent the entry of rot causing fungi and micro-organisms. No roots shall be left exposed to the air, water, snow or frost for more than two hours without appropriate protection.

Reason: To ensure the trees are not adversely affected by the construction of the development and having due regard to policies CS16 and DM8 of the Havant Core Strategy (2011) and the National Planning Policy Framework.