

14/00821/FUL

FAIRVIEW PLAYING FIELD, VICTORIA ROAD, RAYLEIGH

PROPOSED SITING OF CONTAINER FOR STORAGE USE IN CONNECTION WITH USE OF PART OF THE PAVILION FOR THE RUNNING OF FITNESS BOOT CAMPS

APPLICANT: FUGL FITNESS LTD MR OMOIKE AZIEGBE

ZONING: EXISTING OPEN SPACE

PARISH: RAYLEIGH TOWN COUNCIL

WARD: TRINITY

1 PLANNING APPLICATION DETAILS

- 1.1 The proposal is for the siting of a container for storage use in connection with use of part of the pavilion for the running of fitness boot camps. The container would measure 6.1m in length, 2.4m in width and 2.4m in height and would be green in colouring.
- 1.2 It was originally proposed to be located to the north of the pavilion. However, during the course of the application an alternative siting was suggested by Ward Members and the applicant now proposes to re-site the container in light of this. The container is now proposed to the rear (west) of the pavilion building.
- 1.3 The applicant has already undertaken refurbishment works to the pavilion building with the majority of the internal rooms being allocated as various fitness rooms in association with the boot camps operated. Part of the pavilion building accessed via a separate external door remains as changing room facilities for the football pitches.

2 THE SITE

- 2.1 Fairview Playing Field is located to the north of Rayleigh surrounded by residential development. To the western boundary of the playing field the pavilion building is located along with a playground and basketball court. The car park to the playing field is split into two distinct areas and is located to the south of the playing field site.
- 2.2 The container would be located within a currently part lawn/part vegetated area to the rear (west) of the pavilion building to the western area of the playing field.

3 RELEVANT PLANNING HISTORY

- 3.1 The planning history for the Fairview Playing Field including the pavilion is as follows:-

01/00388/DP3 - Layout Tarmac Basketball Court Install Two Basketball Goals (Approximately 4 Metres High).

ROC/953/78 – Permission to use the pavilion for a children’s play group, for ages between 3 – 5 years. APPROVED.

RAY/260/64 – Erection of new pavilion. APPROVED.

- 3.2 As the 1978 permission as a children’s play group was implemented this is the authorised use of the site, which falls within a D1 use class. The lease issued by the Council to the applicant is for a fitness and rehabilitation centre, which would be a mixed D1/D2 use. To re-implement an element of D2 use from the pavilion to which fitness boot camps would fall within, would technically require planning permission. However, bearing in mind the pavilion was granted planning permission in 1964 as a sports pavilion without any restriction on operation and that permission was later granted in 1978 for a D1 use, it is unlikely that a mixed D1/D2 use would be objectionable.

4 CONSULTATIONS AND REPRESENTATIONS

4.1 Rayleigh Town Council

Objects to this application as it is not in keeping with the playing field. The Town Council also has concerns regarding health and safety as individuals may climb on top of the container putting themselves at risk.

4.2 ECC Arboricultural Consultant

FIRST RESPONSE:

Whilst the proposed location for the siting of the storage container will not have an adverse impact on adjacent trees, there is the likelihood that there may be an issue during delivery/installation of the structure. The applicant should supply a Method Statement (MS) by way of a condition, giving details of how the trees within Fairfield Playing field will be protected from accidental, impact damage and soil compaction (within the root protection areas (RDA) adjacent to the proposed route of the delivery vehicle from entering the playing field to proposed location place.

Condition: provide MS, as detailed above.

Reason: To ensure that trees on site are protected from damage in the interests of visual amenity.

SECOND RESPONSE:

No further comment.

5 MATERIAL PLANNING CONSIDERATIONS**Visual Amenity**

- 5.1 The applicant has advised that there is no storage for any equipment within the building itself as the rooms allocated to Fugl Fitness Ltd. are to be in use in association with their activity and the remaining area of the building would remain in separate use as changing facilities for the football pitches.
- 5.2 The container would be located to the rear of the pavilion building and therefore would not be visible from the majority of the playing field. The end of the container would be visible from the car park/play ground/basketball court area. The container would be green in colouring.
- 5.3 The container would be fairly large but it would have a flat roof like the existing pavilion building and would not have a length any greater than the pavilion building itself. The size of the container was queried with the applicant. They have explained that by the nature of their army style boot camps they have equipment that requires storage, including large nets and other boot camp style equipment, and they consider that a smaller container would not be sufficient for their requirements.
- 5.4 As the container would be located to the rear of the building, as its green colouring could be required by planning condition and because planting could also be required by planning condition to limit the visual impact of the end visible from the car park/play ground/basketball court area, it is not considered that there would be sufficient justification to refuse planning permission for the proposal. Sufficient mitigation could be required by planning condition to reduce the visual impact of the container. A permission could also be issued as a consent specific to the business operator to ensure that the container is removed when no longer required by this particular operator.

Trees

- 5.5 There is an area of grass to the rear of the pavilion building and some overgrowth where the container would be sited. The building could fit within the grassed area, however, concern has been raised regarding the possibility of youths being able to reach the roof of the pavilion building from the container, if sited too close together. Therefore, it is likely that it may need to be sited further away from the building and that clearance of some of the overgrowth may be required to allocate for this. The overgrowth does have some small trees located within it, however, these are small and any proposed loss could be required to be replanted or new small trees planted to

the south of the container. The precise positioning of the container within this area to the rear of the pavilion building should be controlled by planning condition.

- 5.6 It is unlikely that the larger trees located on the western boundary would be detrimentally affected due to the distance between the container siting and these trees and because it is not proposed to place the container on a concrete base.
- 5.7 The Council's arboricultural consultant advises that there could be a concern during delivery/installation of the structure and that the applicant should supply a Method Statement (MS) by way of a condition, giving details of how the trees within Fairfield Playing Field will be protected from accidental, impact damage and soil compaction within the root protection areas (RDA) adjacent to the proposed route of the delivery vehicle from entering the playing field to proposed location place. This is considered a reasonable requirement and should be controlled by planning condition.

Other

- 5.8 It is not considered that the proposal would have a detrimental impact upon any residential properties.

6 CONCLUSION

- 6.1 The proposal is considered not to cause undue demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area or residential amenity such as to justify refusing the application; nor to surrounding occupiers.

7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**

That planning permission be approved, subject to the following planning conditions:-

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

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) Prior to placement of the container on the site, details of the green colouring of the container shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed, the container shall adhere to this colouring.

REASON: In the interests of ensuring the proposal would not have a detrimental impact upon visual amenity

- (3) Prior to placement of the container on the site, details of the precise positioning of the container shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed, the container shall be installed in the agreed position.

REASON: To ensure that the precise positioning is agreed in the interests of visual amenity and limiting the quantity of tree/overgrowth loss.

- (4) The container shall be used solely for storage purposes in association with the use of the pavilion building and Fairview Playing Field by Truedge Fitness Ltd. (formerly Fugl Fitness Ltd.) registered company number 9085448. The container shall be permanently removed from the site once this operator ceases use of the pavilion building and Fairview Playing Field and the land restored by grass seeding.

REASON: To ensure that once no longer required the container is removed from the site and the land restored for visual amenity reasoning.

- (5) Prior to placement of the container on the site, a scheme of soft landscaping to occur to the southern elevation of the container shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed, such soft landscaping shall be implemented in the first planting season following the first use of the container. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To ensure that sufficient soft landscaping occurs to assist in reducing the visual impact of the container.

- (6) Prior to placement of the container on the site, a Method Statement (MS) shall be submitted to and agreed in writing with the Local Planning Authority, giving details of how the trees within Fairfield Playing Field will be protected from accidental impact damage and soil compaction within the root protection areas adjacent to the proposed route of the delivery vehicle from entering the playing field to the proposed location place. Once agreed, the container shall be placed on the site in accordance with the MS.

REASON: To ensure that trees on site are protected from damage in the interests of visual amenity.

STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

CP1 of the Core Strategy 2011

DM1, DM25 and DM27 of the Development Management Plan 2014

Allocations Plan 2014

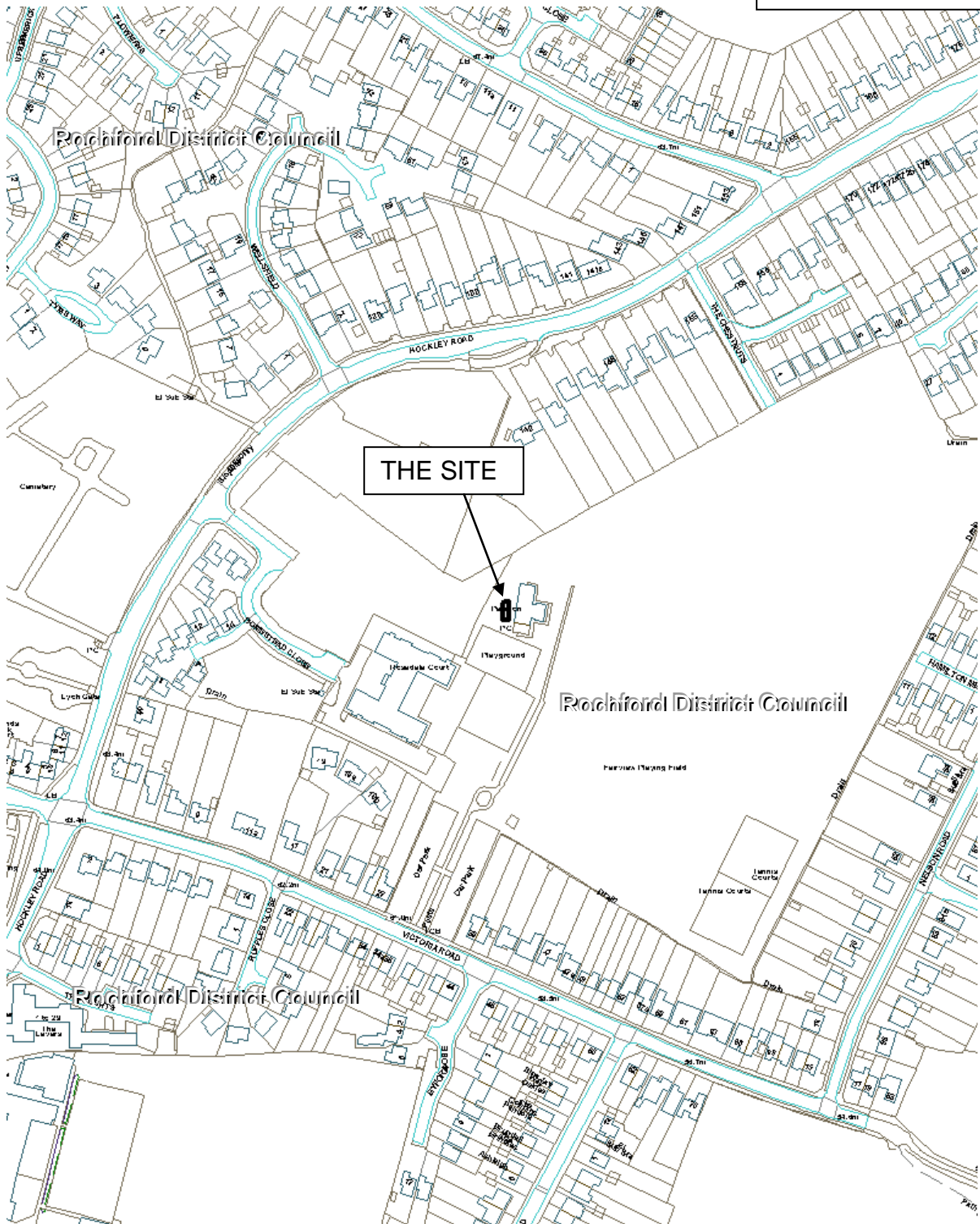
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