

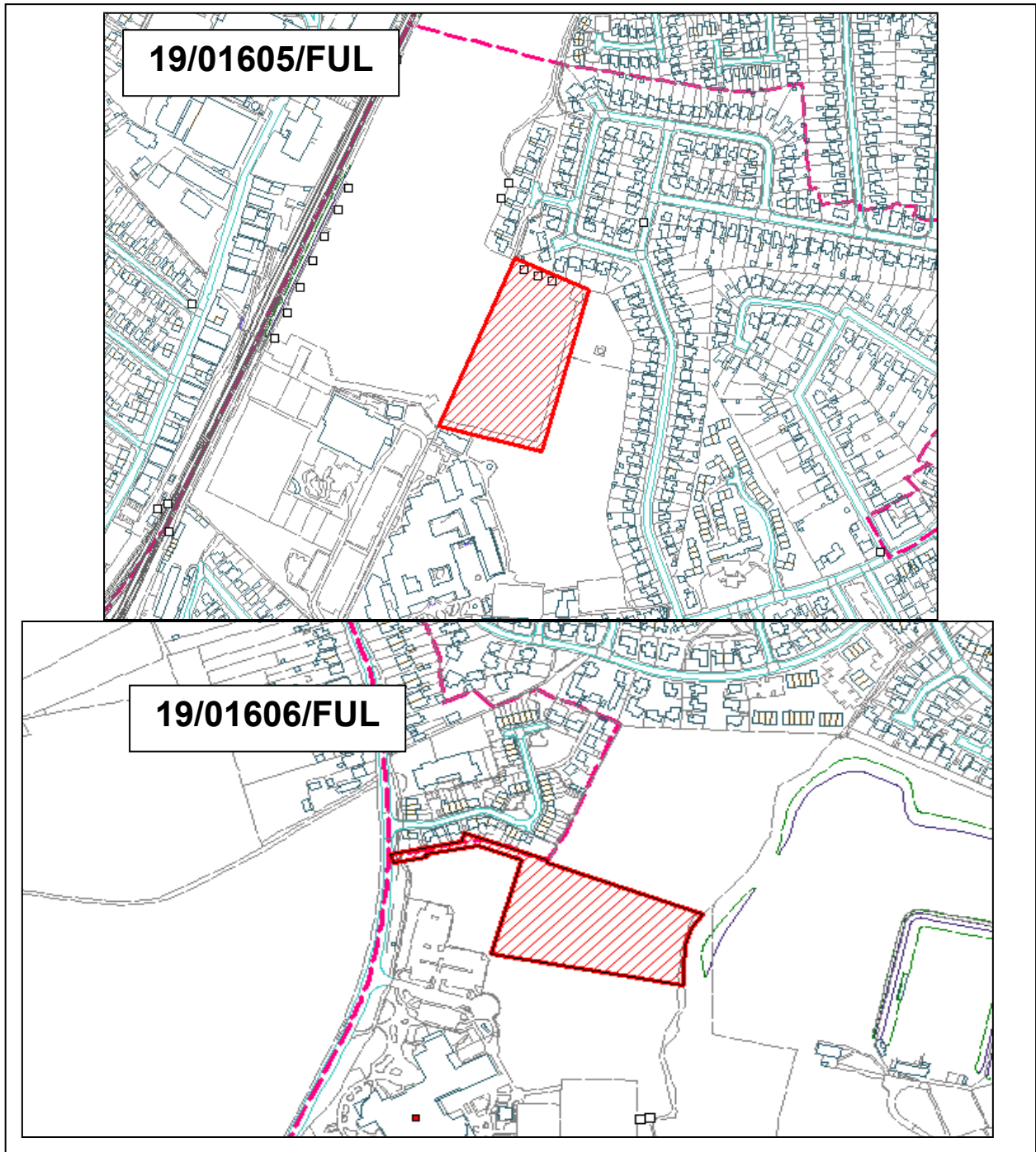
PLANNING COMMITTEE

19 MAY 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.4 PLANNING APPLICATIONS – 19/01605/FUL / 19/01606/FUL

CLACTON COUNTY HIGH SCHOOL WALTON ROAD CLACTON ON SEA CO15 6DZ
TENDRING EDUCATION CENTRE JAYWICK LANE CLACTON ON SEA CO16 8BE



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- A Joint User Agreement between Essex County Council and Tendring District Council to ensure the area of land being disposed of will be available to the public for formal booking outside of school hours and also outlining TDC's commitment to allow the school to continue utilising the all-weather playing pitch at Clacton Leisure Centre.

- 1.4 Overall, it is considered that the proposals are aimed at improving educational attainment within the town by increasing the campus at Clacton County High Academy, and with the mitigation measures outlined above it is considered that overall the benefits of the proposals outweigh the other effects. The proposals have been agreed by Cabinet therefore the planning applications have been prepared on this basis.
- 1.5 The planning applications are in compliance with national and local planning policies and would not result in any harm to the character or appearance of the area or highway safety. In the absence of any objections from Sport England and other statutory consultees the proposals are considered to be acceptable subject to the mitigation measures being secured via the conditions outlined in sections 8.2 and 8.3 of this report.

Recommendation:

19/01605/FUL - Clacton County High School Walton Road Clacton On Sea Essex CO15 6DZ

Recommendation: Approval

- a) Subject to the conditions stated in section 8.2

19/01606/FUL - Tendring Education Centre, Jaywick Lane, Clacton On Sea, Essex, CO16 8BE

Recommendation: Approval

- a) Subject to the condition stated in section 8.3

2. Planning Policy

- 2.1 The following Local and National Planning Policies are relevant to these planning applications.

National Policy:

National Planning Policy Framework
National Planning Policy Guidance

Local Policy:

Tendring District Local Plan 2007

QL1 Spatial Strategy
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
COM1 Access for All

COM2 Community Safety
COM3 Protection of Existing Local Services and Facilities
COM4 New Community Facilities
COM7 Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities
COM7a Protection of Existing Playing Fields, Including School Playing Fields
COM8 Provision and Improvement of Outdoor Recreational Facilities
COM8a Proposed New Recreational Space
COM10 Built Sports and Recreation Facilities
EN1 Landscape Character
EN2 Local Green Gaps
TR1A Development Affecting Highways
TR3A Provision for Walking
TR5 Provision for Cycling
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP3 Green Infrastructure
HP4 Safeguarded Local Greenspace
HP5 Open Space, Sports & Recreation Facilities
PPL3 The Rural Landscape
PPL6 Strategic Green Gaps
CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

Status of the Local Plan

- 2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 2.4 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan

will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

3.1 No relevant planning history on these two pieces of land.

4. Consultations

Both Applications

Sport England

Summary: Sport England withdraws its objection to these planning applications as a statutory consultee which is now considered to part meet exception 4 and exception 5 of our adopted Playing Fields Policy and paragraph 97 of the NPPF subject to 10 planning conditions being imposed relating to the following matters as set out in this response:

- Clacton County High School Football Pitch Layout;
- Clacton County High School Football Pitch Maintenance;
- Clacton County High School Football Pitch Community Use Agreement;
- Vista Road Recreation Ground Relocated Cricket Square or Alternative Non Turf Pitch;
- Vista Road Recreation Ground Primary Cricket Square Outfield Area Maintenance;
- Clacton Leisure Centre 3G Artificial Grass Pitch Design Specifications and Implementation Programme;
- Vista Road Recreation Ground Cricket Practice Net Specifications and Implementation Programme;
- Rush Green Recreation Ground Football Pitch Maintenance;
- Rush Green Recreation Ground Pedestrian Access Works;
- Tendring Education Centre Artificial Grass Pitch Line Markings: Design Specifications and Implementation Programme.

I refer to my previous formal responses to the consultations on the above related planning applications dated 2nd December 2019 in which an objection was made to both applications as a statutory consultee. The responses set out a suggested two stage process to be followed to reach a solution that would allow the objections to be withdrawn that would firstly involve providing the information requested in the responses to allow a fully informed assessment of the proposals on the application sites to be made and secondly, details about how outstanding concerns about the impact of the proposals on the playing fields on both sites would be addressed through mitigation proposals.

Since then, in response to my previous advice, following discussions and correspondence with the applicant, all of the requested information about the proposals on both sites has now been provided. The information provided confirmed some of the anticipated impacts on the playing fields which justified the objections in my previous responses. In response to the impacts that the proposals would have on the playing fields on both sites, the following mitigation proposals have been offered by the applicant to compensate for impacts:

- Vista Road Recreation Ground Cricket Pitch Mitigation: It has been proposed that the second cricket square (now decommissioned) that would be displaced by the proposed fencing would be relocated to the potential indicative location shown on the Clacton Leisure Centre Location Plan Proposed (Drawing No: 4.2 -12 December 2019).
- Vista Road Recreation Ground Football Pitch Mitigation: It has been proposed that the senior football pitch on the recreation ground that would be enclosed into Clacton County High School's site through the proposed fence would still be able to be used by the community (for formal matches) at weekends through the completion of a Joint User Agreement between Essex County Council and Tendring District Council that would allow community football clubs to book use of the pitch through the District Council in the same way as they do at present. Physical access to the pitch from the recreation ground would be provided by the proposed gate in the fence. To compensate for the increased wear of the pitch during the weekdays when the pitch will be used by the school, the applicant has offered to prepare a maintenance programme for the football pitch. The intention of this would be to seek to ensure that the maintenance programme that is implemented provides the football pitch with sufficient carrying capacity to support both school needs during the week and community needs during the weekend.
- Tendring Education Centre Playing Field Mitigation: The information provided has confirmed that the part of the Tendring Education Centre's playing field that would be transferred to Tendring District Council for community use would be served by the pavilion and parking facilities on the adjoining Rush Green Recreation Ground to the east. The applicant has proposed to implement new steps and footpath improvements as shown on the Exchange Land at Rush Green Pitch Layout as Proposed plan (Drawing No. 3.2 B - 12 December 2019) in order to facilitate adequate pedestrian access to the transferred pitches from the pavilion at Rush Green Recreation Ground to the east. The removal of the earth bund to facilitate pedestrian access to the playing field from Jaywick

Lane to the west is also proposed. The Equivalent Quality Assessment report (prepared by PSD Agronomy/TGMS Sports Surface Consultants for the applicant) compared the quality of the playing fields that would be subject to the land swap on the two sites and confirmed that the pitches on the Tendring Education Centre site would be equivalent or better to the pitch that would be transferred on the Vista Road Recreation Ground site with the exception of weed content. This could be addressed through an enhanced maintenance programme which addressed the grass sward composition and the weed content as set out in the recommended maintenance programme (section 5.1 of the report). The applicant has agreed to implement the recommended enhanced maintenance programme to help ensure that the community have access to similar quality football pitches on the Tendring Education Centre site as they currently do on the Vista Road Recreation Ground site.

In principle, both Sport England and the Football Foundation are satisfied that these measures would help ensure that the quality and pedestrian access to the transferred pitches on the Tendring Education Centre site would be equivalent to the pitches on the Vista Road Recreation Ground site subject to the delivery of these measures being secured through planning conditions.

- Additional Playing Field Mitigation: As well as the direct impact associated with the land swap proposals on the existing cricket and football pitches on the Vista Road Recreation Ground, the proposals would result in the net loss of 0.38 ha of dedicated community playing field provision across the two sites and would as a result of the alignment of the proposed fencing prejudice the use of the playing fields to the west of the Tendring Education Centre site as the area between Jaywick Lane and the proposed fence (points C and D shown on the Fencing Plan) would become a small irregular shaped playing field in which it would be difficult to accommodate the majority of playing pitches suitable for educational or community use. The fencing would also reduce the potential sizes and range of pitches that could be marked out on the retained Tendring Education Centre site for educational use although current educational needs could still be met. To mitigate these impacts, the following proposals have been offered:
- The existing artificial grass pitch (AGP) at the Clacton Leisure Centre adjoining the Vista Road Recreation Ground would be enhanced by converting the ageing surface to a 3G carpet suitable for community football together with new or enhanced fencing, lighting and

signage proposals. This would improve the quality of the surface of the AGP and make it suitable for community football matches to take place on it as well as training. The current sand based surface is not a suitable surface for football although football is currently understood to be the principle use of the facility. The AGP would also be used by Clacton County High School during the school day and this arrangement would be formalised as part of the Joint User Agreement between Essex County Council and Tendring District Council associated with the land swap. While the proposal to enhance the AGP had been in the pipeline for some time and was proposed by Tendring District Council before the need to mitigate playing field impact associated with the development arose, securing its implementation through any planning permission would provide greater certainty that this project would be implemented in practice within an acceptable timescale. At present, the technical design specifications of the AGP enhancement project are not available or the proposed programme for delivery. The Football Foundation are satisfied that the delivery of this project would be acceptable for providing further mitigation for addressing the playing field impact from a community football perspective. In order to ensure that the enhanced AGP meets the Football Association's design guidance and that the enhancement project will be delivered within an acceptable timescale to help mitigate the impact on the playing fields, these matters will need to be secured through a planning condition.

- The disused cricket practice nets on the Vista Road Recreation Ground would be replaced with new nets in a similar location to the existing nets. This would be welcomed by the ECB and Clacton Cricket Club because the existing nets are unusable due to vandalism and therefore the club have no access to practice nets to train. The ECB are satisfied that the delivery of this project would be acceptable for providing further mitigation for addressing the playing field impact from a community cricket perspective subject to the exact siting being confirmed and the new practice net system being an ECB approved system that meets the ECB's design guidance in order to ensure that the new practice nets meet performance and safety requirements. Furthermore, the new nets would need to be enclosed by appropriate security fencing to prevent similar vandalism taking place which resulted in the existing nets becoming unusable. As no further details of the proposed cricket practice nets are available at this stage, in order to ensure that the matters raised by the ECB are satisfactorily addressed and the practice nets are delivered within an acceptable timescale to

help mitigate the impact on the playing fields, these matters will need to be secured through a planning condition.

- Other measures are proposed as part of the Clacton Leisure Centre enhancement project that would involve the relocation of a petanque court, new and enhanced footpaths and the redesign, extension and enhancement of the car park that serves the leisure centre and the recreation ground. These projects are all welcomed as they would offer benefits to sport or enhance the ancillary facilities that support the use of the leisure centre and recreation ground.

- The applicant has agreed for the 3G artificial grass pitch at the Tendring Education Centre to have additional line markings painted on it to allow the pitch to be used for junior and mini football. At present, the AGP only has line markings for an adult pitch which restricts the ability of the pitch to be used for junior (e.g. 9v9) or mini football. This currently makes the pitch less practical to use for small sided football for sixth form college users but in particular would preclude formal and informal use by junior and mini teams for matches. The painting of additional line markings (which would only have a very small capital cost) would significantly enhance the suitability and flexibility of the AGP at Tendring Education Centre for meeting community needs as well as educational needs. The Football Foundation are satisfied that the delivery of this project would be acceptable for providing further mitigation for addressing the playing field impact on the Tendring Education Centre site. In order to ensure that the line marking proposals would meet the Football Association's design guidance and that they are delivered within an acceptable timescale to help mitigate the impact on the playing fields, this matter will need to be secured through a planning condition.

- In view of the further information that has been provided and the mitigation proposals summarised above, following consultation with the Football Foundation and the ECB, I can confirm that the proposals would now address the concerns raised in our previous responses as acceptable replacement playing field provision and additional mitigation is now proposed.

The proposals would, in broad terms, now be considered to accord with exception 4 of our playing fields policy playing fields policy and paragraph 97 (b) of the NPPF because the replacement community playing fields proposed at the Tendring Education Centre would be considered to be equivalent to the area of playing fields that would be transferred to Clacton County High School at Vista Road

Recreation Ground. However, as set out above, the proposals would not provide equivalent or greater replacement playing field provision in quantitative terms and the scheme would also prejudice the use of part of the playing fields at the Tendring Education Centre site.

The proposal would therefore not meet exception 4 in its entirety. However, the mitigation proposals would be considered to offer sport related benefits that would outweigh the detriment associated with the net quantitative loss in dedicated community playing field provision across the two sites. This would therefore allow this loss to broadly accord with exception 5 of the above policy.

This being the case, I can advise that the previous objection to this application is now withdrawn and that Sport England does not wish to raise an objection to this application.

Additional Sport England
Comments – Dated
29/04/2020

In our original response I sought a planning condition to be imposed to address the “Vista Road Recreation Ground Relocated Cricket Square or Alternative Non Turf Pitch”.

In summary, the condition required the details of the relocated cricket square or the alternative non-turf cricket pitch to be submitted and approved within 3 months of commencement of development. However, as set out in the response, the requested trigger point was based on Clacton Cricket Club being in a position to provide evidence of whether there was sufficient demand for using a second cricket square in future seasons once the 2020 cricket season was underway. Due to the Covid-19 outbreak since this response was submitted, the 2020 cricket season has not started and there is now a strong possibility that the season will not take place this year.

Consequently, the club will not be in a position to provide evidence of demand based on the 2020 season. It would therefore be more appropriate to base decisions about whether a second cricket square should be provided on evidence from the 2021 season when hopefully the situation will be more settled. I am therefore requesting that the condition be amended to change the trigger point from 3 months to 12 months from commencement of development.

**19/01605/FUL - Clacton
County High School
Walton Road Clacton On
Sea**

Tree & Landscape Officer

The trees on the existing boundary of Vista Road Recreation Ground with the school playing field are important features in their setting and make a significant positive contribution to both the character and appearance of the area. The trees positively enhance the user's experience of the recreation ground.

An inspection of the trees confirms that their amenity value is high but also identifies faults and weaknesses in a few specimens. It is likely that some works will be required, at some stage in the future, to ensure that none of the trees is retained in an unsafe condition.

In terms of the potential impact of the development proposal on the trees it is clear that they will be incorporated into the school grounds however they will remain prominent features in their setting.

Section 2.2 of the Design and Access Statement submitted in support of the application states that 'the trees will remain unaffected by the development proposal' this is re-affirmed in section 6.2 of the Design and Access Statement.

As the trees will be under the control of a public body and taking into account the future use of the land it is not considered expedient or necessary to make any of the trees the subjects of a Tendring District Council Tree Preservation Order. This is not to say that they do not have high amenity value rather that they are not considered to be at risk of removal as a result in the change in the ownership of the land.

In terms of the impact of the development proposal on the character of the area it is clear that the erection of the new fence will not, in itself, improve the appearance of the area or users experience of the recreation ground however new planting could be carried out that would visually enhance the local environs.

In terms of new planting associated with the development proposal the applicant has now submitted a Landscape Plan - Ref: PS/CCHS/LP/101.

The plan show an avenue of trees to be planted along the full length of the new fence separating the land. The tree species selected is *Tilia cordata* 'Greenspire' (Small Leaved Lime) and this is acceptable.

The landscape plan includes a specification for the supply and planting of the trees which is fit for purpose and sufficient to secure properly planted trees.

ECC Highways Dept

The Highway Authority does not object to the proposals as submitted.

**19/01606/FUL - Tendring
Education Centre,
Jaywick Lane, Clacton On
Sea**

Trees and Landscaping
Officer

The main body of the application site is set to grass. There are no trees or other significant vegetation in the main body of the site but some site boundaries are demarcated but

established hedgerows. In the main these are not threatened by the development proposal.

The creation of the new pedestrian access from Jaywick Lane may necessitate the removal of some scrubby vegetation or a small section of hedge but this will not have a significant adverse impact on the character or appearance of the area or its use and enjoyment by the public. The change of use from school playing field to publicly maintained public open space may provide an opportunity to carry out new planting.

On balance the development proposal will not cause harm to the appearance of the area and does not threaten the removal of any important trees or other vegetation.

Essex County Council
Highways

The Highway Authority does not object to the proposals as submitted.

5. **Representations**

5.1 **19/01605/FUL - Clacton County High School Walton Road Clacton On Sea**

3 letters of objection received outlining the following points;

- Concerns in respect of the mature trees present on the eastern boundary of the site;
- Loss of public open space
- Substitution with open space at Rush Green is token gesture.

2 letters of observation received stating;

- Mature trees must be retained;
- School improvements should not be to the detriment of other leisure uses;
- Application not clearly publicised;
- Variety of newly planted trees should be considered;
- No further buildings proposed on land; and
- Pathway link should be provided

5.2 **19/01606/FUL - Tendring Education Centre, Jaywick Lane, Clacton On Sea**

No letters of representation received.

6. **Assessment**

Site Context

6.1 The land at Clacton Leisure Centre is currently used for open space recreational use in connection with the Leisure Centre (Use Class D2). Along the eastern side of the application site is a row of trees that will be retained and unaffected by the proposals. The Clacton County High School's existing playing fields are also to the east of the application site, and existing residential properties along Wyndham Crescent back on to the northern boundary of the application site. A large area to the west of the application site would be retained as open space recreational land used in connection with the Leisure Centre.

6.2 The land at Tendring Educational College is currently used as playing fields by the College (Use Class D1), with existing open space located to the north and east of the application

site. Residential properties along Harpers Way back onto the western part of the application site that will be used as a pedestrian field access to the open space. The proposed new open space will be made accessible to the public and will be additional open space to Bishops Park to the north and Rush Green Park to the east.

Proposal/Background

- 6.3 These two planning applications are linked and are necessary to secure a school site of adequate size to allow for the expansion of Clacton High School Academy. Essex County Council require confirmation that a school site of adequate size can be created by increasing the size of the campus.
- 6.4 The proposals include the following;
- Change of use of land at Clacton Leisure Centre from public open space to school playing fields to facilitate the creation of additional school playing fields at Clacton High School Academy, which will enable planned expansion of the school, and address deficiencies in school places (Planning Reference 19/01605/FUL);
- and as a land swap deal;
- Change of use of school playing fields to public open space at Tendring Education College to facilitate the creation of replacement new public open space at Rush Green Playing fields, leaving adequate school grounds (19/01606/FUL).
- 6.5 Further mitigation measures include the following;
- Essex County Council will be contributing over £910k for refurbishments and improvements to Clacton Leisure Centre and the recreation ground, including refurbishment of the Artificial Grass Pitch and Cricket Nets and improvements to the Clacton Leisure Centre parking area.
 - A Joint User Agreement between Essex County Council and Tendring District Council to ensure the area of land being disposed of will be available to the public for formal booking outside of school hours and also outlining TDC's commitment to allow the school to continue utilising the all-weather playing pitch at Clacton Leisure Centre.
- 6.6 The only proposed physical works proposed at the Clacton Leisure Centre site will be the erection of a 2.1m high metal fence along the western boundary of the application site with three 2.1m high gates proposed along its length. It is also proposed to demolish the existing ground maintenance buildings located in the north eastern corner of the application site, as they will not be required by the school. Along the length of the perimeter fencing a line of Lime Trees are to be planted.
- 6.7 The physical works proposed as part of the Tendring Education College application include the removal of part of an existing bund at the western entrance to the site to allow field access to pedestrians from Jaywick Lane. A landscape plan has also been included with this showing part of the bund to be removed, making good of the land and planting of additional trees and shrubs along the northern edge of the field access. The layout plan and elevation drawing submitted shows 2.1m high metal fencing along the southern boundary of the site. The fencing will define the new edge of the College and provide necessary security to the retain playing fields.

Policy Considerations/Principle of Development

- 6.8 The site at Clacton Leisure Centre falls within an area designated as existing recreational open space. As such the relevant planning policy is Policy COM7a (Protection of Existing Playing Fields Including School Playing Fields) of the saved Tendring District Local Plan (2007). This Policy advises that proposals which lead to the loss of all, or part of a playing field, or land last used as a playing field whether in private, public or educational use, will not normally be permitted unless one of the following criteria is met:
- a) The proposed development is ancillary to the use of the site as a playing field (such as a new changing room) and does not adversely affect the quantity or quality of playing pitches and their use; or
 - b) It can be demonstrated by a thorough up-to-date assessment of current and future needs that there is an excess of playing field provision in the catchment and the site has no special significance to the interests of sport or recreation; or
 - c) The proposed development only affects land which is incapable of forming a playing field or part of one; or
 - d) The playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality in a suitable location accessible to the current and potential new users; or
 - e) The proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.
- 6.9 The application site at Tendring Education College falls within a Local Green Gap. It should be noted that this designation continues over into the adjoining park land at Bishops Park and Rush Green Recreation Ground. The key policy for this designation in the saved Tendring District Local Plan (2007) is policy EN2. This Policy states that during the plan period, land within Local Green Gaps, as defined on the Proposals Map, will be kept open, and essentially free of development. This is to prevent the coalescence of settlements, and to protect their rural settings. Minor development proposals may be permitted if they do no harm, individually or collectively, to the purposes of a Local Green Gap or to its open character. These may include the improvement of existing leisure and recreational facilities, and development for agricultural purposes.
- 6.10 The two relevant sections of the National Planning Policy Framework (2019) are at paragraphs 94 and 97.
- 6.11 Paragraph 94 states that, 'Local Planning Authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications'. Paragraph 97 confirms, amongst other things, that, 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless; 'the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use'.
- 6.12 In terms of the principle change of use, the proposals at both sites retain a recreational element to their use. There will be swap between public open space use and education playing pitch use at both sites. As considered under criteria d) of Policy COM7a of the adopted Local Plan there will not be a loss of recreational land (public and private), although there will be a hectare reduction of public open space as a result of the smaller site area at Tendring Education College.

- 6.13 Taking into account the overall amount of public open space and education playing fields (3.2 hectares) will remain unchanged, it is considered the proposals are compliant with criteria d) of Policy COM7a.
- 6.14 In respect of the site at Tendring Education College the proposed change of use of the land would continue to provide open space and would not be in conflict with the requirements of saved policy EN2 relating to Local Green Gaps.
- 6.15 Consequently, when having regard to national and local planning policies the planning principle of these change of use applications is considered to be acceptable. It is evident that there are clear and demonstrable public benefits which emanate from the proposals, which have been secured through discussions between County Council officers, District officer and Sport England.
- 6.16 As a result of these discussions the premise of the land swap deal to facilitate the expansion of Clacton High School Academy has been considered and agreed by TDC Cabinet. During considerations it was acknowledged that the loss of public open space at Clacton Leisure Centre was an issue requiring careful consideration, however the requirement of Clacton High School Academy to expand to meet national standards was of material significance. It was also noted that the open space/playing pitch being disposed of will remain available to the public for formal booking outside of school hours via a Joint User Agreement between ECC and TDC, which also outlines TDC's commitment to allow the school to continue utilising the all-weather playing pitch at Clacton Leisure Centre.
- 6.17 The pre-application negotiations have also secured payment of 910k from ECC to TDC to enable refurbishment and improvement works to the all-weather playing pitch, pathways within the areas of open space, the parking area at Clacton Leisure Centre and the renewal and refurbishment of existing facilities including the existing Cricket Nets and Petanque Court.
- 6.18 The benefits of the change of use of land at Tendring Education College to public open space was also considered including the new pedestrian field access onto Jaywick Lane. This pedestrian access would significantly improve resident permeability through to the open space at Rush Green. This is given greater significance when considering that the access is suitably placed to serve a large housing development proposed on the western side of Jaywick Lane.
- 6.19 Overall, it was considered by Cabinet and by officers that the proposals are significant steps aimed at improving educational attainment within the town and it is considered that overall the benefits of the proposals, as outlined above, outweigh the other effects.
- 6.20 As stated above Sport England have been heavily involved in discussions. Following an extensive review of the existing recreation facilities at both sites they have agreed that, subject to certain conditions being applied securing the proposed mitigation package, they have no objections to the two planning applications. The mitigation package includes a rearrangement of facilities at Clacton Leisure Centre including the creation of a second cricket square (if required) and the completion of the Joint User Agreement and legal agreement securing the Clacton Leisure Centre refurbishment works as outlined above. Further conditions relating to maintenance of the land parcels are also recommended and included at section 8.2 and 8.3 below.

Appearance/Landscaping

19/01605/FUL - Clacton County High School Walton Road Clacton On Sea

- 6.21 The proposal includes a 2.1m metal mesh fence running along the western edge of the application site, with 3 access gates (two pedestrian, and one vehicular) provided to allow access between the school grounds and the open space. The metal fencing will be finished in green to be in-keeping with other fencing around the college and will provide security along the altered western edge. It is also proposed demolish a grounds maintenance buildings and remove a container in the north east corner of the site. These buildings are of no architectural merit and are considered surplus to requirements.
- 6.22 To soften the appearance of the fencing and to improve and enhance the appearance of the public realm the Council's Trees and Landscaping Officer has recommended the planting of an avenue of trees planted along the full length of the new fencing. Amended plans have now been received securing the planting of Lime Trees along its entire length.
- 6.23 The Council's Trees and Landscaping Officer has also confirmed that the proposals here would not harm the existing mature trees present along the eastern and southern edge of the application site.

19/01606/FUL - Tendring Education Centre, Jaywick Lane, Clacton On Sea

- 6.24 The proposed change of use of the application site will provide public open space that will adjoin Rush Green Recreation Ground to the north. This will therefore create a natural extension to the public open space. The proposal includes a 2.1m green metal mesh fence running the length of the southern boundary of the site. The metal fencing will be in-keeping with other fencing around the college and will provide security along the altered northern edge to the school.
- 6.25 In respect of the new pedestrian access from Jaywick Lane, the plans involve part removal of an existing bund at the western entrance to the site, which will be regraded to allow for level access to the open space. Planting is proposed along the northern edge of the field access on the western side of the site, along its northern edge to create a natural screen to the neighbouring properties.
- 6.26 The Council's Trees and Landscaping Officer states that the new pedestrian access from Jaywick Lane may necessitate the removal of some scrubby vegetation or a small section of hedge but this will not have a significant adverse impact on the character or appearance of the area or its use and enjoyment by the public.

Highway Safety

- 6.27 The change of use of the two parcels of land would not adversely impact upon highway safety or parking provision. The change of use from open space to school grounds and vice-versa does not result in an intensification in the use of the land in question and to this effect ECC-Highways do not object to the proposals.

Impact on Residential Amenity

- 6.28 The change of use of the land at Clacton County High Academy would not result in any intensification in the use of the land over and above its current use as public playing fields. The land will remain in use for football purposes at weekends as is currently the case.
- 6.29 The proposal at Tendring Technology College would again not result in an intensification in the use of the land as public playing fields. The siting of the new pedestrian pathway to the rear of properties in Harpers Way will result in additional movements to the rear of those dwellings. However, such movements of pedestrians would not give rise to any adverse impacts upon those residents in respect of noise and disturbance. A lighting scheme for the pathway will be secured via condition.

7. Conclusion

- 7.1 Overall, it is considered that the proposals are aimed at improving educational attainment within the town by increasing the campus at Clacton County High Academy, and with the mitigation measures outlined above it is considered that overall the benefits of the proposals outweigh the other effects. The planning applications have therefore been prepared on this basis and therefore accord with the requirements of local and national planning policies.
- 7.2 In the absence of any objections from Sport England and other statutory consultees the proposals are considered to be acceptable.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives;

8.2 Conditions/Reasons & Informatives

19/01605/FUL - Clacton County High School Walton Road Clacton On Sea Essex CO15 6DZ

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

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; L-1458, L1463, 70-001 P1, PS/CCHS/LP/101 and 4.2 Rev C.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3) The tree planting shown on the approved landscaping drawing no's. 70-001 P1 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interests of visual amenity and the character of the area.

- 4) Following commencement of the development hereby permitted the site shown on the approved Site Plan (Drawing No: L1458) shall be laid out for a senior football pitch with dimensions of 100 x 64 metres for the duration of each football season unless otherwise agreed in writing with the Local Planning Authority after consultation with Sport England.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

- 5) Within 3 months of commencement of development a schedule of playing field maintenance for the site shown on the approved Site Plan (Drawing No: L1458)

including a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved schedule and implementation programme shall be complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

- 6) Within 6 months of commencement of development a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the football pitch transferred to Clacton County High School as a minimum and include details of hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The football pitch shall not be used at any time other than in strict compliance with the approved agreement.

Reason - To secure well managed safe community access to the football pitch and to accord with Development Plan Policy.

- 7) Within 12 months of commencement of development (unless otherwise agreed in writing with the Local Planning Authority after consultation with Sport England):
 - a) A detailed assessment of ground conditions of the land proposed for the relocated cricket square (as shown on Drawing number 4.2 -12 December 2019) shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed specification to ensure that the new cricket square will be provided to an acceptable quality; and
 - c) A programme for the implementation of the detailed specification

shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works shall be carried out in accordance with the approved specification and implementation programme.

Alternatively, subject to it being satisfactorily demonstrated to the Local Planning Authority after consultation with Sport England that there is insufficient demand for the relocated cricket square, within 12 months of commencement of development (unless otherwise agreed in writing with the Local Planning Authority after consultation with Sport England), details of the siting, design and layout of a non-turf cricket pitch on the land proposed for the relocated cricket square (as shown on Drawing number 4.2 -12 December 2019) shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England] together with a programme for the implementation of the non-turf cricket pitch. The non-turf cricket pitch shall not be constructed other than in accordance with the approved details and implementation programme.

Reason - To ensure that the development is fit for purpose and sustainable and that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Development Plan Policy.

- 8) Within 3 months of commencement of development a schedule of playing field maintenance for the Primary Cricket Square outfield area (as shown on Drawing number 4.2 Rev C -12 December 2019) including a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved schedule and implementation programme shall be complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

- 9) Within 6 months of commencement of development, details of the siting, design and layout of the 3G artificial grass pitch proposed on the Clacton Leisure Centre site including a programme for implementation shall be submitted and approved, in consultation with Sport England, in accordance with the following specification:

- Design and Layout: The 3G artificial grass pitch design and layout (including the surfacing, line marking, goal storage recesses, fencing and spectator areas) should accord with Football Association guidance contained in the FA's Guide to 3G Football Turf Pitch Design Principles and Layouts;
- Dimensions: The overall area of the 3G artificial grass pitch shall be 106m x 70m and the football pitch line markings should be agreed with the Football Foundation and Essex County FA;
- FIFA Quality Accreditation: The pitch will need to be designed to meet the FIFA Quality standard <http://quality.fifa.com/en/Football-Turf/Install-Football-Turf/Certification/> and will need to be tested on completion;
- Floodlighting: The proposed floodlighting will need to meet BS 12193 Class 2 and have an average maintained lux reading of at least 200 to accord with recommendations for full size 3G artificial grass pitches. The floodlighting design will need to accord with the FA's Guide to Floodlighting.

The 3G artificial grass pitch shall not be constructed other than in accordance with the approved siting, design and layout details and implementation programme.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision within an acceptable timescale and to accord with Development Plan Policy.

- 10) Within 6 months of commencement of development, details of the siting, design and layout of the cricket practice net system proposed on the Vista Road Recreation Ground including a programme for implementation shall be submitted and approved, in consultation with Sport England, in accordance with the following specification:

- Design and Layout: The cricket practice net system should accord with England & Wales Cricket Board's Guidance Notes for the Provision and Installation of Non-Turf Cricket Pitches and Net Cage Facilities and with England & Wales Cricket Board's Performance Standards for Non-Turf Cricket Pitches Intended for Outdoor Use;
- Quantity: A minimum of 2 cricket practice pitches shall be provided;
- ECB Approved System: The cricket practice net system will need to be an ECB approved non-turf pitch system (details on the ECB's website <https://www.ecb.co.uk/be-involved/club-support/club-facility-management/surface-types>)
- Security Fencing: Details of security fencing to enclose the cricket practice net system will need to be provided.

The cricket practice net system shall not be constructed other than in accordance with the approved siting, design and layout details and implementation programme.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision within an acceptable timescale and to accord with Development Plan Policy.

Informatives

Positive and Proactive Statement

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 those 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.

It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport.

It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport.

8.3 Conditions/Reasons & Informatives

19/01606/FUL - Tendring Education Centre, Jaywick Lane, Clacton On Sea, Essex, CO16 8BE

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

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3) The tree planting shown on the approved landscaping drawing no's. 70-001 P1 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interests of visual amenity and the character of the area.

- 4) Within 3 months of commencement of development, a schedule of playing field maintenance, based on the maintenance works programme set out in section 5.1 of the approved Equivalent Quality Assessment Report (January 2020), for the site shown on Drawing number 3.2 Revision B -12 December 2019, including a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved schedule and implementation programme shall be complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

- 5) Within 3 months of commencement of development, a line marking plan for the artificial grass pitch on the Tendring Education Centre site together with an implementation programme shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved line marking plan and implementation programme shall be complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

- 6) Within 6 months of commencement of development, the pedestrian access enhancement works shown on Drawing number 3.2 Revision B -12 December 2019, including the improved footpath, new steps and removed earth bund shall be implemented in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

Informatives

Positive and Proactive Statement

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 those 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.

The applicant is advised that the line marking layout should comply with Football Association guidance contained in the FA's Guide to 3G Football Turf Pitch Design Principles and Layouts.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. **Background Papers**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.