

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	07/08/2020
Planning Development Manager authorisation:	SCE	07.08.2020
Admin checks / despatch completed	DB	10.08.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	10.08.2020

Application: 20/00558/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Fenning

Address: St Clares School Cloes Lane Clacton On Sea

Development: Proposed new nursery school.

1. Town / Parish Council

Clacton – non parished area.

2. Consultation Responses

Sport England
06.07.2020

ORIGINAL COMMENTS

Thank you for consulting Sport England on the above planning application. The site is considered to constitute playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). As such Sport England is a statutory consultee.

Sport England has sought to consider the application in light of the National Planning Policy Framework (particularly Para. 97) and against its own playing fields policy. Unfortunately there is insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response. Please therefore could the following information be provided as soon as possible:

1. Playing Pitch Layouts: Site plans (to scale) showing the existing and proposed winter and summer playing pitch layouts on the school's playing field. The plans submitted do not show the existing playing pitches and how they would be impacted by the proposal. This information is required to allow an informed assessment to be made of the impact of the proposals on natural turf playing pitch provision.

2. Playing Field Community Use: Details of any formal community use of the school's playing fields outside of school hours. This information is requested to allow an informed assessment to be made of the impact of the proposals on any formal community users of the playing field.

3. Playing Field Mitigation: Details of any proposals for mitigating the loss of part of the playing field as part of the development proposals. This information is requested to allow an informed assessment to be made of the proposals in relation to any related proposals for mitigating the impact on the playing field.

Sport England's interim position on this proposal is to submit a holding objection. However we will happily review our position following the receipt of all the further information requested above. As I am currently unable to make a substantive response, in accordance with the Order referred to above, the 21 days for formally responding to the consultation will not commence until I have received all the information requested above.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

I would be happy to discuss the requested information further with the applicant and/or the local planning authority if necessary.

Sport England
09.07.2020

AMENDED COMMENTS

Thank you for consulting Sport England on the above application.

Summary: An objection is made to the planning application as a statutory consultee. If the Council is minded to approve the application contrary to Sport England's objection, then the application will need to be referred to the Secretary of State.

To address the objection, potential mitigation options are suggested for consideration in the response.

Sport England -Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal and the Impact on the Playing Field

In summary, the application involves the siting of a nursery school building on the northern part of St Clare's School's playing fields which would result in the loss of an area of approximately 1,000 square metres. The proposal may also reduce the range of pitches that could potentially be marked out in the playing field area between the proposed nursery and the games court due to the reduced space available. No substantive mitigation is currently proposed.

Assessment against Sport England Policy/NPPF

I have considered the proposals with regard to the specific exception criteria identified in the above policy and would make the following assessment:

- Exception 1 - Not applicable. It has not been demonstrated that there is an excess of playing pitches in the catchment in terms of both school and community playing pitch provision. While this area may not be required for meeting the playing field needs of St Clare's School, it may be required for meeting community needs outside of school hours. Tendring District Council assessed community playing pitch needs in their Playing Pitch Strategy (which forms part of the emerging local plan's evidence base) <https://www.tendringdc.gov.uk/planning/local-plans-and-policies/view-our-local-plan/view-technical-studies-and-background-evidence> and this identified a range of current and/or future playing pitch deficiencies including future deficiencies for mini soccer pitches which are usually provided on primary school sites. I have consulted the Essex County FA for their views and they have advised that there are currently local football clubs that are seeking additional football pitches (including mini soccer pitches) to meet their needs.
- Exception 2 - Not applicable. The proposed development is not ancillary to the principal use of the site as a playing field;
- Exception 3 - Not applicable. The area proposed for the development would result in the loss of an area of playing field that would be capable of being used for marking out playing pitches (or parts of pitches);
- Exception 4 - Not applicable. No replacement playing field provision is proposed;
- Exception 5 - Not applicable. The proposal is not for a sports facility.

Conclusion and Recommendation

In light of the above assessment, Sport England objects to the application in its current form because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.

It is acknowledged that this area of the playing field is not currently used by the school for marking out playing pitches and that the school's needs are currently met adequately by a football pitch provided on the other side of the playing field. It is also acknowledged that there is no current community use of the school's playing fields and this is verified by the Council's Playing Pitch Strategy which assessed the site. However, Sport England considers proposals for the development of playing fields that are not currently used for marking out playing pitches in the same way as playing fields that are in active use for pitches

because development on them would permanently prevent such areas from being brought into use. Sport England's playing fields policy and the Government planning policy on playing fields (in paragraph 97 of the NPPF) does not distinguish between public and school playing fields and whether playing fields are currently in active use or not. It should be emphasised that Sport England's role is to safeguard playing fields for meeting the needs of current and future users. While the part of the playing field affected by the development proposal may not be needed for meeting the school's needs at the moment it may be required in the future. Furthermore, it may be required for meeting future community playing pitch needs as demonstrated by the Council's playing pitch strategy. Based on Sport England's experience the loss of this area without any mitigation may also create an undesirable precedent for further encroachments in the future onto this part of the school's playing fields.

It is acknowledged that the proposal would include a new planting screen along the north eastern boundary of the playing field which would offer the benefit of screening this part of the playing field which would assist with safeguarding plus provide a windbreak that would encourage greater use of this part of the playing field by the school. However, these benefits would not in Sport England's view be sufficient to mitigate the loss of an area of around 1,000 sq.m of playing field and the planting screen itself would result in the loss of part of the playing field. There are alternative ways of screening a playing field which would have much less impact on a playing field such as fencing.

To address the objection, the following mitigation options are suggested for consideration by the applicant:

- 1 The proposed nursery building is relocated to another part of the school site which would have no or less impact on the playing field;
- 2 The school playing field is made available for community use (i.e. bookings by local sports clubs) outside of school hours through marking out additional pitches on the playing field, improving the maintenance of the playing field (if required) and securing community access through completing a community use agreement. This approach would accord with recommendation C of the Council's Playing Pitch Strategy (Strategy & Action Plan);
- 3 A new or enhanced sports facility is provided as part of the development proposals based on school's priorities e.g. extension/enhancement to the games court area;
- 4 Off-site playing field mitigation is secured through any planning permission e.g. investment in new or enhanced playing fields on other school or local authority playing field sites.

If a mutually agreeable solution could be identified based around pursuing one of the above options I would be willing to review our position on the application.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection, then in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit. This is because the land is currently used by an educational institution as a playing field. For the avoidance of doubt, the application would need to be referred on the basis that Sport England is objecting in accordance with section 7b(i) of the Direction i.e. objecting on the

grounds that there is a deficiency in the provision of playing fields in the area of the local authority concerned.

I would encourage the applicant to discuss the proposals with Sport England before progressing the above course of action.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

Sport England
23.07.2020
LATEST COMMENTS

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

- Playing Field Quality Improvements;
- Playing Field Ancillary Facilities and Community Access;
- Community Use Agreement.

I refer to my previous formal response to the consultation on the above planning application dated 9th July 2020 in which an objection was made as a statutory consultee due to the impact of the proposals on the playing field. The response set out four potential options that could be pursued by the applicant for mitigating the impact of the proposed development on the playing field. If one of these options was pursued it was advised that this could allow the objection to be withdrawn. Since then, following discussions and correspondence with the applicant's agent, as set out in the agent's email dated 20th July 2020, the following mitigation proposals have been offered by the applicant which are focused around securing and improving St Clare's School's playing field for community use (the second option in my previous response):

- Community Use Agreement: The school have offered to complete a community use agreement with Tendring District Council to secure community use of the school's remaining playing fields outside of school hours over a long term period;
- Playing Field Quality Improvements and Revised Playing Pitch Layout: The school have offered to undertake a feasibility study to assess the quality of the school's playing fields to identify the scope for improvements (e.g. maintenance, drainage improvements, surface improvements) to be made to facilitate use by the community as well as proposing a new winter playing pitch layout that would provide a range of pitches for meeting both the school's and the community's needs. A specification for the agreed improvements would then be prepared and delivered;
- Ancillary Facilities and Community Access: The school has offered to provide ancillary facilities to support community use of the playing field such as access to toilets, kitchen facilities and storage and their preference would be for this to be in the form of a small porta cabin type building. The school has also offered to provide a pedestrian access to the playing field for community users which is expected to be via an existing security gate.

Assessment against Sport England Policy/NPPF

In view of the above mitigation proposals that have now been offered I am now in a position to revise our assessment of the planning application. While the proposals for securing community access to the school's playing fields do not involve a new sports facility, they would involve enhancements to the quality of an existing sports facility (the school's playing field) and would open up a facility for community sports use. It would therefore be appropriate to assess the proposals against exception 5 of Sport England's Playing Fields Policy https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy, which states:

- 5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

As the proposals offer the potential to meet the intention of the above exception, I have therefore assessed the proposals against the exception as follows.

Sports Development Benefits

The key potential sports development benefits of the proposed mitigation are considered to be as follows:

- St Clare's School's playing fields are currently not available for community use and therefore do not make a contribution to meeting community playing field needs in the Clacton-on-Sea area. Tendring District Council assessed community playing pitch needs in their Playing Pitch Strategy (which forms part of the emerging local plan's evidence base) and this identified future deficiencies in mini soccer pitches which are the most common form of playing pitch provided on primary school sites that would be suitable for community use. I have consulted the Essex County FA for their views and they have advised that there are currently local football clubs that are seeking additional mini soccer pitches to meet their needs. For example, the County FA have advised that FC Clacton experienced a shortage of pitches in the 2019/20 football season and that they expect this may also continue in the 2020/21 season. Securing community access to the school's playing fields would therefore offer the potential to help address current and future football pitch deficiencies in the Clacton area and would respond positively to recommendation C in the Council's Playing Pitch Strategy & Action Plan relating to maximising the community use of education sites;

- The proposals would be expected to result in the quality of the school's playing fields being improved to support additional use of the fields together with a net increase in the number of football pitches provided

Impact on Playing Field

In terms of the impact of the proposed nursery school building on the playing field, the building would result in the loss of an area of approximately 1,000 square metres and may also reduce the range of pitches that could potentially be marked out in the space between the proposed building and the games court due to the reduced space available. However, it is acknowledged that no existing winter or

summer playing pitches would be affected, the school's current playing pitch needs can be adequately met on the remaining playing field and as set out above there is no existing community use of the playing field that would be affected. Furthermore, despite the extent of the encroachment of the proposed building, the remaining area of playing field is relatively substantial for a primary school and there would still be scope for marking out a range of additional playing pitches in the space currently not used for marking out pitches.

Conclusion and Recommendation

On the basis of the above assessment, despite the loss of playing field associated with the proposed nursery building, I consider that on this occasion the sport related benefits that the mitigation proposals would offer would outweigh the detriment caused by this impact. I therefore consider that the proposed development would broadly meet the intention of exception 5 of our playing fields policy. This being the case, Sport England withdraws its objection to this application subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

- Playing Field Quality Improvements: Sport England would expect a sports pitch feasibility study to be prepared to assess the ground conditions (drainage, soils, topography etc) of the school's playing fields and identify the constraints that may affect the ability to deliver football pitches that would be suitable for accommodating both the school's and the community needs. The study would make recommendations on how to address the constraints that are identified and provide the estimated costs of implementing the required works together with a revised winter pitch layout that would account for the advice in the feasibility study and the needs of local football clubs. A sports pitch specification would subsequently need to be prepared, based on the feasibility study recommendations that are identified, to ensure that the playing field is improved to a level that would accommodate school needs and an appropriate level of community use (i.e. use by local mini soccer teams (under 7 to under 11 age groups) at weekends throughout the football season). Sport England's guidance note "Natural Turf for Sport" (2011) provides guidance on what should be included in a feasibility study. This document and the other design guidance notes can be downloaded from our website at <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/outdoor-surfaces>. The feasibility study and sports pitch specification should be prepared by an agronomist/sports turf consultant. Sport England can provide details of agronomists/sports turf consultants as well as example submissions upon request. The applicant is recommended to discuss the recommendations in the feasibility study with Sport England before a technical specification is prepared or a submission is made to meet the requirements of the condition.

A condition is necessary to provide details of how the remaining school playing field will be improved in practice to mitigate the loss of the playing field and is required prior to commencement of development to ensure that the mitigation for the loss of the playing fields can be implemented as soon as practically possible. It is therefore requested that the following condition is imposed for addressing this matter which is based on model condition 10a of Sport England's model conditions schedule https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications:

No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- a) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
- b) Based on the results of the assessment to be carried out pursuant to (a) above, a detailed scheme which ensures that the playing field will be enhanced to an acceptable quality.

The scheme shall include a proposed winter playing pitch layout and a programme of implementation.

The approved scheme shall be carried out in full.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy **.

Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England. Particular attention is drawn to Sport England's 'Natural Turf for Sport' guidance note.

- **Playing Field Ancillary Facilities and Community Access:** As the applicant is not currently in a position to confirm the proposals for providing ancillary facilities for supporting community use of the playing fields and for providing pedestrian access to the playing field by the community, a planning condition is requested requiring details to be submitted and approved prior to commencement of development. The school is encouraged to discuss the ancillary facility requirements with potential users of the playing field before preparing any proposals to ensure that they are responsive to their requirements. The condition is necessary to demonstrate how the essential ancillary facilities required to support community use of the playing field will be provided in practice and how pedestrian access to the playing field will be provided. These details are required prior to commencement of development to ensure that the mitigation for the loss of the playing fields can be implemented as soon as practically possible. A suggested condition is:

No development shall commence until details of the ancillary facilities (such as toilets, kitchen facilities and storage) proposed to support community use of the playing field and details of pedestrian access by community users to the playing field have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England] together with a programme for the implementation of any works required to implement the ancillary facilities or pedestrian access proposals. The proposals for the ancillary facilities and pedestrian access shall be carried out in accordance with the approved details.

Reason: To ensure that the playing field is supported by appropriate ancillary facilities that will support community use of the playing field and to ensure that suitable pedestrian access to the playing field for community users is provided and to accord with Development Plan Policy **.

- Community Use Agreement: A community use agreement sets out a school's policy and arrangements for community use of its sports facilities and covers matters such as hours of use, types of bookings accepted, restrictions on community use etc. The agreement is usually between a school and the relevant local authority (i.e. Tendring District Council) but other bodies can also be parties. Sport England regularly secures the completion of such agreements through planning conditions on planning permissions for school developments. Such a condition is justified to secure community use over a long term period to the school's playing field and to ensure that the community use arrangements are safe and well managed. Without suitable community access being secured over a long term period in practice, one of the principal sports development benefits which mitigates the impact of the development on the playing field would not be realised. . A community use agreement also provides clarity and formalisation with respect to community access arrangements for all parties. Community use agreement templates, examples of completed agreements and further advice can be provided upon request although advice should be sought from both Tendring District Council and Sport England before an agreement is prepared. The following pre-occupation condition is requested to be imposed to address this which is based on condition 16 of our model conditions schedule:

"Prior to first occupation of the development hereby permitted, a community use agreement prepared in consultation with Sport England will be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement will be provided to the Local Planning Authority. The agreement shall apply to the playing field and supporting ancillary facilities and include details of pricing policy, 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 development 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 playing field, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.

If you wish to amend the wording of the conditions or use another mechanism in lieu of the conditions, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments. If your Council decides not to attach the above conditions, Sport England would wish to raise an objection to this application. Should the local planning authority be minded to approve this application without the above conditions, then given Sport England's subsequent objection and in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State via the National Planning Casework Unit.

The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or any National Governing Body of Sport to support for any related funding application.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

ECC Highways Dept
23.06.2020

Due to COVID-19 restrictions, a site visit was not undertaken in conjunction with this planning application. The information submitted has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated April 2019. The site entrance will be from Hadleigh Road which is subject to a 30-mph speed limit and where a lay-by exists to the south east of the site; and the lay-by appears to be used by parents during drop off and collection times for the adjacent primary school, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation the following highway measures shall be implemented on Hadleigh Road to highlight the entrance to the Nursery School:

- The provision of 'school keep clear' road markings to Diagram. no. 1027.1 outside the main pedestrian entrance (min. length: 25.56 metres).

- On each approach to the main pedestrian entrance, 'school' warning signs to Diagram. nos. 545 and 546.

Reason: To ensure that on-street parking does not occur outside the main entrance obscuring pedestrians potentially crossing the road and highlights to passing traffic that pedestrians will be crossing within the highway in the interests of highway safety and Policy DM1.

Note: The diagram numbers referred to above are taken from 'The Traffic Signs Regulations and General Directions 2016'

2. Prior to occupation, the applicant shall provide an updated joint School Travel Plan with St Clares School to the specifications and requirements of the Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative

1: Essex County Council's Travel Plan team is willing to help with the preparation and the details of the Travel Plan.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

00/01612/FUL	Erection of new demountable type classroom (renewal of planning permission TEN/95/0987)	Approved	06.11.2000
94/00378/FUL	(St Clares R.C. Primary School, Cloes Lane Clacton on Sea) New classroom and roof	Approved	29.04.1994
95/00987/FUL	(St Clares RC Primary School, Cloes Lane, Clacton on Sea) Erection of new demountable type classroom	Approved	26.09.1995
96/01411/FUL	() The erection of a new single storey building to accommodate 4 new classrooms and associated external works and landscaping including the extension of the existing playground and the extension of the existing	Approved	13.12.1996
05/02024/FUL	Erection of new demountable type classroom (renewal of planning permission TEN/95/0987)	Approved	30.01.2006
08/00144/FUL	Staffroom and store extensions to primary school.	Approved	03.04.2008
16/01653/FUL	Proposed single storey extension.	Approved	01.12.2016

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM3	Protection of Existing Local Services and Facilities
COM4	New Community Facilities (Including Built Sports and Recreation Facilities)
COM7a	Protection of Existing Playing Fields, Including School Playing Fields
COM8	Provision and Improvement of Outdoor Recreational Facilities
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

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

SPL3	Sustainable Design
HP2	Community Facilities
HP3	Green Infrastructure
HP4	Safeguarded Local Greenspace
HP5	Open Space, Sports & Recreation Facilities
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

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.

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to the St Clares School site located on the western side of Hadleigh Road off Cloes Lane, Clacton on Sea. The site extends approximately 0.1 hectares in size and is currently used as playing fields by the primary school. The site is laid to grass with a palisade fence extending along the front and side boundaries. The side boundary of the site abuts the rear gardens of no.'s 1 to 11 Nayland Drive to the north west. The surrounding area is characterised with residential properties. The site falls within the development boundary of Clacton on Sea.

Description of Proposal

The application seeks full planning permission for the erection of a single storey building to accommodate a new nursery school with associated landscaping.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Impact on Existing Recreational and Community Facilities;
- Design and Visual Impact;
- Trees and Landscaping;
- Impact on Neighbours;
- Accessibility and Highway Requirements; and,
- Representations.

Principle of development

The proposal seeks the erection of a detached, single storey pre-school building being a suitable and complementary use to the existing school. Furthermore, the site is in sensible location within a highly sustainable, easily accessible, built up area. The building will not result in any material loss of outside play space for the school itself.

Therefore, the development is considered acceptable in principle.

Impact on Existing Recreational and Community Facilities

The proposal results in the loss of part of the existing school playing field.

Paragraph 96 of the National Planning Policy Framework 2019 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 97 goes on to say 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.

The aims of the NPPF are contained within Saved Policy COM7a of the adopted Tendring District Local Plan 2007 and Draft Policy HP4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Sport England are a statutory consultee for a development of this nature and originally raised an objection to the development. Additional information has now been provided by the agent. The following mitigation proposals have been offered by the applicant which are focused around securing and improving St Clare's School's playing field for community use;

- **Community Use Agreement:** The school have offered to complete a community use agreement with Tendring District Council to secure community use of the school's remaining playing fields outside of school hours over a long term period;
- **Playing Field Quality Improvements and Revised Playing Pitch Layout:** The school have offered to undertake a feasibility study to assess the quality of the school's playing fields to identify the scope for improvements (e.g. maintenance, drainage improvements, surface improvements) to be made to facilitate use by the community as well as proposing a new winter playing pitch layout that would provide a range of pitches for meeting both the school's and the community's needs. A specification for the agreed improvements would then be prepared and delivered; and,
- **Ancillary Facilities and Community Access:** The school has offered to provide ancillary facilities to support community use of the playing field such as access to toilets, kitchen facilities and storage and their preference would be for this to be in the form of a small porta cabin type building. The school has also offered to provide a pedestrian access to the playing field for community users which is expected to be via an existing security gate.

On this basis, the development will now meet exception test 5 of Sport England's adopted Playing Fields Policy:

- 5. The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

Despite the loss of playing field associated with the proposed nursery building, the sport related benefits that the mitigation proposals would offer would outweigh the detriment caused by this impact. The development therefore meets the aims of national and local plan policies subject to three planning conditions being imposed relating to the mitigation measures set out above, namely;

- Playing Field Quality Improvements;
- Playing Field Ancillary Facilities and Community Access; and,
- Community Use Agreement.

Design & Visual Impact

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed building is single storey and modest in scale. The building is located adjacent within the north-western corner of the site adjacent to the residential properties fronting Nayland Drive. The building relates closely to the built up nature of the surrounding area as well as appearing as part of the school building complex. Due to the single storey scale of the building and the context of the site, the proposed development will not appear harmful to visual amenity or the character of the area. The modern design and finishes will add visual interest being a positive addition to the street scene.

The landscaping shown on the submitted plan is welcomed as this will help soften and enhance the impact of the development and minimise any impact on the neighbouring properties. This will be secured by condition.

Overall the design and impact of the building is considered acceptable. The development will not appear prominent within the street scene or harmful to visual amenity.

Trees and Landscaping

There are no trees or other vegetation on the application site.

The site plan shows the planting of a 4m wide native planting strip around the perimeter of the application site.

The introduction of this planting will help to soften and screen the proposed new pre-school and enhance the appearance of the wider area.

An appropriately worded condition will be imposed to secure details of the proposed planting as shown on the accompanying Block Plan and 3D visualizations

Impact on Neighbours

Paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives. Furthermore, Saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings and new development to safeguard the amenities of neighbouring dwellings.

The proposed development will occupy a portion of the existing school playing field fronting Hadleigh Road. The building is single storey in height with a proposed planting buffer between the development and neighbouring garden of 4 metres. The building will be sited over 5 metres from the rear boundaries of the properties fronting Nayland Drive.

For these reasons, the scale of the building will not result in any material loss of light or outlook to neighbouring properties and the siting and planting buffer will minimise any noise or disturbance from the proposed use.

Accessibility and Highway Requirements

The site is accessed via Hadleigh Road. Hadleigh Road is an adopted highway with footpaths both sides, the speed limit is 30mph. A roundabout exists to the south East of the application site which joins the road to Cloes Lane. There is no existing vehicle access points into the site, and none are proposed.

A lay-by exists along Hadleigh Road to the South East of the site. This lay-by is well used by parents during drop off and collection times and it is expected that this lay-by will continue to be used by the new nursery.

There are no bus routes which currently run past the application site but there is a dual bus stop 2 minutes' walk away in Cloes Lane.

Essex County Council Highway Authority raise no objection to the development subject to conditions which will be imposed where necessary. These have been agreed by the agent and applicant.

Representations

The site is located within the non parished area of Clacton on Sea.

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval subject to conditions, including the specific requirements set out by Sport England.

6. Recommendation

Approval - Full

7. Conditions

- 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:

0777_A_DD_02	Block Plan
0777_A_DD_03	Proposed Block Plan
0777_A_DD_04	Proposed Floor Plan
0777_A_DD_05	Proposed Roof Plan
0777_A_DD_06	Proposed NW and NE Elevations
0777_A_DD_07	Proposed SW and SE Elevations

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

- 3 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction."

Reason - In order to enhance and soften the appearance of the development in the interests of visual amenity and the character of the area.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 or shrubs 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 - To ensure the appropriate implementation of the approved landscaping scheme in the interests of visual amenity and the character of the area.

- 5 Prior to occupation the following highway measures shall be implemented on Hadleigh Road to highlight the entrance to the Nursery School:
- The provision of 'school keep clear' road markings to Diagram. no. 1027.1 outside the main pedestrian entrance (min. length: 25.56 metres).

- On each approach to the main pedestrian entrance, 'school' warning signs to Diagram. nos. 545 and 546.

Reason - To ensure that on-street parking does not occur outside the main entrance obscuring pedestrians potentially crossing the road and highlights to passing traffic that pedestrians will be crossing within the highway in the interests of highway.

Note: The diagram numbers referred to above are taken from 'The Traffic Signs Regulations and General Directions 2016'.

- 6 Prior to occupation of the development hereby approved, an updated joint St Clare's School and Nursery Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 7 No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- a) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
- b) Based on the results of the assessment to be carried out pursuant to (a) above, a detailed scheme which ensures that the playing field will be enhanced to an acceptable quality.

The scheme shall include a proposed winter playing pitch layout and a programme of implementation.

The approved scheme shall be carried out in full.

Reason - To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with the relevant adopted and emerging Tendring District Local Plan Policies.

Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England. Particular attention is drawn to Sport England's 'Natural Turf for Sport' guidance note.

- 8 No development shall commence until details of the ancillary facilities (such as toilets, kitchen facilities and storage) proposed to support community use of the playing field and details of pedestrian access by community users to the playing field have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England] together with a programme for the implementation of any works required to implement the ancillary facilities or pedestrian access proposals. The proposals for the ancillary facilities and pedestrian access shall be carried out in accordance with the approved details.

Reason - To ensure that the playing field is supported by appropriate ancillary facilities that will support community use of the playing field and to ensure that suitable pedestrian access to the playing field for community users is provided and to accord with the relevant adopted and emerging Tendring District Local Plan Policies.

9 Prior to first occupation of the development hereby permitted, a community use agreement prepared in consultation with Sport England will be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement will be provided to the Local Planning Authority. The agreement shall apply to the playing field and supporting ancillary facilities and include details of pricing policy, 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 development 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 playing field, to ensure sufficient benefit to the development of sport and to accord with the relevant adopted and emerging Tendring District Local Plan Policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against 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.

Highways Informatives

1: Essex County Council's Travel Plan team is willing to help with the preparation and the details of the Travel Plan.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot
653 The Crescent
Colchester
CO4 9YQ

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p> <p>Please send a copy of the decision notice to Roy Warren at Sport England (as per request within consultation response)</p>	<p>YES</p>