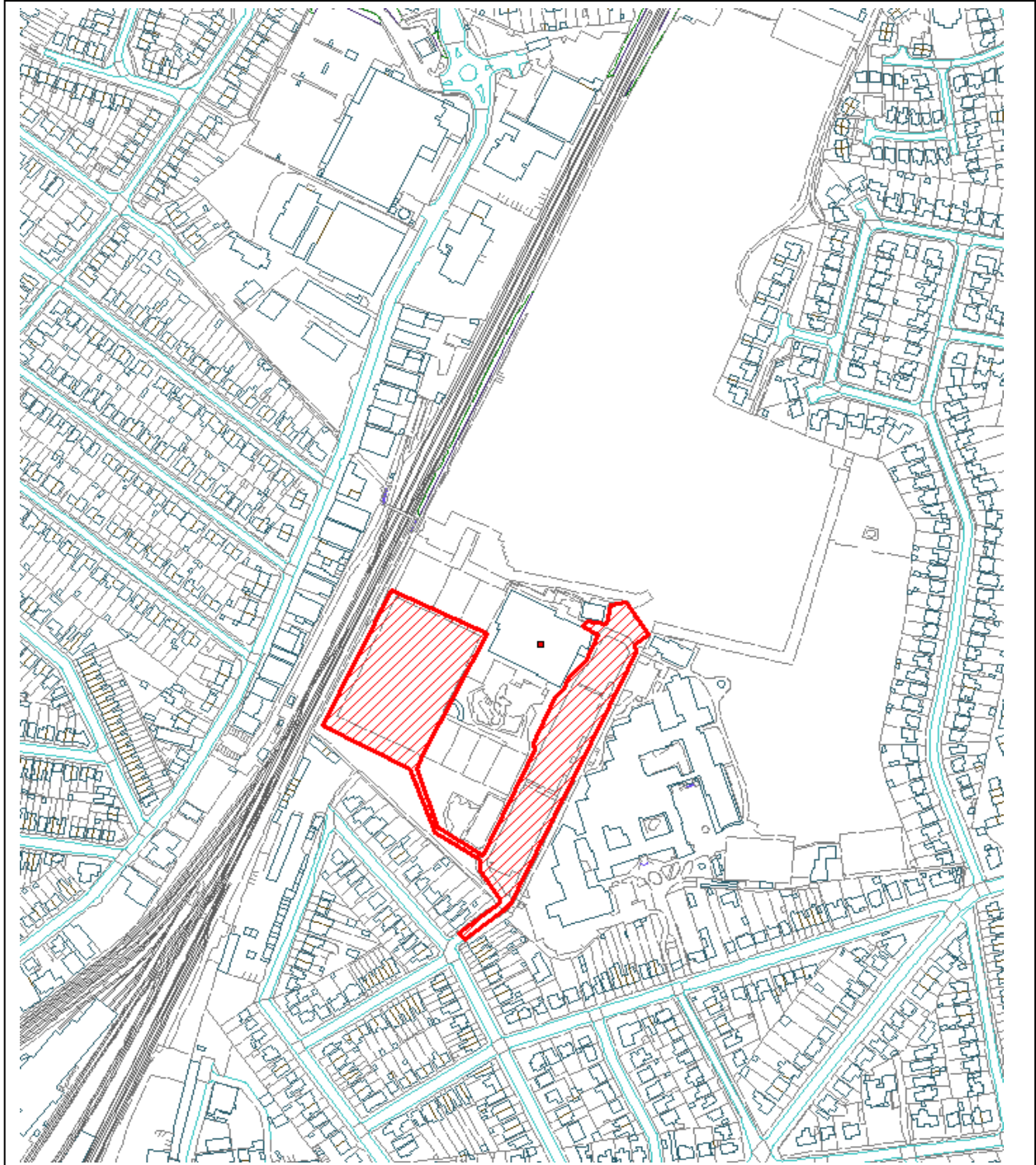


PLANNING COMMITTEE

20TH OCTOBER 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.5 PLANNING APPLICATION – 20/00537/FUL – CLACTON LEISURE CENTRE, VISTA ROAD, CLACTON ON SEA, CO15 6DB



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Application: 20/00537/FUL

Town / Parish: Clacton Non Parished

Applicant: Kieran Charles - Sports and Development Manager

Address: Clacton Leisure Centre Vista Road Clacton On Sea CO15 6DB

Development: Proposed refurbishment of an existing Artificial Grass Pitch (AGP) with associated features including:

- Replacement of existing field of play with new artificial grass surfacing sized 106 x 70m (7420m²) with associated line markings to accommodate an 11v11 football pitch and a variety of youth football pitches, mini soccer pitches and training areas.

- Replacement of high level fence enclosure with new 4.5m high ball stop fencing and gated entrances to the AGP perimeter.

- Installation of new 2.0m high and 1.2m high pitch perimeter barrier internally within the AGP enclosure, to segregate the pitch playing area from adjoining hard standing areas.

- Installation of replacement hard standing areas adjoining the AGP perimeter complete with associated porous asphalt surfacing and matching ball stop fencing for pedestrian access and circulation, goals storage and vehicular maintenance access.

- Installation of replacement floodlighting.

- Installation of new maintenance equipment store located within the AGP enclosure.

1. **Executive Summary**

- 1.1 This application is before the Planning Committee due to Tendring District Council's ownership of the application site.
- 1.2 The proposals relate to the replacement and refurbishment of the Artificial Grass Pitch (AGP) facility at Clacton Leisure Centre and would deliver an enhanced playing facility, with better qualities, in a suitable location. It would give rise to a considerable benefit to the wider community through the provision of an enhanced playing facility and the continued opportunity for usage throughout the year. Moreover, the proposed AGP would make a significant contribution towards addressing the unmet demand for modern football facilities in the District.
- 1.3 The AGP would not result in an unacceptable impact upon the character, appearance or visual amenity of the surrounding area and would not result in an unacceptable impact to residential amenity or have a detrimental impact upon the private amenity of local residents in respect of noise and lighting impacts. Furthermore, the proposal would utilise the existing parking provision would not result in any harm to the safety of the surrounding public highway network.
- 1.4 The proposal satisfies Sport England's E5 exception policy as the proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport. Sport England do not object to the application subject to a condition securing a Hockey Mitigation Scheme to offset the displacement of hockey use at the site.

- 1.5 The planning application is in compliance with national and local planning policies and would not result in any adverse 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 proposal is considered to be acceptable subject to the mitigation measures being secured via the conditions outlined in section 8.2 of this report.

Recommendation: Full Approval

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. Planning Policy

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

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
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
TR1A	Development Affecting Highways
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
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

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, 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.
- 2.4 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.
- 2.5 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.

3. Relevant Planning History

04/01910/FUL	Erection of 6 No. 10m high floodlights to provide average 233 lux over the whole area.	Approved	08.12.2004
07/00366/FUL	Extensions and internal alterations to provide new two storey health suite, relocation of gymnasium with first floor extension, ground floor extension forming cafeteria and entrance canopy, new mesh fence on swimming pool roof, internal alterations forming new aerobic dance studio, changing facilities and	Approved	18.04.2007

toilets.

20/00537/FUL

Proposed refurbishment of an existing Artificial Grass Pitch (AGP) with associated features including:

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- Installation of replacement floodlighting.

- Installation of new maintenance equipment store located within the AGP enclosure.

Current

4. Consultations

Environmental Protection
05.06.2020

Environmental Protection have looked at this application and can confirm that the Floodlight Illuminance survey sufficiently evidences that the lights will have minimal intrusion on nearby properties meaning that EP have no comments to make on this application.

Network Rail
03.06.2020

The construction of the 4.5m high ball stop fence and 15m high flood light structures will affect the adjacent NR assets including glare from floodlights during use.

Network Rail recommends the developer contacts;

AngliaASPROLandClearances@networkrail.co.uk prior to any works commencing on site, and also to agree an

Asset Protection Agreement with us to enable approval of detailed works.

Sport England
20.07.2020

Refer to previous formal response to the consultations on the above planning application dated 8th June 2020 in which an objection was made to the application as a statutory consultee due to the impact of the change of surface of the artificial grass pitch on current hockey use. The response set out a suggested course of action to be followed to reach a solution that would allow the objection to be withdrawn with respect to mitigating the impact of the proposals on the current hockey use of the pitch. Since then, in response to this previous advice, following discussions and correspondence with Tendring District Council, further information has been provided in relation to hockey mitigation. We are now in a position to review Sport England's position on the planning application and this response should now be treated as superseding our original formal response.

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 two planning conditions being imposed relating to the following matters as set out in this response:

- Hockey Mitigation Scheme;
- Artificial Grass Pitch Certification.

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 refurbishment of the artificial grass pitch (AGP) at Clacton Leisure Centre. This would principally involve replacing the existing sand based surfacing (conventionally referred to as AstroTurf) with a new 3G rubber crumb surface that would be marked out for a range of different sized football pitches, replacement perimeter ball stop fencing, a new pitch perimeter barrier, replacement hardstanding areas and replacement floodlighting.

Assessment against Sport England Policy/NPPF

The proposals relates to the provision of an enhanced outdoor sports facility on the playing field (the existing AGP) at the above site. The proposals would therefore be considered against exception 5 of the above 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.

We have therefore assessed the proposals against the above policy to determine whether they meet exception 5.

Sports Development Benefits

The key potential sports development benefits of the proposed development are set out in detail in the design and access statement. In summary, the benefits are considered to be as follows:

- The new 3G rubber crumb surface would provide a modern all weather surface for football use that would be capable of intensive use throughout the year. The existing sand based artificial surface was last resurfaced in 2005 and is therefore reaching the end of its lifespan. Despite football use being the predominant use of the AGP, the current sand based surface is not the preferred surface for football training and is not sanctioned for FA affiliated football matches. The AGP would be capable of accommodating a range of football pitches for meeting the needs of different age groups and would be suitable

for both matches and training. The design and layout of the AGP would accord with the Football Association's design guidance which will help ensure that a fit for purpose facility that is suitable for meeting community needs will be implemented in practice.

- Tendring District Council's playing pitch strategy (2017) identified that at the time the strategy was prepared the district had no full size 3G AGPs and there was a district-wide deficiency of four AGPs with a 3G surface suitable for meeting current and future community football training needs. While the sand based AGP at the Tendring Education Centre site was subsequently converted to a 3G surface in 2019, there still remains a need for a further three 3G AGPs in the district. The Tendring Local Football Facilities Plan that was prepared in 2018 for the Football Association has also confirmed the need for four (now three) additional AGPs in the district and the leisure centre site has been specifically identified in the Plan as a priority scheme for meeting local needs.

- The facility would meet the specific facility needs of a large number of local football clubs as set out in the design and access statement including the 8 football clubs that currently use the AGP. The Football Foundation (who represent the FA and the Essex County FA) have advised that the majority of football activity in district is focused on the Clacton area where several large FA Charter Standard clubs are based. The Football Foundation has advised that the scheme would support the formal affiliated side of the game from a quality winter training venue perspective as well as the informal recreational game of which there are some established links with projects that focus on the health and well-being of the local residents such as walking football, turn up and play activity. The facility would also be used for coaching, officiating, disability football etc. The Football Foundation have confirmed that they are supportive of the AGP in relation to both the principle and its design;

- The AGP would be used for meeting the curricular and extra-curricular needs of the adjoining Clacton County High School as part of a joint use agreement between the school and the District Council that is currently being prepared in connection with the school's planned expansion. The AGP would offer the school the benefit of continuity of facility provision when natural turf pitches are unavailable on the school site due to ground conditions. The facility could also potentially be made available for meeting the needs of other schools in the area.

Impact on Playing Field

As set out in the Planning, Design and Access Statement, the change in surface would make it

unsuitable for hockey use. At present, Clacton Hockey Club is based at the Leisure Centre site and all of the club's matches and training takes place on the pitch and the club has access to a pavilion on the site for changing and social activities. Clacton Hockey Club currently have two adult teams and on an average week during the hockey season will use the pitch on average for 3 hours a week during the midweek evenings for training and 2 hours on a Saturday for matches although occasionally when both teams have home fixtures they will use the pitch for 4 hours on Saturdays. If the surface was converted to 3G rubber crumb as proposed to support football use then all of the current hockey use would be displaced. It was originally proposed that the hockey club would relocate to the AGP at Dovercourt Bay Lifestyles Centre in Harwich. However, this is no longer being pursued due to the poor condition of the pitch at this site and Clacton Hockey Club's unwillingness to travel this distance. Following discussions with Tendring District Council, it is now proposed that the impact on hockey would be mitigated through relocating hockey to the AGP at the Brightlingsea Sports Centre (Colne Community College) site in Brightlingsea. The mitigation package that has been offered can be summarised as follows:

- AGP Improvement Works: The surface of the AGP at the Brightlingsea Sports Centre is in a poor condition and reaching the end of its lifespan. Tendring District Council commissioned Surface Performance Ltd (a specialist company) to prepare a report (Brightlingsea Sports Centre Test Report January 2020) on the works required to repair the surface of the AGP to extend its lifespan. The report concluded that if the surface was rejuvenated through the removal of existing infill, vacuum washing and the replacement of the infill combined with a suitable maintenance programme then the lifespan of the surface could be extended by another 4-5 years. Tendring District Council and Sigma Trust (the academy trust that control the Colne Community College) have agreed to fund the required works if Clacton Hockey Club decide to relocate to the facility;

- Security of Booking: The Council have offered to provide a secure booking arrangement for Clacton Hockey Club that would be equivalent or better than the current arrangement on the Clacton Leisure Centre site;

- Phasing and Delivery: The Council have advised that the improvement works to the AGP at Brightlingsea Sports Centre would be implemented prior to any works commencing on the surface of the Clacton Leisure Centre AGP to convert it to 3G if Clacton Hockey Club agreed to relocate.

Initial discussions that had taken place with Clacton

Hockey Club before the planning application was submitted indicated that the club was not supportive of being relocated to Brightlingsea Sports Centre. As the scheme is now more advanced and has progressed to a planning application, the District Council is seeking to re-engage with the hockey club to discuss the relocation again and the outcome of these discussions is not yet known. We have consulted England Hockey (the governing body) for their views and their position is that, in accordance with the Council's Playing Pitch Strategy, there needs to be a satisfactory plan to safeguard hockey within the area before the Clacton Leisure Centre pitch is resurfaced. England Hockey do not object in principle to the proposals at Brightlingsea Sports Centre as this could safeguard hockey facility provision in the area although they are aware that Clacton Hockey Club are reluctant to relocate to a facility outside of Clacton.

In principle, the mitigation proposals offered by the District Council would be acceptable as they could safeguard Clacton Hockey Club match and training requirements. However, the delivery of the mitigation proposals will depend on whether the club are willing to relocate their matches and training to Brightlingsea Sports Centre and the outcome of discussions with the hockey club is currently unknown. As the hockey club is a Clacton based club which has all of its home matches and training in Clacton, the reluctance of the club to relocate to Brightlingsea is understandable. If the club elected not to relocate to Brightlingsea, there is a high risk that this would result in the demise of the hockey club because there would not be any alternative facilities that would be suitable for meeting the club's facility needs in the Tendring district area. This would potentially have a major impact on the development of community hockey in Clacton and the surrounding area. However, despite this risk, in reaching a conclusion on the assessment of the proposals, the following considerations are significant:

The benefits to football of converting the surface to a 3G surface would be substantial as set out above;

- Despite the current sand based surface being more suitable for hockey use, football is the predominant user of the existing AGP and at least eight Clacton based football clubs each with multiple teams would benefit from the surface conversion compared to one hockey club with two teams that would be negatively impacted;

- The existing sand based surface on the AGP is reaching the end of its lifespan and if the Council decided not to convert it to a 3G surface as currently proposed, there would be a risk that the surface would become unsafe for hockey match use in which case the hockey club's current use of the facility for matches would be

displaced in any case;

- While the hockey club is Clacton based, based on the information provided in the needs assessment undertaken as part of the Council's Playing Pitch Strategy, the majority of the hockey's club's members at the time the strategy was prepared (2016-17) resided outside of Tendring district. Consequently, unless this situation has changed since the strategy was prepared, the impact of relocating to Brightlingsea may not be as significant for a large proportion of the club's current members although there would inevitably be an impact on Clacton based members and the development of hockey in Clacton;

- The proposals for relocating the hockey club's matches and training to Brightlingsea would offer an alternative venue that could safeguard the hockey club activity in Tendring albeit that it is accepted that this would represent an inferior location for the club.

Conclusion and Recommendation

On the basis of the above assessment, despite the potential impact of the proposals on the current hockey use of the AGP, it is considered that the sports development benefits that the proposals would offer would outweigh the detriment caused by this impact. It is therefore considered that the proposed development would meet 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:

- Hockey Mitigation Scheme: A condition requiring the submission and approval by the local planning authority (in consultation with Sport England) of a scheme to mitigate the impacts of the proposals on the current use of the AGP by the hockey club. While the principle of the District Council's proposals for relocating Clacton Hockey Club to the Brightlingsea Sports Centre are acceptable, at this stage it is unclear whether the hockey club will agree to relocate to Brightlingsea. If they agree to relocate, details of the specification of the enhancement works recommended in the Surface Performance Ltd report would be needed together with a maintenance programme and an implementation programme for the works to demonstrate that that works would be implemented before the surface of the AGP on the application site is converted to 3G. Details of the club's agreement for the use of the facility (e.g. the hire agreement) would also be needed. A scheme which sets out all of these details is therefore required to ensure that the detail of the mitigation scheme is acceptable in practice. The applicant is advocated to discuss and agree the

mitigation scheme with Clacton Hockey Club in advance of preparing the details and Sport England should be consulted before any submission is made. It is therefore requested that a condition worded along the following lines be imposed on any planning permission to address this matter:

No development shall commence until a hockey mitigation scheme to ensure the continuity of provision for the existing hockey use on the artificial grass pitch has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme must set out details of the contractor's specification and maintenance programme for the enhancement works to the artificial grass pitch at Brightlingsea Sports Centre based on the recommendations in the Surface Performance Ltd Test Report (January 2020), the implementation programme for the enhancement works and the arrangements for securing Clacton Hockey Club's use of the facility . The approved scheme shall be implemented and complied with in full.

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

Artificial Grass Pitch Certification: A condition requiring the submission and approval by the local planning authority (in consultation with Sport England) of certification that the new 3G artificial grass pitch surface has met the FIFA Quality Standard accreditation or equivalent International Artificial Turf Standard (IATS) requirements prior to first use of the artificial grass pitch. This is justified because AGPs can only be sanctioned for FA affiliated community football match use where the pitch has been tested to meet these requirements. Further details of the FIFA standard is on FIFA's website at <http://quality.fifa.com/en/Football-Turf/Install-Football-Turf/Certification/>. The facility is intended to be designed and maintained to meet these technical standards (if funding from the Football Foundation is secured) but this cannot be confirmed in practice unless appropriate testing takes place which certifies this. As a pitch can only be tested for certification when it is completed it would not be possible to request the information to be provided at planning application or pre-commencement stages. Following meeting the tests, the facility will need to be registered on the FA's Register of Football Turf Pitches <http://3g.thefa.me.uk/> to enable it to be sanctioned for FA affiliated community football match use. The Essex County FA can provide further advice to the applicant upon request. It is requested that the following condition and informative be imposed (which is

based on condition 9b of our model conditions schedule https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications)

Use of the 3G artificial grass pitch surface hereby permitted shall not commence until:

(a) certification that the Artificial Grass Pitch surface hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and;

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches;

have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy.

Informative: The applicant is advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.

Essex County Council Highways
24.09.2020

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. construction vehicle route from the site entrance should be clearly signed and put in place.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. Any Cycle parking shall be provided in accordance with the EPOA Parking Standards. The

approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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.

5. Representations

5.1 No third party representations have been received.

6. Assessment

Site Context

- 6.1 The application site lies within the Clacton Leisure Centre complex situated centrally within the settlement of Clacton-on-Sea.
- 6.2 The subject area predominantly comprises of a rectangular pitch approximately 97.5m x 61.1m in area, surfaced in artificial grass and enclosed with a 3m high wire mesh fence defining the pitch boundaries, which is generally in a poor condition. Asphalt surrounds the playing area at 3.7m wide to north, 3.9m wide to east, 3.8m wide to south and 4m wide to east.
- 6.3 Existing floodlights include eight (8no.) masts (15m high) with four masts positioned along the western and four masts positioned along the eastern longitudinal side of the site. Each mast is mounted with four (4no.) luminaires.
- 6.4 The application site extends beyond the existing pitch and includes grassed areas outside of the fence, with the site boundary itself undefined. Tennis courts lie to the south-east, further small pitches to the north, grassland to the south-west and a public footpath to the western side of the site.
- 6.5 A railway line lies beyond the western boundary of the leisure centre site. The site and surrounding land are relatively flat, although there is a rise in levels from the southern extent of the site towards Vista Road. Several mature and semi-mature trees are present to the western, southern and eastern boundaries of the Leisure Centre.

Proposal

6.6 This application proposes the following;

- A replacement 3G artificial grass pitch area measuring 106 x 70m;
- Adjoining hard standing goal storage areas, pedestrian circulation and pedestrian/vehicular access;
- New open steel mesh ball stop fencing (polyester powder coated RAL6005 Moss Green) and entrance gates around the entire AGP (Artificial Grass Pitch) perimeter measuring 4.50m above ground level;

- New open steel mesh pitch perimeter barriers and entrance gates (polyester powder coated RAL6005 Moss Green) internally within the AGP enclosure to segregate the artificial grass pitch surface from adjoining hard standing areas are 1.20m and 2.00m above ground level;
- New floodlight system measuring 15m above ground level comprising eight (8no.) masts mounted with sixteen luminaires with a 2no. / 2no. / 2no. / 2no. arranged the along north western and south eastern sides of the AGP; and
- New outdoor maintenance/sports equipment store measuring 2.59m above ground level.

- 6.7 The AGP will continue to be managed and operated as an amenity to current sports facilities at Clacton Leisure Centre; for local community groups and community sports clubs including local junior and youth football clubs.
- 6.8 The AGP will provide five principle types of football applications and will offer a variety of match play pitches and training areas within the same enclosed playing space to support The Football Association’s development plans into grassroots football and gain the maximum sport developmental outcomes; both during the day and during evenings and at weekends via pre-arranged and structured community access.
- 6.9 In accordance technical guidance, the proposal is to introduce multiple pitch markings to gain the maximum football developmental outcomes and benefit from the site footprint and the AGP will support the following formal pitch arrangement:

AGE GROUPING	TYPE	PITCH SIZE	QUANTITY
Youth U17/18 and Open Ages Football	11v11	100 x 64m	1
Youth U11 / U12*	9v9	63.8 x 45.9m	2
Mini Soccer U9 / U10**	7v7	55 x 37m	2
Mini Soccer U7 / U8* **	5v5	37 x 27m	4
Training Areas**	Various	48 x 30m	4

*Smaller than recommended size, but acceptable for match play use
 **the variety of over markings will be agreed in due course, to be considered against the football development plan

- 6.10 This proposal has been prepared in accordance with published Design Guidance Notes (The Football Association (FA)/Sport England) pertinent to external artificial sports facility provision. The Artificial Grass Pitch (AGP) design is in accordance with The FA Guide to 3G Football Turf Pitch Design Principles and Layouts.

Principle of Development

- 6.11 The National Planning Policy Framework (NPPF) at paragraph 96 recommends 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. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate’.
- 6.12 In this respect the proposal is to provide an enhanced outdoor sporting facility to replace the existing sub-standard AGP. Clacton Leisure Centre was chosen as the optimum site for grassroots football development for this project and the factors that were considered included community sporting demands and benefits, deliverability, site constraints and access and movement.
- 6.13 In particular the Playing Pitch Strategy (PPS) for Tendring stated there is a both a current and future shortfall of youth 11v11 and 9v9 football pitches which is further exacerbated when future demand is factored in. It also noted overplaying on several sites and a number of the pitches have been assessed as standard or poor.

- 6.14 In this context the proposed AGP will provide a high-quality artificial grass pitch surface to allow structured football activities to provide certainty that scheduled training and matches would not be disrupted in all but the most inclement weather.
- 6.15 The AGP will also allow more intensive football activities to be played at the Leisure Centre which will broaden the opportunity to take part in sport by local community groups and football club players.
- 6.16 The National Planning Policy Framework (2019) introduced a presumption in favour of sustainable development set out as three dimensions – economic, social and environmental objectives. This proposal aims to contribute to the above areas as follows;
- Economic objective – providing a self-funding facility for use by community visitors to Clacton Leisure Centre.
 - Social objective – providing a modern facility that will encourage the physical activity and engagement with the benefits to health and wellbeing associated with this.
 - Environmental role – ensuring that the existing natural environment is not harmed post development and the AGP is designed and implemented to conserve and reduce energy wastage wherever possible.
- 6.17 Therefore, taking into account the benefits of the scheme, it is considered the proposals are compliant with national and local planning policies governing proposed leisure uses.
- 6.18 Notwithstanding the above, Sport England are a statutory consultee on this planning application as the proposal affects an existing playing field.
- 6.19 Originally they lodged an objection to the application as a statutory consultee due to the impact of the change of surface on current hockey use. The objection from Sport England set out a suggested course of action to be followed to reach a solution that would allow the objection to be withdrawn with respect to mitigating the impact of the proposals on the current hockey use of the pitch.
- 6.20 Following discussions and correspondence between Sport England and the Council's Leisure Team, further information has been provided in relation to proposed hockey mitigation. In this regard it is proposed that the impact on hockey would be mitigated through relocating hockey use to the AGP at the Brightlingsea Sports Centre (Colne Community College) site in Brightlingsea. In particular, the mitigation package that has been offered can be summarised as follows:
- AGP Improvement Works at Brightlingsea Sports Centre, which is currently of a poor standard, including the removal of existing infill, vacuum washing and the replacement of the infill combined with a suitable maintenance programme;
 - Security of Booking: The Council have offered to provide a secure booking arrangement for Clacton Hockey Club that would be equivalent or better than the current arrangement on the Clacton Leisure Centre site;
 - Phasing and Delivery: The Council have advised that the improvement works to the AGP at Brightlingsea Sports Centre would be implemented prior to any works commencing on the surface of the Clacton Leisure Centre AGP to convert it to 3G if Clacton Hockey Club agree to relocate.
- 6.21 In view of the above hockey mitigation package being secured, Sport England have removed their objections to this planning application as they consider that the sports development benefits that the proposals would offer, in conjunction with the proposed mitigation measures,

would outweigh the detriment caused by the impact upon hockey use. Consequently, they consider the development meets exception 5 of their adopted Playing Fields Policy and paragraph 97 of the NPPF subject to two planning conditions being imposed relating to securing the Hockey Mitigation Scheme and an Artificial Grass Pitch Certification for the new AGP.

Appearance/Design

- 6.22 Saved Policy QL9 sets out a range of general design principles, including requirements for developments to have regard in their design approach to local character and distinctiveness, architectural quality, scale and massing, and landscaping. This policy requires all new development to make a positive contribution to the quality of the local environment, and to protect or enhance local character. Draft Policy SPL3 sets out the requirement for development to achieve sustainable design.
- 6.23 Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.24 The proposal will replace an existing outdoor sports facility and is complimentary to a sports complex setting and will not result in an unacceptable visual impact looking into the application site. The proposed AGP and associated paraphernalia would not be out of keeping with the character of Clacton Leisure Centre, whilst the proposed purpose and uses to satisfy community sporting demands are compatible with current uses of the overall site.
- 6.25 The proposed perimeter fencing at 4.5m high would be 1.5m higher than the existing fencing. However, the high level ball stop fencing would reduce the frequency that balls are retrieved from the surrounding grassed playing field whenever kicked over the fenced enclosure. Moreover, the intention to finish the fencing in a powder coated RAL6005 Moss Green colour along with its transparent nature ensures it would not appear overly prominent and would not appear incongruous within the leisure centre complex.
- 6.26 The replacement floodlighting columns are of the same height as existing and will consist of slim line poles. Consequently, in this respect the visual impact of the development would be reduced.

Highway Safety/Parking

- 6.27 It is considered that existing parking provision at the leisure centre can accommodate the expected vehicular traffic for existing and new community visitors during operational hours of use including changeover times.
- 6.28 Essex County Council Highways have no objections to the application subject to the submission of a Construction Method Statement and details of cycle parking provision is secured.

Landscaping/Trees

- 6.29 The perimeter of the application site is well populated with established trees that make a significant positive contribution to the character and appearance of the recreation ground.
- 6.30 In order to show the extent of the constraint that the trees are on the development potential of the land the applicant has submitted an Arboricultural Impact Assessment (AIA). This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations.

- 6.31 The AIA shows how the Root Protection Areas (RPA's) of retained trees will be physically protected for the duration of the construction phase of any development for which planning permission may be granted.
- 6.32 The report identifies the removal of an established Ash (*Fraxinus excelsior*) and the removal of some lower branches of trees on the western boundary. The pruning works will not adversely affect the health of the pruned trees but the removal of the Ash is unfortunate. Nevertheless taking into account the primary use of the recreation ground and the proximity of other existing trees as well as the proposal to replant trees and shrubs to compensate for its removal it is considered that no significant long term harm will result from the removal of the Ash. The benefits of providing an enhanced playing facility giving rise to a considerable benefit to the wider community are considered to outweigh the harm caused by the removal of this tree.
- 6.33 A condition is included within section 8.2 of this report to secure replacement planting for the felled Ash and additional planting to supplement the proposal.

Impact on Residential Amenity

- 6.34 The NPPF (2019) at paragraph 127 states that planning should secure developments with a high standard of amenity for existing and future users. Saved 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.
- 6.35 In this case the proposals result in a change in noise at the nearest residential properties of less than 1 decibel. According to the Institute of Environmental Management and Assessment guidelines this has a negligible impact and generally it is not expected that a 1 decibel change would be perceptible.
- 6.36 It is also important to note that the change in surface would make it unsuitable for hockey and thus the maximum noise levels generated when hockey balls hit the strike boards would no longer occur.
- 6.37 Based on the above, the proposals result in a negligible change in noise level and also displace the activity which generates the highest noise levels. On this basis the proposals are considered acceptable when considering the impact upon local residents in respect of noise and disturbance.
- 6.38 Having regard to the impact of the floodlighting columns these will replace the existing 8 no. columns. A lighting plan has been provided which shows the luminance calculations to the closest residential properties to the west along Oxford Road and to the south along Vista Road. The calculations demonstrate that that luminaire intensity (glare) created whilst floodlights are operated is below the threshold for an Environmental Zone E2 location and as such; does not create an unacceptable impact by way of artificial lighting.
- 6.39 The Council's Environmental Protection Department have looked at this application and confirm that the Floodlight Illuminance survey sufficiently evidences that the lights will have minimal intrusion on nearby properties.

Drainage

- 6.40 The current AGP contains a permeable construction which includes a positive drainage system (pipe drainage) installed beneath the pitch base and foundations area comprising UPVC perforated carrier and lateral pipe drains.

6.41 It is proposed to maintain current arrangements and discharge surface water into local sewers around the Leisure Centre via surface water drainage inspection chambers and pipework which are located around the current AGP perimeter. There will be no foul water discharge associated with the proposed development.

7. Conclusion

7.1 The proposals relate to the replacement and refurbishment of the Artificial Grass Pitch (AGP) facility at Clacton Leisure Centre and would deliver an enhanced playing facility, with better qualities, in a suitable location. It would give rise to a considerable benefit to the wider community through the provision of an enhanced playing facility and the continued opportunity for usage throughout the year. Moreover, the proposed AGP would make a significant contribution towards addressing the unmet demand for modern football facilities in the District.

7.2 The planning application therefore accords with the requirements of local and national planning policies and 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 and Reasons

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. No development shall commence until a hockey mitigation scheme to ensure the continuity of provision for the existing hockey use on the artificial grass pitch has been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The scheme must set out details of the contractor's specification and maintenance programme for the enhancement works to the artificial grass pitch at Brightlingsea Sports Centre based on the recommendations in the Surface Performance Ltd Test Report (January 2020), the implementation programme for the enhancement works and the arrangements for securing Clacton Hockey Club's use of the facility. The approved scheme shall be implemented and complied with in full.

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

3. Use of the 3G artificial grass pitch surface hereby permitted shall not commence until:

(a) certification that the Artificial Grass Pitch surface hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS) and;
(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches;

have been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy.

4. The floodlights permitted shall not be switched on or used outside the following times:
- 09:00 hours to 22:00 hours on any day

Reason - To protect the amenities of local residents, by limiting the potential for any disturbance.

5. 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 (including boundary treatments and lighting), which shall include any proposed 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 – To secure replacement tree planting in the interest of visual amenity and the character of the area.

6. 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 - In the interest of visual amenity and the character of the area.

7. The proposed times of construction, demolition and site clearance operations shall be limited to the following hours; 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturdays with no construction operations on Sundays or public holidays.

Reason – To protect the amenity of local residents.

8. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. construction vehicle route from the site entrance should be clearly signed and put in place.

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

9. The development hereby permitted shall be carried out in accordance with the following approved plans;

- 19-0182 BM25583 0478 02
- 19-0182 BM25583 0478 03
- 19-0182 BM25583 0478 04
- 19-0182 BM25583 0478 05
- 19-0182 BM25583 0478 06
- 19-0182 BM25583 0478 07
- 19-0182 BM25583 0478 08
- JKK10672_600 (Tree Protection Plan)

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

8.3 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.

The applicant is advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.

It is advised that the applicant contacts Network Rail at AngliaASPROLandClearances@networkrail.co.uk prior to any works commencing on site to agree an Asset Protection Agreement to enable approval of detailed works.

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/>.