

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	18/05/2021
Planning Development Manager authorisation:	JJ	18/05/2021
Admin checks / despatch completed	DB	20.05.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	20.05.2021

Application: 21/00389/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Fenning

Address: St Clares School Cloes Lane Clacton On Sea

Development: Proposed new nursery school (variation to previously approved scheme under applications 20/00558/FUL / 20/01699/FUL).

1. Town / Parish Council

Clacton – no parish / town council.

2. Consultation Responses

Sport England
25.03.2021

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 (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

Assessment against Sport England Policy

In summary, the application involves a revised application for 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. Sport England was consulted on the original application in 2020 (20/00558/FUL) and made no

objection subject to three planning conditions being imposed that would secure the playing field mitigation proposals which related to securing the remainder of the school's playing fields for community use. The application was subsequently approved and the requested conditions imposed (conditions 7, 8 and 9). However, following planning permission being granted, St Clare's School's agent contacted all three youth football clubs in the Clacton-on-Sea area to assess their interest in using the mini football pitches on the school's playing fields. All of the clubs confirmed that they already had access to adequate football pitches and would not therefore have a current or future need to use the school's playing field for meeting their match needs. The Essex County FA subsequently contacted all three clubs and this position was verified. Consequently, Sport England advised the school that investment into the playing field and ancillary facilities to facilitate community use would not be justified as there was no longer an identified need for additional mini football pitches in the Clacton area. The school's playing fields would not be suitable for meeting community playing pitch needs other than mini soccer so it would be difficult to justify protecting them for meeting other pitch needs. This position was contrary to the conclusions of the needs assessment in the District Council's Playing Pitch Strategy (2017) which identified future deficiencies in mini soccer pitch provision. It was therefore apparent that the local position on mini football pitch needs had changed since the Playing Pitch Strategy was completed in 2017. If Sport England had been aware of this when consulted on the original application then our assessment of the original application would have been different. An application (20/01699/FUL) to remove the three planning conditions imposed on permission 20/00558/FUL was subsequently submitted and Sport England advised that in the light of the new information, the playing field that would be lost to the development would be surplus to requirements (due to a lack of need in the area for mini football pitches) and therefore the proposal would have been considered to have accorded with exception 1 of our playing fields policy. The application to remove conditions 7, 8 and 9 was subsequently approved.

The revised scheme that has been submitted would appear to have the same impact on the playing field as the approved scheme with the differences relating to the footprint and layout of the proposed nursery building. Consequently, in the above context, Sport England's position on the application would be that the current proposal would meet exception 1 of the above policy because the playing field area that would be lost would be considered to be surplus to requirements like the previously approved scheme.

Conclusion

Further to the above assessment, I can therefore advise that Sport England does not wish to raise an objection to this application on the basis that it would accord with exception 1 of the above policy.

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

No comments received – previous comments from 20/00558/FUL carried forward.

3. Planning History

00/01612/FUL	Erection of new demountable type	Approved	06.11.2000
--------------	----------------------------------	----------	------------

	classroom (renewal of planning permission TEN/95/0987)		
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
18/30213/PREAPP	Proposed traditional built 30 place purpose built Pre-School building on the existing school site, hard standing, covered play area, screening and planting, new fence.		30.11.2018
20/00558/FUL	Proposed new nursery school.	Approved	10.08.2020
20/01657/FUL	Proposed front extension to create new entrance.	Approved	12.01.2021
20/01699/FUL	Removal of conditions 7 (Ground Scheme), 8 (Ancillary Facilities) and 9 (Community Use Agreement) of approved planning application 20/00558/FUL.	Approved	13.01.2021

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

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) (Section 1 adopted 26th January 2021)

SP7	Place Shaping Principles
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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

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 previously formed part of the primary school playing fields. The site was 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.

Planning History

This application follows the previously approved 20/00558/FUL for the erection of a single storey building to accommodate a new nursery school. Application 20/00558/FUL was approved subject to a number of conditions including Conditions 7 Ground Scheme, Condition 8 Ancillary Facilities and Condition 9 Community Use Agreement, all required by Sport England due to the loss of part of the existing school playing field. A change in circumstances and the submission of additional information led to the approval of application 20/01699/FUL removing conditions 7, 8 and 9 imposed on planning permission 20/00558/FUL (in full agreement with Sport England).

At the time of the officer site visit, it was apparent that the development had commenced under the previous approved application.

Description of Proposal

This application seeks to amend the previously approved scheme for the new single storey nursery by making the building slightly smaller to save on building costs.

Following concerns with the new scheme being devoid of landscaping (that formed part of the original approval) the agent has provided an improved scheme re-introducing some soft landscaping to the site frontage.

Assessment

The main considerations relevant to this revised proposal remain as previously considered under planning application 20/00558/FUL and 20/01699/FUL:

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

Principle of Development

The principle of development has been established through the granting of planning application 20/00558/FUL subject to the variation approved under 20/01699/FUL. The variation to the appearance of the building does not alter the acceptability of the principle of the development.

Impact on Existing Recreational and Community Facilities

The development results in the loss of part of the existing school playing field. This consideration has been given due regard as part of planning application 20/00558/FUL and the subsequent variation approved under 20/01699/FUL.

As set out above, Sport England raise no objection to the development. The variation to the appearance of the building does not alter this conclusion.

Design, Impact and Landscaping

The proposed building is single storey and modest in scale. The building is located within the north-western corner of the school 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 which also fronts Hadleigh Road. 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 including a combination of brick, vertical cladding, render and grey windows will add visual interest therefore being a positive addition to the street scene.

Currently the site appears somewhat open with palisade fencing maintaining an element of openness with views into the school grounds. The rear boundaries and fencing of the residential properties fronting Nayland Drive are also clearly visible from Hadleigh Road. The development involves the introduction of a 1.8 close-boarded fence to the sides and rear boundaries of the development site. Although this fence will be visible through the existing palisade fencing, its impact is comparable to the existing residential boundaries. The 1.8 metre fence will be set back from the front boundary by approximately 11 metres with 1.2 metre post and rail fencing and soft landscaping to the site frontage. The landscaping shown on the amended plan will help soften and enhance the impact of the development. 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 the character of the area.

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 abutting the rear boundaries of numbers 1 to 11 Nayland Drive. The building is modest in scale, single storey in height and will be sited over 6 metres from the rear boundaries of these properties.

In terms of noise and disturbance from the proposed development to neighbouring residents, the site is already in use as the school playing fields and any noise associated with the proposed use is therefore comparable.

Therefore, the scale, height and siting of the building will not result in any material loss of light, outlook or privacy and the use will not result in any significant noise nuisance.

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 as part of the previously approved applications.

The application does not include any proposed amendments to the previously approved scheme and there are no objections to the development on highway safety or accessibility grounds.

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. No time limit condition is required in this instance as the development has commenced under the previous permission.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and materials details provided via email on 18th May 2021:

0777_A_DD_02	Block Plan
0777_A_EL_001	Elevations
0777_A_PL_001	Site Layout Plan
0777_A_PL_002	Floor and Roof Plans
0777_A_LS_001/A	Landscaping Plan

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details drawing number 0777_A_LS_001/A Landscaping Plan 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.

- 3 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.

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

- 4 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.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
---	------------	-----------

Are there any third parties to be informed of the decision? If so, please specify:	YES	NO