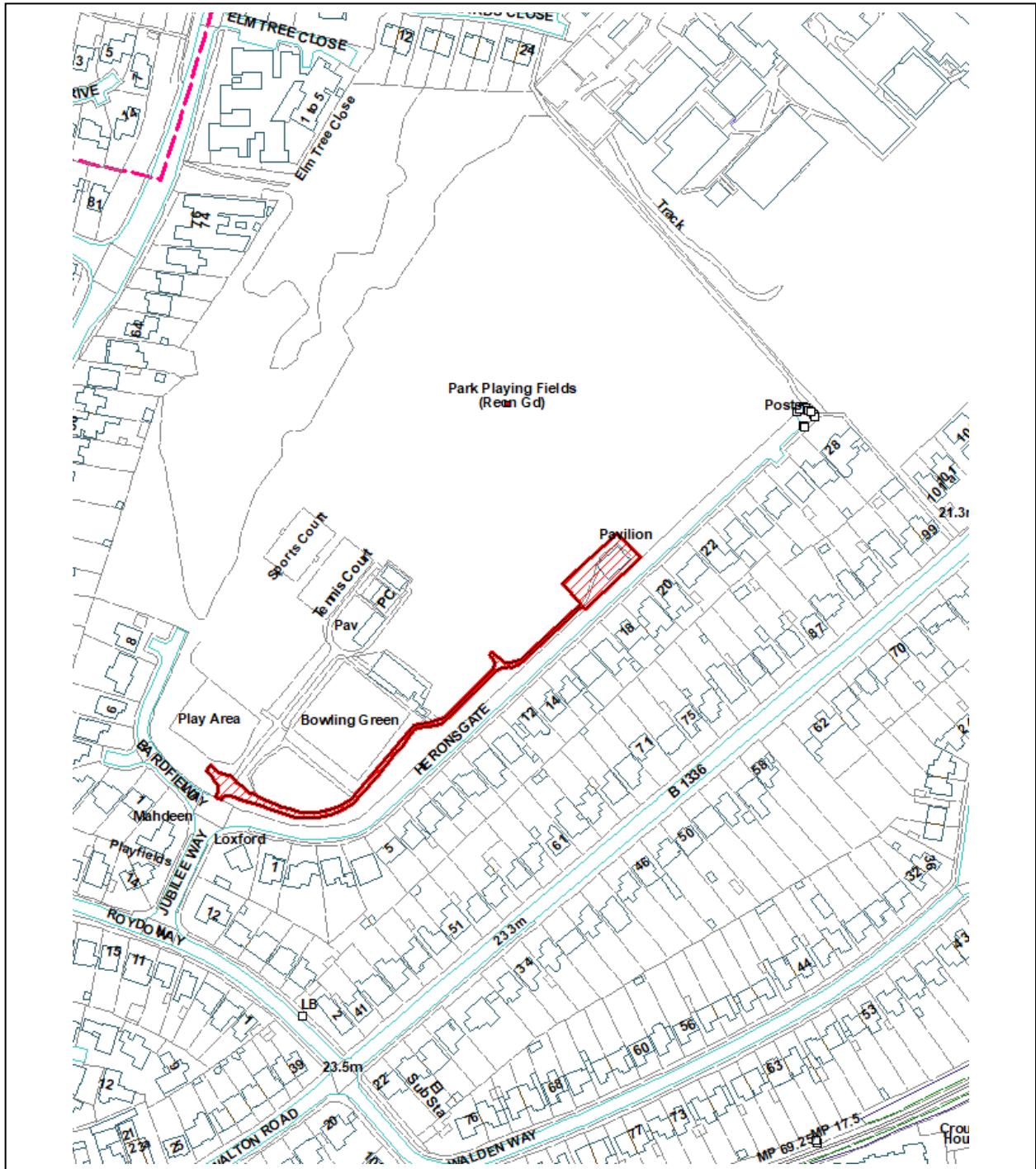


PLANNING COMMITTEE

6th July 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 21/00188/FUL – THE PAVILION RECREATION GROUND FRINTON PLAYING FIELDS FRINTON ON SEA



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Application: 21/00188/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: The Frinton and Walton Youth Football Club

Address: The Pavilion Recreation Ground Frinton Playing Fields Frinton On Sea CO13 0AW

Development: Proposed renovation of the existing Pavilion and extend the external balcony/terrace area.

1. Executive Summary

- 1.1 This application is before Members as Tendring District Council is the land owner
- 1.2 The proposal involves the renovation of the existing Pavilion building and the construction of an outside terrace area. The proposal would improve the facilities available, supporting the Frinton and Walton Football Club and the wider community.
- 1.3 The proposals are considered to be of a size, scale and design in keeping with the existing building and there are no concerns raised regarding the impact on the neighbouring residential properties in Herongate, given the existing use of the site.

Recommendation:

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.

*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Adopted Tendring District Local Plan 2007 (part superseded)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
ER16	Tourism and Leisure Uses
COM1	Access for All
COM4	New Community Facilities (Including Built Sports and Recreation Facilities)
COM8	Provision and Improvement of Outdoor Recreational Facilities

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Section 1 (Adopted)

SP7 Place Shaping Principles

Section 2 (Emerging)

SPL3 Sustainable Design

HP2 Community Facilities

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. 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 The confirmation from the Inspectors that the Section 2 Local Plan can progress to the next stage of the process is a positive step in the plan-making process that allows the Council to increase further the weight that can be given to the emerging Local Plan when determining planning applications – particularly those policies where either no changes are being recommended or where the changes are relatively subtle. However, where policies and the modifications given that the modifications are recommendations and are

still subject to consultation and potential further changes ahead of the Council's final decision to adopt.

- 2.7 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.

3. **Relevant Planning History**

None

4. **Consultations**

Sport England
19.04.2021

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 (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.'

Assessment against Sport England Policy/NPPF

The application involves the renovation of the pavilion that supports Frinton Park Playing Fields that are marked out for a range of football pitches. The pavilion would be reconfigured internally to create an accessible WC, relocate the kitchen and extend the social area. The footprint of the pavilion

would be extended to create a terrace to increase the social area. These works would improve the quality of the ancillary facilities that support the use of the playing field. In terms of the impact on the playing field, the extension to create the terrace would appear to have a minimal impact on the playing field due to the limited scale of the encroachment and the space that exists on the playing field to accommodate a range of football pitches i.e. any football pitches that are currently marked out close to the pavilion could be realigned slightly to accommodate the extension if required.

Conclusion

Further to the above assessment, Sport England is therefore satisfied that the proposal meets the following Sport England Policy exception:

2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

Sport England therefore does not wish to raise an objection to this application, nor do we wish to recommend any conditions should planning consent be granted.

TDC UU Open Spaces
13.05.2021

As this is not a residential development, there is no comments from Open Spaces.

TDC Environmental Protection
26.04.2021

Noise

In order to minimise potential nuisance caused by demolition/construction works and Ground Works, Environmental Protection recommend that the following below is conditioned;

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency).
- Working hours to be restricted. between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control.

Lighting

Any external lighting on the proposed development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. (www.theilp.org.uk).

5. Representations

- 5.1 Four of the closest neighbouring properties in Heronsgate have been consulted by letter and a site notice erected outside the Pavilion. No representations have been received. The Frinton and Walton Town Council support the application.

6. Assessment

Site Context

- 6.1 The main Pavilion building is located on the eastern side of Frinton Recreation Ground, adjacent to the boundary with Heronsgate. The main vehicular entrance to the park is accessed via Jubilee Way. The car park is sited close to the main entrance and there is a footpath along the boundary of the park, leading to the Pavilion building. The site is located within Flood Zone 1 which has low risk of flooding.
- 6.2 The existing Pavilion building provides social facilities, bar, kitchen, toilets and storage which is used in conjunction with the Frinton and Walton Youth Football Club. To the rear of the park is the Tendring Technology College and to the eastern side of the Pavilion building are residential properties in Heronsgate.

Proposal

- 6.3 This application seeks planning permission to renovate the existing Pavilion to include new windows, bi-fold doors and an accessible toilet, along with the relocation of the kitchen to the rear of the building. Externally a new terrace area is proposed with ramped access and timber railings some 1.2m high.
- 6.4 The proposed terrace area measures 0.4m high, 3.4m deep, 11.4m wide and wraps around the southern side of the Pavilion to a depth of 4.4m and extends some 3.6m from the side wall of the building.
- 6.5 The external materials are painted render and painted timber windows, doors and railings to match the existing dwelling. Aluminium bi-fold doors are proposed to the front leading out to the new terrace area.

Principle of Development

- 6.6 Paragraph 91 of the NPPF requires planning policies and decisions to aim to achieve healthy, inclusive and safe places which amongst others should, enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of safe and accessible green infrastructure and sports facilities. Paragraph 92 states that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should amongst others, plan positively for the provision and use of shared spaces, community facilities (such as sports venues and open spaces) and other local services to enhance the sustainability of communities and residential environments.
- 6.7 The Frinton and Walton Youth Football club was established in 1978 and provides football training for boys and girls in and around the Frinton and Walton Area. Therefore the principle of development is in line with the aims of the NPPF and would improve the existing facilities for this well-established football club to the benefit of the local community, furthermore there is no objection raised from Sports England. The proposal is therefore considered to be acceptable in principle subject to detailed policy considerations outlined below.

Appearance, Layout and Scale

- 6.8 The proposed renovation of the existing Pavilion would provide a much needed upgrade to the facilities provided by the football club, in particular providing an accessible W.C and extended social area, which supports the use of the adjacent playing fields. The improved accessibility is in line with Policies ER16 and COM1 which requires development to provide easy and safe access for all, both visitors and users.
- 6.9 The overall size, scale and design of the Pavilion is considered to be acceptable, with the main increase in floor space to the front of the Pavilion with the addition of the open terrace area which is proportionate to the size and scale of the main Pavilion building.
- 6.10 The new terrace would encroach into the existing playing area slightly, however this is not considered to have an impact on the use of the playing field, which is able to accommodate a range of football pitches and any impacted can be relocated easily around the terrace extension.
- 6.11 Overall, the appearance, scale and layout of the proposal is considered to be in character with the locality and the proposal is considered acceptable with regard to Policies ER16 and COM1.

Highway Safety/Parking

- 6.12 Policy COM8 seeks to permit development for outdoor recreational facilities that specifically are accessible by a choice of means of transport including cycles and pedestrians and they do not have a materially detrimental effect on highway and pedestrian safety or vehicular and pedestrian access into the site.
- 6.13 Given the current use of the Pavilion and its location within the Frinton Recreation Grounds, which is accessible by all means, it is not considered that the development

proposed would have a detrimental impact on highway or pedestrian safety. There is a car park to the front of the park and the neighbouring residential streets are not restricted in anyway.

Impact on Residential Amenity

- 6.14 The NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the saved plan states that amongst 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'.
- 6.15 Policy SP7 states that all new development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in Emerging Policy SPL3.
- 6.16 The Pavilion building currently provides ancillary facilities of a social nature to support the use of the adjacent playing fields. It is not considered that the proposal would have a harmful impact on the neighbouring occupiers in Herongate over and above that which already exists. The proposed terrace area is to the front of the Pavilion building, facing into the park, approximately 20m away from the nearest residential properties.

7. Conclusion

- 7.1 It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

8. Recommendation

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

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. The development hereby permitted shall be carried out in accordance with the following approved drawings:

2008/00 Site Layout Plan
2008/02A Proposed Elevations and Floor Plans

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

3. No vehicle connected with the construction works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency) unless otherwise agreed in writing by the local planning authority.

Reason – In the interests of residential amenity in terms of restricting noise and disturbance during the construction phase.

4. Construction working hours shall be restricted to between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday unless otherwise agreed in writing by the local planning authority.

Reason – In the interest of residential amenity in terms of restricting noise and disturbance during the construction phase.

5. No materials produced as a result of the site development or clearance shall be burned on site.

Reason – In the interests of residential amenity.

6. Any external lighting on the proposed development shall be located, designed and directed [or screened] so that it does not cause any unavoidable intrusion to neighbouring residential properties. Any such lighting shall comply with the Institute of Lighting Professionals code of practice (www.theilp.org.uk).

Reason – In the interests of amenity to reduce the impact of night time illumination on the character of the area and residential amenity more generally.

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.

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.

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/>.