

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	NH	21/02/2024
Team Leader authorisation / sign off:	JJJ	21/02/2024
Assistant Planner final checks and despatch:	ER	21/02/2024

**Application:** 23/01537/FUL **Town / Parish:** Brightlingsea Town Council

**Applicant:** Brightlingsea Cricket Club

**Address:** Brightlingsea Cricket Club Regent Road Brightlingsea

**Development:** Proposed demolition of existing clubhouse, shed/toilet block building and erection of new outdoor sports facility building.

### **1. Town / Parish Council**

Brightlingsea  
Council                      Town

As this development is on Town Council land, we remain neutral on the application, however we support the aspirations of the project. Access to the site during the building works should be closely monitored to ensure protection of the Recreation Ground.

### **2. Consultation Responses**

ECC Highways Dept  
12.02.2024

Having assessed the additional drawings submitted, the Highway Authority has no further comments to make regarding the proposal.

Sport England  
29.01.2024

Summary

Statutory consultee role

Sport England raises no objection to this application as it is considered to meet exception 2 of our Playing Fields Policy and to accord with Paragraph 103 of the National Planning Policy Framework (NPPF).

Non-statutory consultee role

Sport England is supportive in principle of the proposal and advisory comments are made on the design and layout of the proposals.

Sport England - Statutory consultee role and policy

We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 103, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document':

[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

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

- all or any part of a playing field, or
- land which has been used as a playing field land 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. A summary of the exceptions is provided in the annex to this response.

#### The Proposal and its Impact on the playing field

The proposal involves a new pavilion for Brightlingsea Cricket Club at Bayard Recreation Ground which would provide new team and officials changing rooms, toilets, kitchen, clubroom and storage. The pavilion would also be used by Brightlingsea Regent Football Club. The pavilion would be substantially sited on the footprint of the existing storage building and hardstanding although there would be a minor encroachment onto the natural turf playing field.

#### Assessment against Sport England's Playing Fields Policy and NPPF

The new pavilion is intended to address the existing inadequate ancillary facilities that support the use of the recreation ground for cricket and football. At present, changing rooms, toilets, clubroom facilities and storage are dispersed across several separate dated buildings on the recreation ground. The facilities were assessed by Tendring District Council as part of the Council's 2023 Playing Pitch Strategy and this identified that the cricket club's existing wooden clubhouse building which is around 50 years old has a limited lifespan and requires replacing. The existing facilities would also not meet current Sport England, ECB or Football Foundation design guidance. A new purpose built facility would rationalise the existing facilities and provide a single modern pavilion facility that could be used by both the cricket and football clubs that share the site. The design of the pavilion would significantly improve the quality of the facilities and make them more inclusive in terms of supporting use by women/girls and disabled users. The Council's Playing Pitch Strategy specifically recommends that the ancillary facilities be improved in response to the deficiencies that have been identified.

I have consulted the Football Foundation (who represent the FA and Essex County FA) who have advised that they are supportive of the project as the pavilion would significantly support the increased participation of both football and cricket at the site. They have confirmed that the existing changing facilities are non-compliant and that with the proposed new build, these facilities will become fully inclusive. The proposed kitchen and servery would also allow both clubs to increase their secondary spend on site, with additional revenue being allocated to pitch improvement.

The England & Wales Cricket Board (ECB) has advised that the existing ancillary facility provision is not fit-for-purpose and a long way from being compliant with the ECB's technical guidance. They have also advised that as Brightlingsea CC is a club engaged in both disability and girls cricket, the need for a fully welcoming and inclusive pavilion building is paramount.

In terms of the impact on the playing field, the majority of the footprint of the building would be sited on the site of the existing storage building and its hardstanding apron so would not have an impact on the natural turf playing field. However, due to the need to recess the pavilion from the covered walkway, part of the building would encroach onto the natural turf playing field by around 1.75 metres for

a distance of around 11 metres. This would have no impact on the existing football pitches that are marked out on the playing field in the winter.

However, the encroachment would reduce the outfield area available for the cricket wickets. The ECB has advised that the two closest wickets to the existing storage building/hardstanding currently have space for an outfield boundary of 42.2m and 45.25m respectively plus the minimum 2.74m run-off beyond the boundary. The ECB recommended boundary distance for open aged cricket is 45.72 metres (plus the minimum 2.74m run-off). This distance would be reduced slightly by the encroachment of the building. The ECB has advised that the outfield areas of pitches of the closest two pitches would be reduced to 40.45 and 43.5m respectively. These two wickets would still have ECB compliant boundaries for junior cricket (40m plus 2.74m run-off). The club has confirmed that the closest wickets are used for junior cricket. The ECB has estimated that the wickets that would have a sufficient outfield for open age cricket would be suitable for meeting the club's current needs. Consequently, the encroachment would not affect the use of the site for cricket in practice as it would not reduce the capacity of the cricket square compared to the existing situation. The ECB has advised though that if the club were to run a regular Women's team or second men's team or play a full schedule of home matches in the future the available capacity of the square may not be sufficient if just the wickets that would have an ECB compliant boundary are used. The ECB would therefore strongly recommend that at least one additional wicket is added to the square to provide sufficient future capacity although it would not affect their position on this application.

#### Sport England's Position

Given the above assessment, Sport England raises no objection to the application because it is considered to accord with exception 2 of our Playing Fields Policy and paragraph 103 of the NPPF. No conditions are requested on this occasion.

#### Sport England - Non-statutory consultee role

As a non-statutory consultee, without prejudice to our position as a statutory consultee set out above, Sport England would wish to make comments on the following matters:

#### Principle of the Development

Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand. Sport England's Planning for Sport guidance can be found here: <https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-for-sport-guidance/> .

Principle 6 of the guidance relates to the 'Enhance' objective and in summary supports improvements to the existing sport provision where they are needed. As set out above the rationale for the project is to improve the ancillary facilities that support the use of the cricket and football pitches at Bayard Recreation Ground and there is a clear need to improve the facilities to meet the needs of the users. The proposals

are therefore considered to meet principle 6 of the guidance. Sport England would therefore wish to confirm its support for the proposed development as a non-statutory consultee. The Football Foundation has also confirmed its support for the project and the ECB has raised no objection.

#### Clubhouse Design and Layout

The Football Foundation and the ECB have reviewed the amended floor plans and have advised that the amendments and explanations provided by the applicant broadly address the previous comments that were made which is welcomed. The following advisory comments are made:

- The ECB has advised that it is recommended where feasible that a social space of at least 70 sq.m should be provided although the implications of extending the pavilion onto the outfield area are understood as well as the cost implications of a larger social area.

- The Football Foundation has interpreted that the rooms labelled E1, E2 and E4 are the spectator toilets. If these are not the toilets, consideration will need to be given to spectator toilet provision.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agenda(s), report(s) and committee date(s). Please notify Sport England of the outcome of the planning application.

Please note that this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

#### Annex

Sport England's 'Playing Fields Policy and Guidance Document' is available to view at: [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

The Five Exceptions to Sport England's Playing Fields Policy are:

##### Exception 1

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

##### Exception 2

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

##### Exception 3

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);

- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.

#### Exception 4

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

#### Exception 5

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 as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

Tree & Landscape Officer  
18.01.2024

No further comments.

Sport England  
04.12.2023  
(Original Comments)

Sport England's Position

There is currently insufficient information to enable Sport England to assess the application against the National Planning Policy Framework (NPPF), in particular paragraph 99, and Sport England's Playing Fields Policy. We therefore submit a holding objection pending receipt of the information set out below.

Sport England - statutory consultee role and policy

We understand that you have consulted us as a statutory consultee on this application in line with the above Order.

To enable us to assess the application and to make a substantive response, we require the following information:

1. Existing and Proposed Cricket Pitch Layouts: Site plans (to scale) which accurately shows the existing and proposed cricket and football pitch layouts (including the cricket square, the outfield boundary and the boundary run-off area) on the playing field. The site plan submitted does not show these layouts. The ECB has advised that west of the cricket square that only an approx. 42.5m boundary is available (not including minimum runoff) while a minimum 45.72m is required for open age cricket. The new clubhouse's footprint would encroach further onto the outfield area and further reduce open age capacity by at least one cricket pitch on an already smaller than average square. It should be noted that to address this, the ECB has requested that either the building is reconfigured so that there is no loss of existing outfield; or the cricket square is extended to the east to fully mitigate lost playing capacity. This information is requested to allow an informed assessment to be made of the impact of the proposals on natural turf playing pitch provision.

2. Pavilion Design and Layout. Following consultation with the ECB and the Football Foundation, the following information and queries are made to allow an informed assessment to be made of the acceptability of the design and layout of the new clubhouse:

- Changing Rooms: An amended floor plan is requested which shows the dimensions of the team changing room area and the officials changing room areas (not including WCs, shower and entrance lobby area) and the shower cubicles to assess compliance with ECB and Football Foundation guidance. It should be noted that changing room areas need to be at least 20 sq.m to meet ECB guidance (16 sq.m to meet Football Foundation guidance) and officials changing rooms need to be at 6 sq.m to meet Football Foundation guidance. Shower cubicles should be at least 2x1m to meet ECB guidance.

- Spectator Toilets: It is queried whether spectator toilets are going to be provided within the clubhouse as they do not appear to be shown on the floorplan. It should be noted that toilets in the team and officials changing rooms should not be used by spectators.

- Accessible Facilities: Clarity should be provided of whether an accessible WC and shower is proposed as part of the facility as it is unclear from the plans especially in the context of the cricket club being a Disability Cricket Champion Club.

- Social Space: It is queried whether the social space can be extended to 70m<sup>2</sup> to meet ECB guidance if this is feasible.

- Covered walkway: Clarity is requested of what surface is proposed for the covered walkway in front of the changing rooms.

Sport England's 'Playing Fields Policy and Guidance Document' provides further details about how we assess planning applications against our policy, and the application information requirements to enable such an assessment. A weblink to the policy and a summary of the exceptions within it is provided in the annex to this response.

We will review our position following the receipt of all the further information requested above and will then, in accordance with the Order, respond within 21 days.

AnnexSport England's 'Playing Fields Policy and Guidance Document' is available to view at: [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

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The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

#### Exception 3

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.

#### Exception 4

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

#### Exception 5

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 as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

ECC Highways Dept  
22.11.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material. No site visit was undertaken in conjunction with this planning application. It is noted that the proposed building will have a similar footprint to the existing clubhouse. The development should not represent any intensification of vehicle parking use to Regent Road as a result of this proposal. The current status quo of street parking on Regent Road adjacent to the recreation ground will be retained. In addition, the gated public pedestrian access through the boundary fence is not subject to physical or management change, considering these factors:

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. vehicle routing,
  - ii. the parking of vehicles of site operatives and visitors,
  - iii. loading and unloading of plant and materials,
  - iv. storage of plant and materials used in constructing the development,
  - v. wheel and underbody washing facilities.
  - vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

vii. Management of pedestrian movements along Regent Road during construction.

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 DM 1.

2. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety and in accordance with Policy DM1.

3. No doors or windows shall open over or into the highway and no rainwater harvesting or collection equipment shall over-sail or encroach into the highway.

Reason: To protect and preserve the integrity and fabric of the highway in the interests of highway safety and in accordance with Policy DM 1.

4. The proposed works particularly to the external surface area directly abuts to the back of the footway. This is public highway, and the construction work must be carried out subject to arrangements made with the Development Management Team (SMO1 office) contact details in the informative at the foot of the page.

Reason: In the interests of highway safety in accordance with policy DM1.

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

Informative:

1: 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](mailto:development.management@essexhighways.org)

2: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Environmental Protection  
27.11.2023  
(Original Comments)

With reference to the above application, please see below for comments from the EP Team:

Demolition & Construction Method Statement: In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection ask that the following is submitted: Prior to the commencement of any construction or



demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Environmental Protection Team. This should at minimum include the following where applicable.

- Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) 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 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
  - 2) No materials produced as a result of the site development or clearance shall be burned on site.
  - 3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
  - 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.
- Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential dwellings

Tree & Landscape Officer  
30.11.2023

No trees or other significant vegetation will be adversely affected by the proposed development.

### 3. Planning History

10/00647/FUL

Provision of a temporary six bay modular building with toilet facilities until 31st July 2017.

Approved

03.08.2010

#### **4. Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

#### **5. Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

There are no neighbourhood plans in place for this area

#### **6. Relevant Policies / Government Guidance**

National:

National Planning Policy Framework December 2023 (NPPF)  
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic  
Section 1 Plan (adopted January 2021)  
SP1 Presumption in Favour of Sustainable Development  
SP3 Spatial Strategy for North Essex  
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
HP1 Improving Health and Wellbeing  
HP2 Community Facilities  
HP4 Safeguarded Open Space  
HP5 Open Space, Sports & Recreation Facilities  
CP1 Sustainable Transport and Accessibility  
PPL1 Development and Flood Risk  
PPL5 Water Conservation, Drainage and Sewerage  
PPL10 Renewable Energy Generation  
Local Planning Guidance  
Essex Design Guide  
Essex County Council Car Parking Standards - Design and Good Practice

## 7. Officer Appraisal

### Site Description

The application site relates to Brightlingsea Cricket Club, Regent Road, Brightlingsea which involves a single storey clubhouse building. The application site is located within the settlement development boundary of Brightlingsea and is located within Safeguarded Open Space - Bayards Recreation Ground & Allotment Gardens. The proposal would provide new team and officials changing rooms, toilets, kitchen, clubroom and storage. The pavilion would also be used by Brightlingsea Regent Football Club.

### Proposal

The application seeks planning permission for the demolition of existing clubhouse, shed/toilet block building and erection of new outdoor sports facility building.

It is noted that within the accompanying planning statement that the current poor quality facilities are a significant barrier for increasing participation, enjoyment and performance of field sports to the site. The proposal is for a new cricket club pavilion building to meet the latest technical specifications for the sports they are proposed to accommodate under a single roof without the need to walk to and from other buildings.

### Assessment

The main considerations for this application are:

- Principle of development
- Visual Impact
- Impact on Neighbouring properties
- Highway Safety
- Trees and Landscaping
- Environmental Protection
- Other Considerations
- Conclusion and Overall Planning Balance

### Principle of Development

Paragraph 102 of the National Planning Policy Framework (NPPF, December 2023) states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. 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.

Policy HP4 of the Local Plan 2013-2033 aims to protect open spaces as defined on the Policies Map and Local Maps. The application site is located within the Safeguarded Open Space - Bayards Recreation Ground & Allotment Gardens, this policy applies. As the proposal is to replace the existing clubhouse it is not considered to cause any harm to the existing use of the open space and therefore the proposal complies.

Sport England are a statutory consultee on this planning application as the proposal affects an existing playing field. They have stated that the pavilion would be substantially sited on the footprint of the existing storage building and hardstanding although there would be a minor encroachment onto the natural turf playing field. The new pavilion addresses the existing inadequate ancillary facilities that support the use of the recreation ground for cricket and football. At present, changing rooms, toilets, clubroom facilities and storage are dispersed across several separate dated buildings on the recreation ground. The facilities were assessed by Tendring District Council as part of the

Council's 2023 Playing Pitch Strategy and this identified that the cricket club's existing wooden clubhouse building which is around 50 years old has a limited lifespan and requires replacing. The existing facilities would also not meet current Sport England, ECB or Football Foundation design guidance. A new purpose built facility would rationalise the existing facilities and provide a single modern pavilion facility that could be used by both the cricket and football clubs that share the site. The Football Foundation (who represent the FA and Essex County FA) have been consulted via Sport England and have advised that they are supportive of the proposal. Consequently, Sport England consider the development meets exception 2 of their adopted Playing Fields Policy and therefore do not wish to raise any objections.

### Visual Impact

Paragraph 135 of the NPPF (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 and LP4 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout which create a unique sense of place.

The proposal will replace the existing clubhouse on Bayards Recreation Ground. The building is single storey with a dual pitched roof and will be constructed from composite horizontal cladding in a silver birch, red double roman interlocking roofing tiles and white UPVC windows and doors. The building will measure approximately 25 metres in width, 8.5 metres in depth with an overall height of approximately 5.4 metres. In terms of the height this is of a similar height to the existing building and due to the change in roof pitch, it is considered to be of a visual enhancement. There is an increase to the depth of the building of approximately 3 metres, however, it is not considered that the increase will cause any significant harm to visual amenity. In terms of appearance, the proposal is that of a traditional sports clubhouse with the use of materials which are considered appropriate in this locality. The west facing roof will be covered with PV cells to provide onsite energy. It is therefore considered that the proposed replacement clubhouse will create a visual enhancement to the character and appearance of the area.

### Impact on Neighbouring properties

Paragraph 135 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

There are a number of residential properties along Regent Road which will have some views of the replacement clubhouse. As the proposal is replacement the existing building and the roof pitch has been amended to slope away from the neighbouring dwellings, it is not considered to cause any significant harm to neighbouring amenities.

### Highway Safety

Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be

able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

Essex Highway Authority have been consulted on this application and have stated that it is noted that the proposed building will have a similar footprint to the existing clubhouse. The development should not represent any significant intensification of vehicle parking use to Regent Road as a result of this proposal. The current status quo of street parking on Regent Road adjacent to the recreation ground will be retained. In addition, the gated public pedestrian access through the boundary fence is not subject to physical or management change. The highway authority therefore have no objection subject to conditions relating to construction management plan, external lighting and no doors or windows shall open over/into the highway.

The replacement building will not result in any changes to the existing parking arrangements.

### Trees and Landscaping

No trees or other significant vegetation will be adversely affected by the proposed development.

### Environmental Protection

As part of this application, TDC Environmental Protection Team have been consulted on this application and have stated that a construction method statement will be required to minimise potential nuisance to nearby existing residents by construction and demolition works.

### Renewable and Energy Conservation Measures

Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The west facing roof will be covered with PV cells to provide onsite energy. Further details are required for additional measures. Therefore, it is considered reasonable and necessary to include a planning condition requiring a scheme, together with a timetable to be submitted for the consideration and installation of these measures, as such a condition is capable of addressing these policy requirements.

### Other Considerations

Brightlingsea Town Council have commented three times on this application and have stated that they remain neutral however they support the aspirations of the project. The Town Council raise concerns in regards to the access to the site during the building works should be closely monitored to ensure protection of the Recreation Ground. Brightlingsea Town Council does not wish to lose any extra grass area through this development. Brightlingsea Town Council have concerns regarding public access to the rest of the Recreation Ground whilst cricket is being played. Brightlingsea Town Council still awaits a proposal from the Cricket Club on where and how our storage facilities are to be replaced as it is on Town Council Land.

Following further information and verbal updates provided by the applicant at the meeting, the committee wish to amend the earlier comments as listed below:- (1) The comments raised by Sport England have now been dealt with and Sport England now fully support the proposals. (2) The loss of extra grass through this development has been explained and is now not applicable. (3) Public access to the Recreation Ground has been explained and is now not applicable. (4) This comment is not a planning objection and is now being dealt with by the Town Council and the Cricket Club.

4 letters of support have been received and 1 letter of objection which raises the following concerns (summarised below):

- Concerns the building does not take into account disabled access

*It is noted that there is an opening of bifold doors in the front elevation for mobility access. Moreover, the development is a small scale development and it is apparent that the architect has designed the building to achieve suitable mobility access.*

- Parking concerns

*The above concern has been addressed in the report above.*

- Concerns in regards to the usage of the building and licensing in regards to alcohol and public behaviour.

*The usage of the building has been addressed above. In regards to licensing this is separate from planning and therefore does not form part of this application.*

- Noise concerns

*A construction method statement condition has been imposed.*

### Conclusion and Overall Planning Balance

The proposal will see the replacement of the existing cricket clubhouse, all of which combine to deliver a facility that will deliver an enhanced offering to that currently, and within a suitable location. It would give rise to a considerable benefit to the wider community through the provision of a larger clubhouse and facilities.

Furthermore, Officers consider that the design is acceptable, there would not be significant harm to neighbouring amenities or any trees, while there is also no change to the current parking arrangements. Essex Highways Authority have raised no objections from a highway safety perspective, and Sport England have also raised no objections.

The proposed development is therefore considered to be compliant with local and national planning polices, and accordingly is recommended for approval.

## **8. Recommendation**

Approval - Full

## **9. Conditions**

### 1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

## 2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

- Drawing No. P04B
- Drawing No. P01G
- Drawing No. P02

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

### NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

## 3 RENEWABLE ENERGY

CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme should include as a minimum to achieve:-

- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new sports facility building
- Agreement of heating for the new sports facility building
- Agreement of scheme for waste reduction for the sports facility building

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed

and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

4 FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

CONDITION: Prior to the commencement of development details of the construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
  - b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
  - c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
  - d) Details of any protection measures for footpaths and trees surrounding the site.
  - e) Details of any means of access to the site during construction.
  - f) Details of the scheduled timing/phasing of development for the overall construction period.
  - g) Details of measures to control the emission of dust and dirt during construction, and including details of any wheel washing to be undertaken, management and location it is intended to take place.
  - h) Details of the siting of any on site compounds and portaloos.
  - i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
  - j) Site waste management plan (that shall include reuse and recycling of materials)
  - k) Scheme for sustainable construction management to ensure effective water and energy use.
  - l) Scheme of review of complaints from neighbours.
  - m) Registration and details of a Considerate Constructors Scheme
  - n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).
- The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

NOTE/S FOR CONDITION:



You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

## 5 HIGHWAYS LIGHTING

CONDITION: Prior to the first use of any external lighting / floodlighting within the development site (outside private garden spaces), the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The lighting shall be maintained thereafter as maybe approved.

REASON: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety

## 6 DOORS AND WINDOWS

CONDITION: No doors or windows shall open over or into the highway and no rainwater harvesting or collection equipment shall over-sail or encroach into the highway.

REASON: To protect and preserve the integrity and fabric of the highway in the interests of highway safety

## 10. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Highways

The proposed works particularly to the external surface area directly abuts to the back of the footway. This is public highway, and the construction work must be carried out subject to arrangements made with the Development Management Team (SMO1 office) contact details in the informative at the foot of the page.

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](mailto:development.management@essexhighways.org)

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### Sport England

The ECB has advised that it is recommended where feasible that a social space of at least 70 sq.m should be provided although the implications of extending the pavilion onto the outfield area are understood as well as the cost implications of a larger social area.

The Football Foundation has interpreted that the rooms labelled E1, E2 and E4 are the spectator toilets. If these are not the toilets, consideration will need to be given to spectator toilet provision

## 11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

## 12. Notification of Decision

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	<b>YES</b>	<b>NO</b>
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	<b>YES</b>	<b>NO</b>