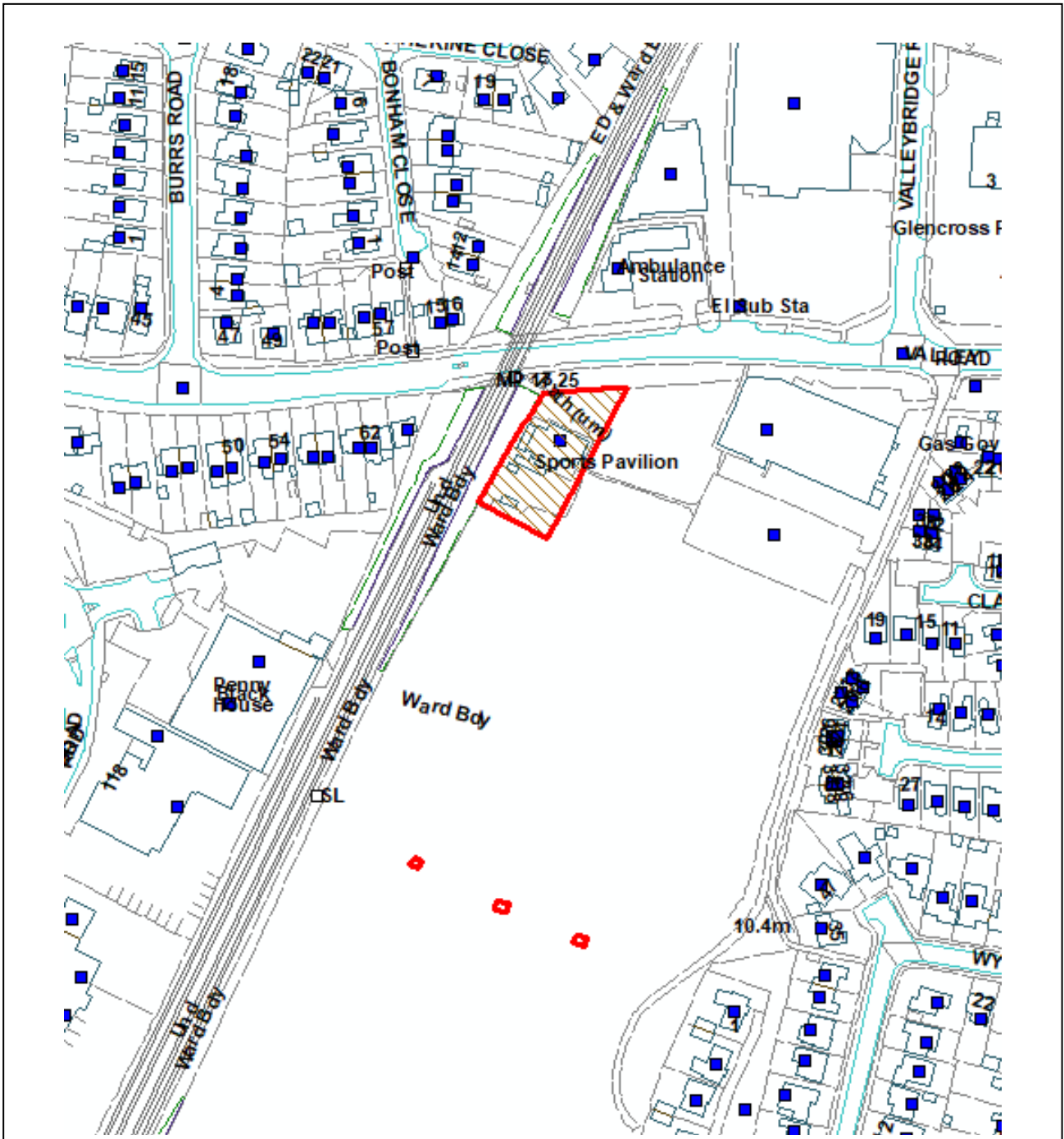


PLANNING COMMITTEE

9 July 2024

REPORT OF THE DIRECTOR OF PLANNING

**A.4 PLANNING APPLICATION – 24/00185/FUL – CLACTON RUGBY CLUB VALLEY ROAD  
CLACTON ON SEA CO15 6NA**



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<b>Application:</b>	24/00185/FUL	<b>Expiry Date:</b>	7th May 2024
<b>Case Officer:</b>	Oliver Ashford	<b>EOT Date:</b>	12th July 2024
<b>Town/ Parish:</b>	Clacton Non Parished		
<b>Applicant:</b>	Brian White - Clacton Rugby Club		
<b>Address:</b>	Clacton Rugby Club Valley Road Clacton On Sea CO15 6NA		
<b>Development:</b>	Retention of existing cabin serving as changing room and proposed cabin to extend changing room area, relocation of existing equipment storage structures and other external alterations including new 1.8m high screen fencing (part retrospective).		

## 1. Executive Summary

- 1.1 This application is before the Planning Committee as the application site is owned by Tendring District Council.
- 1.2 The application seeks permission for the retention of existing cabin serving as changing room and proposed cabin to extend changing room area, relocation of existing equipment storage structures and other external alterations including new 1.8m high screen fencing (part retrospective).
- 1.3 The proposal, with the addition of a landscaping scheme and painting schedule is not considered to be harmful to the character and appearance of the area and will not result in any significant impact to neighbouring amenities. Accordingly, the application is recommended for approval subject to conditions.

### Approval

#### **Recommendation:** Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning permission subject to conditions as stated at paragraph 8.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

## 2. 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

### 3. **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.

### 4. **Planning Policy**

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

#### **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 (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

HP3 Green Infrastructure

HP4 Safeguarded Open Space

HP5 Open Space, Sports and Recreation Facilities

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

#### Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Tendring Provision of Recreational [Open Space for New Development SPD](#) 2008

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

#### Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### 5. **Relevant Planning History**

90/00278/FUL

Extension to club.

Approved

30.03.1990

95/00812/FUL	(Clacton Recreation Ground Rugby Club (Softball Pitch),) Improvements to softball pitch and facilities to include levelling of pitch/retaining wall, tiered seating, storage building and water tanks	Approved	05.09.1995
95/01317/FUL	(Recreation Ground, Valley Road, Clacton on Sea) Club house extension/alterations. Pitch improvements	Approved	30.01.1996
04/02180/FUL	Extension and alteration and training lights	Approved	16.12.2004
05/00647/FUL	Extension and alteration and training lights (revised design from app 04/02180/FUL)	Approved	11.08.2005
09/00398/FUL	Proposed changing room cabin, entrance canopy and storage containers alterations.	Refused	16.09.2009
11/00971/FUL	Phase 1, extension and alterations and additional training lights.	Withdrawn	15.08.2011
11/00976/FUL	Club house extensions and alterations and additional flood lighting.	Approved	08.12.2011
12/00704/FUL	Club house extensions and alterations and additional flood lighting (amendments to application 11/00976/FUL).	Approved	21.08.2012

## 6. Consultations

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), 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/>.

### Asset Management Team

No Comments

### Environmental Protection

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following hours and actions be adhered to, should the application be approved;

- 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. 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 premises*

### **Essex County Council Highways**

The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on the submitted material and google earth photo dated June 2023. No site visit was undertaken in conjunction with this planning application. It is noted that no changes are proposed to the established vehicular access off Valley Road or to the internal off-street car parking area within the site. The proposal is set well back from the public highway, and it is not envisaged that the alterations would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, 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:

- the parking of vehicles of site operatives and visitors,
- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel and underbody washing facilities.

(Continued...)

v. 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 the developer.

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

2. Prior to the first use of any new 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.

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.

## **7. Representations**

### **7.1 Parish / Town Council**

Clacton on Sea is non parished – No comments received.

One letter of support has been received on the application from Cllr Baker with points summarised below:

- Expansion of sports provision
- Facilities to cater for all
- No comments on design

## **8. Assessment**

### Site Description

8.1 The site is located to the south of Valley Road and east of the Railway line and west of the Clacton & District Indoor Bowls Club. The Vista Road recreation ground is located due south which is a Safeguarded Open Space. The site is located within the Settlement Development Boundary for Clacton on Sea. The site contains a detached clubhouse with a small fenced area around. An existing cabin building is already in place which forms part of this application. Parking is available in the car parking area to the east of the site however this does formally form part of the application site and predominately services the Clacton & District Indoor Bowls Club.

### Planning History

8.2 The current storage container on site does not benefit from planning permission. An application for Club house extensions and alterations and additional flood lighting (amendments to application 11/00976/FUL) was approved under reference 12/00704/FUL.

### Proposal

8.3 The application seeks planning permission for the retention of an existing storage container which is currently used as a changing room and the addition of an existing storage container to provide further changing facilities. The containers are proposed to be permanent and provide an expanded provision for the users of the Rugby Club which as well as male users also has a youth section with teams from 8-16 years both boys and girls running on Sundays and a new ladies team.

8.4 Following the officers site visit, the current storage container is in situ with a further container located at the southern boundary of the site but this is not currently in use.

8.5 The existing container measures 2.7m in height, 2.7m in depth and 13.3m in width. It is proposed to be connected to the new container which measures 2.7m in height, 3m in depth and 9m in depth. A small corridor walkway will connect the two units. Both containers are proposed to be painted cream to match the southern end gable elevation of the elevation and a detailed landscaping scheme has been submitted to replace the existing harris fencing.

### Assessment

8.6 The Main Considerations for this application are:

- Principle of Development
- Design and Appearance
- Impact upon Neighbouring Amenities
- Highways Impacts

### Principle of Development

8.7 The site is within the Settlement Development Boundary and the development relates to the existing use of the Rugby Club. Policy HP2 seeks to deliver and maintain a range of new community facilities. New development should support and enhance community facilities by providing or contributing towards new or enhanced community facilities to meet needs arising from the proposed development or growth.

The proposed development, which is required to support the operation and services provided by the Rugby Club is considered to be aligned with the aims of HP2 and therefore the principle of development is supported subject to the detailed policy considerations discussed below.

### Design and Appearance

8.8 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

8.9 Paragraph 135 of the NPPF requires that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment, function well and add to the overall quality of the area, and establish or maintain a strong sense of place.

8.10 Local Plan Policy SP7 seeks high standards of urban and architectural design, which respond to local character and context. Local Plan Policies SPL3 and LP4 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 that relates well to its site and surroundings.

8.11 The existing and proposed containers are of a functional design as is determined by their very nature and located to the rear of the existing Rugby Club. Additional screening has been proposed along the eastern and southern boundary which will remove some visual impact when viewed across the Recreation Ground. A condition is necessary to ensure that the proposed screening is implemented within two months of the date of the decision. To the west, the proposals will be visible from the railway line which has a higher elevation however it is not possible to provide screening from this viewpoint. The containers will also be painted cream to match the existing end gable on the southern elevation. It is considered that these mitigating factors would not result in any long-term material harm to the character and appearance of the surrounding area. For the reasons set out above, and specifically due to the proposed screening measures, officers view is that a temporary use condition is not necessary in this instance.

### Impact on Neighbouring Amenities

8.12 Paragraph 135 of The Framework maintains that policies and decisions should result in new development that creates 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 SPL3 seeks new development that does not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

8.13 It is not considered, given the siting of the proposed containers and the separation distances from the neighbouring residential properties, coupled with the fact the existing Rugby Club provides and

Recreation ground is a functioning sports facility, that the proposal would have an adverse impact on the residential amenity of the neighbouring properties

#### Highway Impacts

- 8.14 Paragraph 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.
- 8.15 Policy CP1 of the Local Plan states that Proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.
- 8.16 Essex County Council as Highway Authority have been consulted as part of this application and note that no changes are proposed to the established vehicular access off Valley Road or to the internal off-street car parking area within the site. The proposal is set well back from the public highway, and it is not envisaged that the alterations would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, therefore the proposals are acceptable from a highway safety point of view subject to appropriate conditions.

#### Habitats, Protected Species and Biodiversity Enhancement

##### 8.17 General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: “For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England.” Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. In the event that planning permission is forthcoming an informative can be imposed on the decision notice strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

##### 8.18 Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal was submitted prior to 2<sup>nd</sup> April 2024 and is not therefore applicable for Biodiversity Net Gain.

In accordance with the overarching duty outlined above, this development is committed to actively contributing to the conservation and enhancement of biodiversity as set out above and within the planning conditions. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.



## 9. Conclusion

9.1 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.

## 10. Recommendation

10.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives

### 10.2 Conditions and Reasons

#### 1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The extension to the existing changing facilities and new 1.8m high screen fencing 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. 5000 24-A 2 REV

Drawing No. 5000 24-A 3 REV

Drawing No. 5000 24-A 4 REV

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. **CONDITION:** Within 1 month of the date of approval of this planning permission, details of the external colour finish (suitable paint) to be applied to all the external facing elevations of the container shall be submitted to and approved, in writing, by the Local Planning Authority. The approved colour shall be applied to all external facing elevations of the container within one month of the date of the approval of the said colour, and retained as one uniform colour on all the external facing elevations for as long as the container is kept on site.

**REASON:** To minimise the visual impact of the container on the character and appearance of the area.

4. **CONDITION:** The hereby approved and retained 1.8m screen fence shall be constructed in accordance with the approved plans within 6 months of this decision and shall be retained thereafter in its entirety. Should any part need to be replaced for any reasons, it shall be replaced to accord with the approved plans within 1 month of removal.

**REASON:** To enable the boundary treatments to be protected and retained in the interests of visual amenity.

### 10.3 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.

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

## **11. Additional Considerations**

### Public Sector Equality Duty (PSED)

- a. 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:
  - b. A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - c. 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
  - d. C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- e. 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.
- f. 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.
- g. 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

- h. 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.
- i. 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).
- j. 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

- k. 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. It is noted that this is Council land, but no weight is given to this matter.

## **12. Background Papers**

- I. 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/>.