

15/00776/OUT

**LAND REAR OF CHERRY ORCHARD BRICK WORKS,
CHERRY ORCHARD LANE, ROCHFORD**

**HYBRID APPLICATION FOR OUTLINE PLANNING
PERMISSION WITH ALL MATTERS RESERVED APART
FROM ACCESS TO THE SITE FOR THE PROVISION OF A
RUGBY CLUB, ASSOCIATED PITCHES AND FACILITIES
WITH SUBMISSION OF FULL DETAILS FOR VEHICULAR
ACCESS TO THE SITE AND PITCHES**

APPLICANT: HENRY BOOT DEVELOPMENTS LTD

ZONING: JAAP

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

1 PLANNING APPLICATION DETAILS

- 1.1 This application is for outline planning permission for the provision of a rugby club including pitches, a club house and parking.
- 1.2 This application has been submitted alongside another outline application (15/00781/OUT) to develop a new business park immediately to the south, which would involve the demolition of the existing rugby club. The business park application will come before Members for determination in the near future.
- 1.3 This application is an outline application with all matters reserved apart from access to the site. Appearance, landscaping, layout and scale would all therefore be matters reserved for consideration in a Reserved Matters application that would follow if outline permission were granted. Full planning permission is, however, sought for the proposed rugby pitches and further detail has therefore been submitted in respect of these.
- 1.4 The key matters for determination are as follows:-
 - the acceptability of the principle of the proposed rugby club use of the site;

- other material planning considerations, including issues such as flood risk, drainage and ecology;
- the acceptability of the proposed vehicular access to the site;
- the acceptability of the proposed rugby pitches, including layout (in detail).

2 THE SITE

- 2.1 The application site is an agricultural field located on the outskirts of Rochford to the south of Hall Road and to the east of Cherry Orchard Way. The site is approximately rectangular some 430 metres in length and 230 metres in width. The northern boundary runs parallel to the Noblesgreen Ditch, a tributary of the River Roach, separated from it by some 100 metres.
- 2.2 The nearest residential properties are located on Hall Road to the north and Cherry Orchard Way to the west, the former separated from the site by some 300 metres and the latter by some 250 metres.
- 2.3 The westernmost extent of Rochford Hundred Golf Club meets the site's very eastern extent and the boundary of London Southend Airport is some 100 metres from the site's eastern boundary. The western and southern boundaries of the site directly adjoin land allocated as part of the new business park. The eastern boundary of the site also directly adjoins land which is allocated as part of the JAAP but this land is set aside for use as public open space.
- 2.4 A public right of way footpath runs along the eastern boundary of the site, past the site in a northerly direction. This footpath extends eastwards around and through Rochford Hundred Golf Course and on to Rochford. In a southerly direction this footpath currently extends southwards linking to Aviation Way and then westwards to Cherry Orchard Lane.
- 2.5 The topography of the site falls from south-west to north-east. Ground levels in the south-west lie at approximately 12.6m above Ordnance Datum (AOD) and fall to 8.5m AOD in the north-east.

3 CONSULTATIONS AND REPRESENTATIONS

Rochford Parish Council

- 3.1 No objection.

Southend-On-Sea Borough Council (Planning and Highways Authority)

- 3.2 Southend Borough Council supports the principle of development at this site, and there is policy support for it. The proposal will stimulate the local

economy, provide much needed jobs and be a catalyst for further investment in the airport, surrounding area and the wider South Essex area.

- 3.3 The applicant will need to deliver the development in line with the policies contained within the adopted London Southend and Environs Joint Area Action Plan (JAAP). The development should ensure that there is good connectivity, public realm and a strong relationship with the development land to the north, which is allocated for employment but is in separate ownership.
- 3.4 There will also be a need to ensure that accessibility into the site is appropriate to the size and scale of the development and ensure that it provides a landmark entrance.
- 3.5 In respect of transport and access, Southend Borough Council supports the infrastructure arrangements and access arrangements for the site, which provides flexibility to all movements. Southend Borough Council is supporting increased vehicle trips by investing in major road schemes on the A127, in partnership with ECC with the purpose of ensuring that the journeys to and from the application site are reliable and minimise congestion. Likewise the package of sustainable transport improvements and incentives is fully supported, particularly new local bus routes, access to the rail station and new walking and cycling routes connecting Rochford and Southend.
- 3.6 Southend Borough Council understands that there will be a number of phases of development and these will be dealt with through reserved matters applications. The Council would welcome the opportunity to make further comment on these as the development moves forward.

Highways (ECC)

- 3.7 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following mitigation and conditions:-
 1. Prior to occupation of the development a vehicular turning facility for the largest vehicles accessing the site, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
 2. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials

- iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
3. The public's rights and ease of passage over local public footpath no. 40 shall be maintained free and unobstructed at all times.
 4. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
 5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
 6. The cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Health and Safety Executive

- 3.8 The Health and Safety Executive is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites. This site lies within the Consultation Distance of a Major Hazard Site.
- 3.9 Based on information inputted into the HSE Web App the HSE advises against the proposed development as the assessment indicates that the risk of harm to people at the proposed development site is such that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.
- 3.10 Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance permitted to be on site is used as the basis of HSE's assessment.
- 3.11 If, nevertheless, you are minded to grant permission, your attention is drawn to Section 9, paragraph 072 of the online Planning Practice Guidance on

Hazardous Substances - Handling development proposals around hazardous installations, published by the Department for Communities and Local Government, or paragraph A5 of the National Assembly for Wales Circular 20/01. These require a Local Planning Authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Communities and Local Government, or Welsh Ministers, call-in the application for their own determination. The advance notice to HSE should be sent to CHEMHD5, HSE's Major Accidents Risk Assessment Unit, Health and Safety Executive Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS. The advance notice should include full details of the planning application, to allow HSE to further consider its advice in this specific case.

Environment Agency

- 3.12 Our maps show that the majority of this site is located in Flood Zone 1, the low probability zone. However, there is a strip of land running from the north east corner of the site down to Noblesgreen Ditch, designated a main river, which lies within Flood Zones 2 and 3.
- 3.13 No FRA has been submitted in support of this application and therefore this fluvial flood risk to the site has not been addressed. From the plans submitted, it is not clear what this strip of land is to be used for, but it does not appear that any development is proposed within the area at risk of flooding. If this is not correct and development is proposed in that location, you should request a site-specific Flood Risk Assessment to be submitted and re-consult us.

London Southend Airport

- 3.14 Our calculations show that, at the given position and height, the proposal will have no effect upon our operations, subject to the following conditions being applied:-
- Any lighting scheme must be CAP 168 compliant.
 - Any landscaping must be done in a way that it does not increase bird activity (CAP 168 guidelines).
- 3.15 There may be height restrictions for buildings on this site but this will vary according to location and local ground height. Please seek advice from us when designing the buildings.
- 3.16 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority.

Lead Local Flood Authority (ECC)

- 3.17 As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We are the statutory consultee on surface water from 15 April.
- 3.18 In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:-
- Non-statutory technical standards for sustainable drainage systems
 - Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
 - The CIRIA SuDS Manual (C697)
 - BS8582 Code of practice for surface water management for development sites.
- 3.19 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.
- 3.20 The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the FRA and the above mentioned documents submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition 1

A detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, must be submitted to and approved in writing by the Local Planning Authority.

This should be based on the approved outline drainage strategy SJC/582098/JRC-RC-DS Rev1 and the following mitigation measures:-

- Limiting the discharge from the site to 24.2l/s
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.
- Provide the necessary number of treatment stages associated with each element of the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development.

Condition 2

The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If de-watering takes place to allow for construction to take place below ground water level, this will cause additional water to be discharged. Furthermore, the removal of top soils during construction may limit the ability of the site to intercept rain fall and may lead to increased run off rates. To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and ground water, which needs to be agreed before commencement of the development.

Condition 3

Prior to commencement of the development the applicant must submit a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Condition 4

The adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance, which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development, as outlined in any approved Maintenance Plan, so that they continue to function as intended to ensure mitigation against flood risk.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Whether insurance can be gained or not;
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Archaeology (ECC)

- 3.21 The Historic Environment Record shows that the proposed development area lies within a potentially sensitive area of archaeological deposits. Initial archaeological investigations have already been carried out on this site. The results of these archaeological investigations will have to identify the significance of the surviving archaeological deposits on the site, the impact of the development and any proposed mitigation strategy to either preserve in situ/and or fully excavate deposits identified.
- 3.22 The following recommendations are in line with the National Planning Policy Framework.

RECOMMENDATION: A Programme of Archaeological Investigation

1. No development or preliminary ground works can commence on those areas containing archaeological deposits until the satisfactory completion of field work, as detailed in a mitigation strategy, and which has been signed off by the Local Planning Authority through its historic environment advisers.
2. The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of field work, (unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

3.23 Further Recommendations:

A recognised professional team of archaeologists should undertake the archaeological work. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief can be produced from this office detailing the requirements of the work.

Arboriculture (RDC)

- 3.24 I would recommend the following as condition of consent or to be provided as part of reserved matters:-

‘No ground work or development shall take place until a tree protection plan and method statement in accordance with BS5837:2012 has been submitted to and approved in writing by Rochford District Council.’

Natural England (summarised)

- 3.25 Natural England has no comments to make on this application.
- 3.26 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.
- 3.27 We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.

Environmental Health

3.28 Environmental Health reports that the noise, air quality and land contamination reports are accepted in principle. If Members are minded to approve the application, the following conditions should be attached to any consent granted:-

1. Model Contaminated Land conditions 2-4.
2. A Dust Management Plan shall be agreed in writing with the LPA before the commencement of works and shall be implemented in full for the duration of the construction works.
3. Standard Informative SI16 (Control of Nuisances).

Essex County Council (Minerals and Waste)

3.29 No objection.

Sport England

- 3.30 SUMMARY: No objection is made to this planning application subject to four conditions being imposed on any planning permission relating to the playing pitch construction specification and implementation programme, design and layout of the club house, design and layout of the car parking and phasing proposals, as set out in this response.
- 3.31 Sport England is a non statutory consultee on this application as the proposal does not affect an existing playing field, but would expect the Council to give appropriate weight to our views as the acceptability of the proposals in this application will determine our position as a statutory consultee on the related application.
- 3.32 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.
- 3.33 The proposal involves a replacement facility for Westcliff RFC to allow a business park to be developed on the club's existing site (which is the subject of a separate but related planning application. The development of the business park is contingent on this planning application being approved and implemented as the new rugby club site will need to be completed and operational before development of the business park starts.

Playing Field Design

3.34 The layout of the rugby pitches and the proposals for construction and design of the new playing field have been informed by a feasibility study (TGMS

feasibility study for the construction of winter sports pitches for Westcliff RFC on land off Aviation Way, Southend-on-Sea - 26 June 2015 [Rev 2 02/02/2016]) prepared by a specialist sports turf consultant, TGMS. The pitch layout was discussed at pre-application stage and was supported by Westcliff RFC, the Rugby Football Union (RFU) and Sport England as it provided the most appropriate layout in terms of meeting the club's needs and respecting the physical constraints of the site. The pitch layout is therefore considered acceptable.

- 3.35 In terms of the construction of the playing field, this has been informed by an assessment of the site's ground conditions in the TGMS study. There have been ongoing discussions due to the constraints imposed by the archaeology of the site that are documented in the study and the proposal addresses this by proposing that the surface levels on Pitch No 1 (first team pitch) will be raised by 100 mm to allow for the installation of a shallow primary bypass pipe drainage system along with a secondary sand silt system. The other pitches would not be drained but there would be potential to install a drainage system at a later date if the club required additional drained pitches through raising their surfaces. This would allow the existing pitch position to be replicated as the club currently has its first team pitch drained and the others un-drained. However, as set out in the TGMS study, to maintain the playability of both the drained and un-drained pitches to an equivalent standard to the current pitches, an appropriate annual long term maintenance programme (beyond the first year maintenance) will need to be delivered in practice.
- 3.36 I can confirm that the proposals for constructing the playing field are therefore considered to be acceptable in principle. However, their acceptability in practice will depend on further information being submitted as a requirement of any planning permission. As the proposed construction option in the TGMS documents only sets out outline recommendations for the required construction works, a detailed construction specification will need to be prepared as a pre-commencement requirement to ensure that an appropriate scheme is implemented in practice in response to the recommendations in the study. A proposed implementation programme will also need to be prepared as the programme in the study is only indicative. In terms of long term annual maintenance of the playing fields this is an issue which would be more appropriate to address through a section 106 agreement associated with a potential permission for application 15/00781/OUT. A planning condition that Sport England would request be imposed to address these issues is set out below.

Club House

- 3.37 No details have been provided about the proposed club house as this is a matter for which outline permission is sought. The indicative site layout shows the broad location of the club house and an indicative footprint. However, the detailed siting and design will be addressed at reserved matters stage. The proposed indicative location is considered acceptable as this would overlook

the proposed first team pitch which would replicate the existing situation. While it is proposed that the footprint of the new club house will be broadly similar to the existing one there is an acknowledgement in the Planning Statement that to incorporate modern design requirements in accordance with Sport England/RFU design guidance the club house will have to be slightly larger than the existing footprint, which is welcomed. Outside of the planning application process, there have been ongoing discussions between Westcliff RFC, the RFU and the applicant about the detailed design and layout of the club house. While a decision by the rugby club on what design option to select is linked to ongoing discussions about the proposed lease for the new site, two potential design options are considered acceptable in principle by the club and the applicant and these have been submitted for information purposes (Drawing References: 0688 A_109 and 0688 A_811 A). It is anticipated that one of these options will be selected (or a potential hybrid of the two). While it would be expected that a section 106 agreement associated with a potential permission for application 15/00781/OUT would be the principal mechanism for setting out the parameters of the design of the replacement club house in order to ensure that a fit for purpose facility is provided which is at least equivalent in quality to the existing club house, any planning permission for this development should also provide parameters for assessing the acceptability of the design of the new club house in view of the lack of detail available at this stage and the need to ensure that it will be at least an equivalent facility. This is pertinent as the applicant may wish to progress a reserved matters submission for a club house before any section 106 agreement on the other application is completed and it will be important that this application provides the parameters for assessing the acceptability of the design if this scenario arises. A conventional planning condition just requiring the submission and approval of the detailed design and layout would not be appropriate as this does not provide any parameters for assessing the acceptability, i.e., a facility with a poor quality design which meets the indicative footprint could be submitted and it could be successfully argued that this would meet the requirement of such a conventional planning condition. Advice on an appropriate condition to address this is set out below.

Car Parking

- 3.38 Only outline permission is sought for the proposed car parking and therefore no details apart from the indicative siting and layout of the car parking to support the use of the rugby club has been submitted with the planning application. The proposals involve providing formal parking spaces to replace those lost on the existing club site (around 81 spaces) plus an overflow parking area which would be provided on a temporary basis. As the number of car parking spaces on the club's existing site is completely inadequate for meeting the club's needs during peak periods at weekends, the club currently depends on on-street parking on Aviation Way and the use of car parks in nearby business units to meet its needs. While there may be potential to provide comparable parking arrangements in the longer term when the proposed adjoining business park is complete and temporary parking

solutions in the short term there is uncertainty about whether this will be deliverable in practice, plus when the club site becomes operational none of the new business park (and the majority of the associated roads) will have been constructed. It is therefore considered imperative that the indicative formal car parking area plus the overflow parking area are delivered in practice to avoid a potential major parking overspill issue arising during peak periods, which would adversely affect the surrounding road network and in turn result in pressure being placed on the rugby club to curtail its activities. Details of the design and layout of the proposed car parking including the overflow area will therefore need to be submitted and approved to demonstrate that acceptable parking arrangements are proposed in practice.

Phasing

- 3.39 As the majority of the application is in outline form, it is unclear at this stage how the different elements of the proposal will be phased to ensure delivery of a completed facility within the timescales required to allow the club to relocate to the new site for the start of the 2017/18 rugby season. While work on the construction of the pitches will need to start as soon as possible to allow them to be ready due to the estimated 16 month period between construction starting and the pitches being ready to use, it is unclear how other elements of the proposal will be phased. A planning condition as suggested below can address this issue.

Conclusion

- 3.40 Without prejudice to our position on the related business park planning application, it is considered that the proposals offer potential to deliver replacement playing fields that would accord with Sport England's playing fields policy and the NPPF, as well as meeting the above objective relating to the protection of facilities. I can therefore confirm that Sport England makes no objection to this planning application. However, this is subject to the following planning conditions being imposed on any planning permission:-

Playing Field Construction Specification and Implementation Programme

- 3.41 As set out above, provision will need to be made for a construction specification for the works to prepare the new playing pitches to be submitted and approved as a pre-commencement requirement. This is necessary because the TGMS feasibility study only sets out outline recommendations for the proposed works. A detailed specification (e.g. with the detailed proposals for undertaking the surface preparation, top soil importation, drainage scheme, sand amelioration, first year maintenance proposals, etc) will need to be prepared to ensure that an appropriate scheme is implemented in practice in response to the study recommendations. An implementation programme for the delivery of the construction works will also need to be prepared to demonstrate that the proposed construction specification can be delivered within the required timescales. The details should be prepared by an agronomist or similar specialist. Without this, there is no certainty that the

playing fields would be prepared as recommended in the feasibility study in practice.

1. No development shall commence until a detailed playing field construction specification including an implementation programme prepared in accordance with the TGMS feasibility study for the construction of winter sports pitches for Westcliff RFC on land off Aviation Way, Southend-on-Sea - 26 June 2015 [Rev 2 02/02/2016] recommendations and in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The approved specification and implementation programme shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

Clubhouse Design and Layout

- 3.42 As set out above, a bespoke condition will be required to ensure that parameters are set out for assessing the acceptability of the detailed design and layout of the club house, as well as ensuring that the details are submitted for approval at reserved matters stage. It is therefore requested that a condition that covers the following matters is imposed:-

- Details of the design and layout of the club house to be submitted and approved (prior to commencement of development of the club house) and for construction in accordance with the approved details;
- Details to accord with Drawing Reference: 0688 A_109 as a minimum (this is the non-RFU compliant layout) and Drawing Reference: 0688 A_811 A as a maximum (this is the RFU compliant layout) but allow flexibility for further iterations of the layouts which fall between the minimum and maximum as this may be required.
- Detailed design and layout to substantially accord with the RFU's Facilities Guidance Note 5 – Changing Rooms and Club Houses <http://www.englandrugby.com/governance/club-support/facilities-kit-and-equipment/clubhouses-and-changing-rooms/>

As set out above, the inclusion of the requirement to accord with either of the referenced drawings provides some certainty that a design will be submitted which is fit for purpose, at least equivalent to the facility that it will replace and has the support of the key stakeholders. Reference to according with RFU design guidance provides further certainty that the design will be acceptable but by including the reference to 'substantially' allows a design (such as that on Drawing Reference: 0688 A_109) that is not fully compliant to be approved.

- 3.43 As this is a bespoke condition to deal with the circumstances of this proposal it is not possible to provide a standard Sport England condition. However, it is recommended that consideration be given to using standard conditions 8 and 9 of our model conditions schedule as a basis for addressing parts of the above requirement. The schedule is on our website at www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/. The condition should not restrict the footprint of the club house to a maximum area as this may prejudice the delivery of one of the proposed options.

Car Parking Design and Layout

- 3.44 As set out above, a condition requiring the submission and approval of details of the design and layout of the proposed car parking including the overflow car parking area is needed. This is required to ensure that adequate parking is provided and that the detailed design and layout is acceptable. A standard condition is not recommended as it is expected that the Council has its own standard conditions for addressing this requirement.

Phasing

- 3.45 As set out above, a pre-commencement condition requiring details of the phasing for the pitch construction works, access road, club house and car parking to be submitted and approved and for the approved phasing programme to be implemented. This is required to demonstrate how the different elements of the development will be phased to ensure completion within the expected timescales. It is suggested that condition 7 from our standard conditions schedule is used as a basis for this condition.
- 3.46 If the Council decides not to attach the above conditions, Sport England would wish to change its position and raise an objection to this application. If you wish to amend the wording of the conditions or use another mechanism in lieu of the conditions, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Essex Bridleways Association

- 3.47 The proposed new access road to the rugby club and the eventual business park will cross over the old Cherry Orchard Lane, which runs alongside the new Cherry Orchard Way from the brick works to just before Aviation Way. This lane connects two bridleways BR47 and BR49 which provide, via the BW underpass, a circular route around Cherry Orchard Way. It also gives access to the bridleways around the country park. We request that the applicant gives further details as to how this crossover is to be treated and to ensure that suitable safe crossing areas are provided for bridleway users.

Neighbours

3.48 2 letters received (including from Westcliff Rugby Club).

3.49 Summary of the comments received:-

- I object to this application. Why are so many people intent on ruining this area?

Westcliff Rugby Club

3.50 Westcliff RFC was established in 1922 and moved to its current club house location in Aviation Way in 1986. The club is midway through a 60 year lease in its existing location where it uses four large rugby pitches, a training area and 7 junior pitches. The club house provides the hub for Westcliff RFC and includes changing rooms, toilets, a physio room, bar, kitchen and function hall. The club is CASC registered and is responsible for all of its own finances. Club financial income consists mainly of membership subscriptions, bar takings and local sponsorship. At any given time the club has around 400 junior players, 100 senior players and between 500 to 1000 active supporters (parents, ex players, etc). Typically, senior rugby is played on Saturdays, junior rugby is played on a Sundays, during weekdays the players train in the evenings, mixed age and ability touch rugby is also played on some evenings and the facilities are used by local schools on some afternoons. The club and its facilities fully meet the requirements of Essex County RFU who consequently use them for County fixtures and County cup finals each season. Westcliff RFC continues to grow its membership and has recently introduced touch rugby to pre-school children, in addition over the coming years the club is seeking to establish both girls and ladies rugby.

3.51 As a result of the decision to develop the new Airport Business Park it has been decided that Westcliff RFC will be moved to a new green field location.

Comments on Issues Related to the Planning Applications

3.52 Policy E6 of the Joint Area Action Plan http://www.rochford.gov.uk/planning/policy/local_development_framework/london_southend_airport requires that the replacement rugby club facilities be at least equivalent to the existing site in terms of the quantity and quality provided and at least equivalent in terms of tenure/management arrangements. It is against this policy which the planning applications should be assessed.

3.53 The location for the new rugby club is in close proximity to the established flood zone for the River Roach. The club is concerned that during key parts of the rugby season the club's pitches may become unplayable due to high water table levels. This concern is heightened by the club's understanding that

it is intended to drain significant areas of the new Airport Business Park via a ditch/swale to the eastern side of the new club location to the already problematic River Roach. Westcliff RFC requests that Rochford District Council and the Environmental Agency consider the impact on flood risk on pitch drainage and hence pitch availability.

- 3.54 It is imperative that good quality pitches suitable for rugby are established in the new location. At the present time the club understands that the developer's intention is to provide drainage on one of the new pitches but not on the other areas of the new location. This matches the situation in respect of installed drainage at the rugby club's current location. Westcliff RFC is seeking to understand whether this approach will result in fit for purpose rugby pitches in the new location, which clearly has different soil mechanics and drainage. Due to the existence of archaeological findings and the restrictions which they impose on excavations, Westcliff RFC has yet to see evidence which demonstrates that at least an equivalent drainage scheme will be feasible at the new site. In the event that the new pitches are not adequately drained and as a result become unplayable for periods, the impact on the club's operations and finances will be significant.
- 3.55 Usage of the rugby club's facilities is focused into peak times during the week. Typically during weekdays, around 50 to 60 cars might need to access the rugby club during the evening period between 7pm and 9pm for rugby training sessions. However, at the weekend usage rises considerably with potentially 150 cars and one or two coaches visiting the club on Saturdays between 1pm and 5pm and potentially 300 cars and one or two coaches visiting on Sundays between 10am and 1pm. The club is concerned that the access road will need to be designed to ensure a reasonable flow of traffic into and out of the club's new location. This concern is heightened by the fact that a good number of users will only visit the club once per season (away team) which means they will be unfamiliar with the access and parking arrangements. In addition, it is essential that access to the club is available to emergency services vehicles during the peak usage periods. The club would prefer separate access and egress roads. Westcliff RFC requests that attention is given to the traffic/parking implications of the club being moved to the new location by both Rochford District Council and Essex County Council. The applicant has not identified the matter as an issue in their Transport Assessment as they see the club being used during off peak periods.
- 3.56 In light of the numbers of cars which visit the club during the weekend, the club is concerned that adequate provision for parking needs to be factored into the design of the club's new facilities and the environs of the new Business Park. Westcliff RFC currently relies upon access to significant parking capacity on Aviation Way and in the neighbouring commercial units of Aviation Way. Given the large number of young children that use the club for their sporting recreation there is a significant safety issue if small excited children are required to cross busy roads on a long journey by foot to the club. In addition, there are usually three or four days during the season when the

club hosts rugby festival events (for example the Essex County mini rugby festival) and this can boost the number of players to in excess of 500 and spectators/cars accordingly. As a result, Westcliff RFC does not believe that its parking requirements can be contained within the confines of the new site.

- 3.57 The club has begun discussions with the developer with regard to the design of the new club house. The principle established within the JAAP is that the club's new club house will be at least equivalent to the existing club house. Latest building regulations and also guidance from Sport England and the Rugby Football Union are likely to result in the new club house being larger than the existing club house in order to provide the same level of functionality. In addition the specification for the construction of the club house has not yet been addressed. The club believes that it is imperative that the design and specification issues are embedded in the planning process to ensure fitness for purpose and hence the long term viability of the club. In addition to the club house the club currently has access to three container units in which it stores rugby and maintenance equipment. A replacement for this storage capacity will be required in the new location. It is essential that any Section 106 agreement between the developer and Rochford District Council makes provision for the delivery of at least an equivalent facility.
- 3.58 The club currently has two flood light areas: one fully lighted pitch and a separately lighted training area. These will need to be replicated in the new location as flood lights are essential if the club is to deliver the opportunity for rugby training to its senior and junior players during the period when daylight is not available in the evening.
- 3.59 It is vital for the financial viability of Westcliff RFC that the impact of the construction works on the club's ongoing operations are carefully managed and limited. Initial suggestions have been that the club could lose half of its playing surface for a period of at least one year during the period 2016 to 2017. This would be unacceptable to the club due to the damaging impact it would have on club finances and player retention. The club is seeking to reach a compromise solution with the developer which would involve limiting the loss to a smaller area and would involve the establishment of suitable alternative facilities elsewhere. In addition, for health and safety reasons, it will not be acceptable to Westcliff RFC to start using pitches in the new area until adequate supporting facilities (such as First Aid support) are properly established.
- 3.60 The maintenance regime for the new pitches, especially in the early years, will be a key contributor to ensuring that the new pitches are fit for purpose. The club has yet to develop an understanding with Southend Borough Council about the way in which pitch maintenance will be provided. It is essential that an annual maintenance programme which will ensure at least an equivalent playing surface is established. The impact of the archaeological findings to pitch construction and the associated maintenance regime need to be established.

- 3.61 Policy E6 of the JAAP requires that at least equivalent tenure/management arrangements be established at the new site. Westcliff RFC requests that the planning approval requires that a new lease be granted to the club and the Heads of Terms should be captured within a section 106 agreement. The planning application does not contain any details about the new lease.

On behalf of Westcliff RFC, I would like to confirm that the club is working positively towards facilitating the development of the new Airport Business Park. The club's comments are intended to ensure that the club's future is secured for the benefit of its members/visitors and the club's important role of providing recreational rugby within the community is protected. It is imperative that the club's facilities and functionality are not downgraded as a result of the necessary relocation.

4 MATERIAL PLANNING CONSIDERATIONS

Principle of Development

- 4.1 The proposed development has to be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The adopted Development Plan consists of the London Southend Airport and Environs Joint Area Action Plan (JAAP) adopted December 2014, the Rochford District Core Strategy adopted December 2011, the Allocations Plan adopted February 2014 and the Development Management Plan adopted December 2014.
- 4.3 The JAAP was prepared by Rochford District Council and Southend-on-Sea Borough Council in response to the opportunities offered by London Southend Airport for expansion and regeneration of its environs. The plan allocates a large area of land to the east of the airport and north of Aviation Way industrial estate to create a new business park which will provide significant employment growth. Part of the land allocated for the new business park includes the site of Westcliff Rugby Club and the need to relocate this facility was acknowledged in the JAAP with the allocation of land to the north for such purpose as set out in Policy ENV2.
- 4.4 Following the adoption of the JAAP in December 2014, the application site is now allocated for the provision of a replacement rugby club including pitches and the development is therefore acceptable in principle, in accordance with Policy ENV2. It is noted that the application site does not include all of the land allocated for open space in this location in the JAAP as this allocation includes land extending northwards up to the Noblesgreen Brook; this land would remain agricultural.

- 4.5 As the site is allocated for the replacement rugby pitches and club the proposal would accord with Policy DM16, which allows for replacement playing pitches in the Green Belt. The proposal would also accord with Policy CLT10 which also relates to the provision of new playing pitches. The site remains designated as Metropolitan Green Belt where the provision of outdoor sports pitches and facilities is acceptable in principle, as detailed in the National Planning Policy Framework. The principle of the proposed development would therefore also accord with national Green Belt policy, as set out in the NPPF.

Layout

- 4.6 Four senior pitches, five junior pitches and a training pitch are proposed with the majority of the pitches oriented east-west. The pitches would occupy the majority of the site set in from the site boundaries by some 20-25 metres.
- 4.7 The position of the club house is shown to be towards the southern boundary of the site centrally positioned in relation to one of the senior pitches. This layout would enable a viewing platform to be incorporated within the club house design so that main matches could be viewed easily. Car parking providing a total of 81 spaces is shown to be provided between the club house and the southern boundary accessed via a road which would link to the proposed business park to the south. Two coach parking bays are also shown to the southern side of the access road.
- 4.8 The layout in respect of the club house and parking is indicative as layout is a matter that would be determined in a later reserved matters application if outline consent were granted. The position of the proposed vehicular access to the site is for determination and the position as shown, towards the south-eastern corner is not objectionable. The position of the pitches is also for determination at this stage as full permission is sought in respect of these; there is no objection to the layout of the proposed pitches.
- 4.9 Although the position of the club house and the car parking is only indicatively shown at present, the submitted parameters plan confirms that these would have to be accommodated within the area between the southern boundary and the pitches. The position of the club house and car parking would therefore be likely to be that as shown on the indicative plan or very similar to that proposed at the later reserved matters stage. There is no objection to the position of the proposed club house and car parking which would be positioned in close proximity to the proposed business park to the south with the car parking shielded to an extent from longer public views between the club house and the southern boundary. In terms of minimising impact on the character of the landscape the clubhouse and car parking as positioned is preferable to positioning further north.

Scale

- 4.10 The existing club house is 2 storeys in height and the proposed replacement has also been indicated to be 2 storeys; in principle this would not be objectionable.
- 4.11 The exact size of the proposed replacement club house building in terms of floor space is not known at this stage as discussions are ongoing with the club to establish a final agreed floor plan and design. However, parameters have been established between which the floor space of the new club house would likely lie; the smaller of the options would have an overall gross floor space of 837.8 square metres whilst the larger option would be 989 square metres. The latter option would be Rugby Football Union compliant whilst the former would not. Both would be larger than the existing club house which has a gross floor space of 833 square metres. Scale, which includes height and floor area, is, however, a matter for consideration at a later Reserved Matters stage.
- 4.12 The JAAP requires that a replacement rugby club including playing pitches is provided that is equivalent to the existing which would be re-developed. Equivalent does not mean that the replacement provision need necessarily be the same in terms of the size or design of club house and it may be that the replacement would be proposed slightly larger in order to achieve compliance with up-to-date standards.
- 4.13 The provision of *appropriate* facilities for outdoor sport does not amount to inappropriate development within the Green Belt. The judgment as to whether the proposed new club house would be of an appropriate scale such as not to conflict with Green Belt policy would be for a reserved matters application when details of the height and bulk of the building would be provided.
- 4.14 No change to existing land levels is shown on the submitted layout plans for the proposed pitches. The applicant has advised that any change in land levels to provide the pitches would be confirmed once details of required archaeological investigation has been established. A condition is recommended to require details of any proposed change in land level to be submitted to and agreed in writing by the LPA prior to commencement.

Landscaping

- 4.15 Given the open agricultural field context surrounding to the north and east it is not considered necessary to require any landscaping to the rugby pitches; it is considered best to retain the open treeless character. The layout plan shows indicative tree planting in and around the club house and car parking area. Tree planting and other soft landscaping would be important here, particularly to the car park to help soften the area. The car park surface finish would also be an important consideration given the Green Belt designation and might be best provided as a grasscrete or other sympathetic material finish. Details of

this and other hard and soft landscaping would be considered at the reserved matters stage in respect of the club house and car parking.

Access

- 4.16 Access to the site would be via the proposed business park to the south with the access point located towards the south western corner of the site. The Highways Authority raises no objection to the position or size of the proposed access to the site and this is therefore considered acceptable.

Public Right of Way/Footpath

- 4.17 The existing PROW footpath which runs along the eastern boundary of the site would remain unaffected by the proposed development.
- 4.18 The London Southend Airport and Environs Joint Area Action Plan – Walking and Cycling ‘Greenway Network’ – Linking the Community document was completed in December 2015. This is a joint study on behalf of Southend Borough Council, Essex County Council and Rochford District Council and outlines the actions required to create a Greenway Network of cycling and walking routes to the north and east of the proposed new business park that forms part of the JAAP. Policy T5 of the JAAP requires the establishment of a segregated route for walking and cycling to the north of the JAAP area linking to Hall Road and funded through the business park development. The intention is to provide a means for local residents to access employment and education, services and key attractions using sustainable modes of transport in a mainly traffic free environment.
- 4.19 The report includes an annotated plan for the Greenway which in relation to the proposed relocated rugby club site shows the extended Greenway running just outside the site to the west of the site’s western boundary. This section is shown to extend to the north up to the Noblesgreen Brook and beyond to Cherry Orchard Country Park. Given that the greater impact in terms of traffic movements would arise from the proposed business park application it is anticipated that the delivery of this Greenway Network would be a requirement of any planning consent issued for the proposed new business park.

Flood Risk

- 4.20 The site is in the vast majority within flood zone 1 which is land at the lowest risk of flooding. All of the proposed development including all of the proposed pitches and the site for the proposed club house, car parking and access road would be contained within that part of the site designated as flood zone 1. All forms of development are considered appropriate in flood zone 1 and there is therefore no objection to the development on flood risk grounds; the development would be at low risk of river and tidal flooding.

- 4.21 The site includes a narrow strip of land which extends northwards to meet the River Roach and a part of is designated as flood zone 3; no development is, however, proposed here as the land would be used to provide a swale as part of the drainage system for the rugby club and business park to the south whose drainage systems would be linked.

Surface Water Drainage

- 4.22 The site is agricultural land and consequently the surface water run off from the existing undeveloped site would be a green field run off rate. This rate has been calculated using the method set out in the Environment Agency document W5-074a Preliminary Rain Fall Run Off for Developments and is as follows, with the total area of the site for the purpose of the calculations being 21.25 hectares (including the land to the south on which the new business park is proposed):-

- 24.2 litres per second for 1 in 1 year rainfall events
- 65.5 litres per second for 1 in 30 year rainfall events
- 90.8 litres per second for 1 in 100 year rainfall events

- 4.23 The geology of the site is such that it is unlikely that infiltration would be a viable method for the discharge of surface water, however intrusive site investigations and permeability testing would be undertaken to confirm this.
- 4.24 The Essex County Council Sustainable Urban Drainage Systems Guidance requires that surface water run off from all new development is restricted to the 1 in 1 year green field discharge rate. In addition all surface water run off from impermeable surfaces must be treated to remove any pollutants that may otherwise discharge to the receiving water course; 1 treatment stage is required for roofs, 2 for roads and car parking areas and 3 for loading bays.
- 4.25 The indicative surface water drainage strategy for the proposed rugby club has been integrated within the surface water drainage strategy for the proposed business park. The overall strategy would ensure that surface water run off would be attenuated on site and discharged at the 1 in 1 year green field run off rate for all rain fall events up to and including the 1 in 100 year rain fall event inclusive of climate change.
- 4.26 Surface water run off from the rugby club is proposed to be limited to 1.5 l/s into the new business park drainage network, with attenuation for flows above this rate being provided within the rugby club car park.
- 4.27 An outline surface water drainage strategy for the rugby club and business park has been developed which proposes that the surface water from the club house and car park run into the surface water system for the new business park to the south. The indicative drainage strategy includes swales, basins, attenuation ponds and main surface water drains. Surface water would be

discharged from the low part of the new business park site in the north east corner, via a flow control device to limit the discharge to the 1 in 1 year green field run off rate of 24.2 l/s to the north to the River Roach. The surface water drainage strategy would incorporate the minimum number of treatment stages required by ECC guidance.

- 4.28 The main rugby pitch is to be drained via sub surface drains and is proposed that this water would be collected and discharged to the River Roach via the proposed swale from the new business park which would run in a north-south direction along the far eastern boundary. It is proposed that this surface water be unattenuated.

Foul Drainage

- 4.29 Foul water drainage for the proposed rugby club would be incorporated into the foul drainage network for the new business park site.
- 4.30 Anglian Water has confirmed that discharge of foul water to the public sewer in Cherry Orchard Way would be possible. Due to the site topography it is not feasible to achieve discharge via a gravity connection and a pumping station would therefore be required which would be accommodated within the new business park site.
- 4.31 As the foul flow from the site would be discharged via a pumped outfall, 24 hour emergency storage of foul flows would be required due to the risk of failure of the pumps due to power failure or other cause which would be provided by underground tanks in the new business park site.

Proximity to Major Hazard Site

- 4.32 The site falls within the consultation zone of the Major Hazard Site at Cherry Orchard Brick Works and requires the Council to run the proposed development through the Health and Safety Executives Web App to determine whether the HSE would raise objection to the proposal; the result of this is that the HSE would advise against the proposed development. Given that the brick works on Cherry Orchard Way is now no longer operational and allocated for development as part of the JAAP business park it is considered that the proposed development would be at no risk from the potentially hazardous substances that this site previously had consent to store/use. If the Council determines to grant planning permission for the proposed development the HSE would have to be consulted for its view on whether it would wish the development proposal to be referred to the Secretary of State in relation to this matter.

Trees

- 4.33 There are hedgerows containing trees along the site boundaries although none of these are subject to Tree Preservation Order (TPO). The proposed

development would not directly affect any trees at the site and would therefore have no adverse impact in accordance with the requirements of Policy DM25.

Flood Lights

- 4.34 Two of the proposed pitches would be flood lit and the proposal is to re-use the flood light columns at the existing site in addition to some new columns. The existing columns are of simple design considered acceptable in the Green Belt setting. Precise details of lighting attachments, including illumination and position of the columns around the two pitches, would have to be submitted and agreed by way of condition. The details would have to take account of airport requirements in respect of lighting and minimise impact on bats which can be unduly affected by light spill.

Highways

- 4.35 The proposed development would not be likely to generate greater traffic movements than already occur in relation to the existing rugby club as the proposal is for equivalent provision. Although the club house may be slightly greater in floor area than the existing, subject to what is proposed at the Reserved Matters stage, and it is possible that the replacement club may attract more users, any increase in demand would not be likely to generate increased traffic movements such as would have a material effect on the highway network.
- 4.36 Vehicular access to the new rugby club would be via the new business park proposed to the south which would result in traffic being directed from and back onto Cherry Orchard Way. The existing club is accessed via Aviation Way which in turn joins Cherry Orchard Way so the new site would not fundamentally alter traffic on the surrounding highway network.
- 4.37 Essex County Council Highways Authority has raised no objection, subject to several planning conditions and these are duly recommended.

Parking

- 4.38 The adopted parking standard states a maximum parking provision for outdoor sports pitches of 20 spaces per pitch plus 1 space per 10 spectator seats. Ten pitches are proposed which would equate to a maximum parking provision of 200 spaces. No spectator seats are specifically proposed. 81 spaces are shown on the indicative layout with further space to accommodate overflow parking.
- 4.39 The requirement in the JAAP is that the replacement rugby pitches should be equivalent to the existing provision. Westcliff Rugby Club at present benefits from 81 on-site car parking spaces. The club also, however, has an informal arrangement to use car parking spaces at nearby business premises in Aviation Way which do not need the spaces themselves after work hours or at weekends. In addition to this the club's parking requirement overflows onto

Aviation Way which is an unadopted road and subject to no parking restrictions.

- 4.40 It is clear that at peak times, especially weekends, the rugby club needs more than 81 spaces to cater for car parking demand. The club has estimated that at peak times on Sundays some 300 spaces might be required. The possibility of informal agreement with businesses in the new business park to use their parking provision is an unknown and there is no guarantee that the roads within the new business park would remain unadopted in the longer term allowing for on-street parking. However, it is considered likely that even if the roads in the new business park were adopted any parking restrictions would be unlikely to prevent overspill parking at the weekends when the greater demand exists.
- 4.41 Whilst there is a need to ensure that a parking problem is not created as a result of inadequate provision on site, the site for the relocated rugby club remains Green Belt where impact on openness and character should be kept to a minimum. Given the uncertainty over the possibility of overflow parking on the adjoining proposed business park and the clear need for additional parking at the weekends it is considered necessary to require that the 81 formal parking spaces be provided in addition to the overflow parking area with the latter provided with a grasscrete surface to reduce visual impact when not in use.
- 4.42 The recently completed Greenway document includes proposals for an extended car park at the western edge of the nearby Country Park. This further additional parking may form a requirement of any planning consent issued in respect of the proposed new business park. The Country Park car park is within easy walking distance of the new rugby club site via the underpass which runs under Cherry Orchard Way and would provide further overflow parking.
- 4.43 A minimum amount of cycle storage at 10 spaces plus 1 space per 10 vehicle spaces should also be provided. 19 cycle spaces would be conditioned to be provided.
- 4.44 Space for powered two wheelers should also be provided as a minimum at 1 space plus 1 space per 20 car parking spaces. Space to park 6 powered two wheelers would also be required by condition.
- 4.45 Disabled bays should also be provided as a minimum at 3 bays or 6 per cent of total, whichever is the greater. 5 disabled bays would be conditioned to be required.
- 4.46 Coach parking must also be considered for outdoor sports pitch uses and in this regard space to park two coaches is also shown on the indicative layout. A condition is recommended to require this be provided.

Environmental Sustainability

- 4.47 The Council requires that all new non-residential developments meet a high standard of environmental sustainability. Buildings should meet, as a minimum, the BREEAM (Building Research Establishment Environmental Assessment Method) rating of 'Very Good' unless such requirements would render the development economically unviable. The applicant has sent out in the Sustainability Strategy that key principles of the BREEAM 'Excellent' and 'Very Good' ratings would be followed. A condition to require that the new rugby club house achieves a BREEAM rating of 'Very Good' as a minimum subject to viability is recommended, which would achieve compliance with Policy ENV10.
- 4.48 Policy ENV8 requires that non-residential developments of over 1000 square metres of floor space secure at least 10 per cent of their energy from decentralised and renewable or low carbon sources, subject to viability. As the replacement club house would fall slightly short of 1000 square metres no condition is recommended to require that this be achieved.

Ecology – Protected Sites and Species

- 4.49 Certain species and habitats are protected by law and in addition section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Authorities to have regard to the conservation of biodiversity when carrying out their normal functions including in the determination of planning applications. Planning policy at the local and national level also requires consideration of impact on ecology. Policy DM27 requires consideration of the impact of development on the natural landscape including protected habitat and species and the NPPF also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity.
- 4.50 The site comprises an arable field in active management with associated boundary hedgerows and linear scrub habitats including the River Roach corridor to the northern boundary. There are a number of mature trees to the eastern and northern boundaries.
- 4.51 A phase 1 habitat survey was undertaken at the site in July 2015 which identified potential for the presence of bats, badgers, great crested newts, reptiles and breeding birds. Further detailed surveys/assessments were subsequently undertaken in respect of these, save for breeding birds, the survey for which could not be undertaken in the appropriate survey period before the application submission. This survey will be undertaken in the appropriate season in 2016 but as a precautionary measure a planning condition is recommended requiring alternative habitat for ground nesting species to be provided on adjacent farmland as the site is considered likely to offer foraging and nesting potential for ground nesting species, including Skylark. The recommended condition would provide adequate mitigation.

- 4.52 All other survey work was undertaken by a suitably qualified ecologist and carried out within the optimum survey season for each species or within reasonable parameters of this with no significant limitation to results as a consequence.
- 4.53 Assessment of mature trees was carried out in August 2015 to ascertain their potential to support bat roosts in addition to bat activity surveys. Trees of interest for bat roosting potential are located on the western and northern boundaries and these would not be directly affected by the proposed development. Activity surveys recorded the presence of several species. Interest for foraging bats would be restricted to the scrubby field boundaries which also would not be directly affected as a field margin would be retained around the proposed rugby pitches. To reduce the impact on bats, external flood lighting would be required to be designed to take account of guidelines for bat conservation and not result in illumination or light spill to the western and northern boundaries. By way of ecological enhancement 10 additional bat boxes would be placed in trees along the site's northern boundary.
- 4.54 Five ponds in the vicinity of the site were assessed for their potential to support great crested newts. Two of these were identified as containing suitable habitat but both had poor connectivity to the application site due to the presence of the River Roach as an intervening feature and no further detailed survey is therefore necessary as the site is considered unlikely to provide habitat which supports this species.
- 4.55 A walkover survey of the site was undertaken in August 2015. One active sett was found on the western boundary, along with other evidence of badger activity across the site. The layout of the proposed development has taken account of this and development is not proposed in the vicinity of the sett. Although the proposal would result in the loss of foraging habitat, badgers can adapt easily and it is anticipated that the present use of the sett would remain unchanged although foraging behaviour would necessarily alter. An exclusion zone of 25 metres would have to be put in place around the sett during construction to prevent damage; this would be required by condition.
- 4.56 A full survey of the site to establish the presence/absence of reptiles was undertaken which returned negative results. The site is considered unlikely to support reptiles and no mitigation is therefore required.
- 4.57 In addition to the condition requiring alternative provision of habitat for ground nesting birds the proposed development would require the removal of a small section of hedge to enable provision of the vehicular access to the site which may support nesting birds. This hedge clearance must be carried out outside of the bird breeding season (March to August inclusive) and a condition to require such is recommended.
- 4.58 If the removal of vegetation during the nesting season is not possible then a prior check should be made by an experienced ecologist. If nests are

recorded then works would need to cease until such time as nesting activity has ceased and any young have fledged.

- 4.59 The site has ecological value, however several planning conditions are recommended to require mitigation and measures to avoid harm to ensure that the proposed development would not impact adversely on protected species or habitat of ecological value. This approach is consistent with both national and local planning policy, which advises that planning permission should only be refused if significant harm resulting from development cannot be avoided, adequately mitigated or as a last resort compensated for.

Archaeology

- 4.60 This application is accompanied by an archaeological assessment of the site which includes the results of a desk-based evaluation of the archaeological record. Field walking and trial trenching were undertaken at the site in 1996 and 1997 respectively and revealed a high level of archaeological features including a multi-period settlement site; the site is considered to be of high significance/potential. A detailed gradiometer survey was conducted over the site in August 2015 which confirmed archaeological significance of the site with ditch-like features and pit features identified.
- 4.61 The submitted archaeological report recommends that ground disturbance (e.g. drainage/levelling) to provide the sports pitches should be kept to a minimum and if any land is to be raised or levelled this should be undertaken without removing existing top soil. Any drainage requirements should be restricted to within the top soil level of 0.3m unless the site is artificially raised. Any intrusive grounds works would require detailed open archaeological excavation.
- 4.62 Essex County Council Archaeology Team has considered the archaeological potential of the site and raises no objection to the proposal providing that further archaeological field work including a mitigation strategy is carried out before any ground works commence associated with delivery of the development proposed. A post-excavation assessment would also have to be submitted within 6 months of the completion of field work; conditions are duly recommended.

Listed Buildings

- 4.63 There are two Listed Buildings that can be seen from the site but both are some distance away. The Grade II Listed St. Andrews Church is partially visible from the site's northern boundary but some 840 metres to the east, whilst the Grade II Listed Cherry Orchard house is sited some 340 metres to the south-west. In addition there is Rochford Hundred Golf Club which is also a Listed Building and is positioned adjacent to the church. It is considered that the proposed replacement rugby pitches and associated development including the club house and car parking would be not impact adversely on the setting of either of these heritage assets.

- 4.64 There are also four World War II pillboxes, two of which are positioned close to the site's southern boundary. The proposal would not impact directly or adversely affect the setting of these non-designated heritage assets.

Contamination

- 4.65 Policy ENV11 advises that the presence of contaminated land is not in itself a reason to resist development but requires that sites are subject to thorough investigation and that necessary remediation is carried out. Subject to the recommended conditions, the proposal would comply with this policy.

Noise

- 4.66 National planning practice guidance requires that noise needs to be considered when new developments may create additional noise. This relates to requirements in the NPPF which require that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate impacts, including through the use of conditions.

- 4.67 Although the proposed development would generate an increased degree of noise associated with rugby training and matches it is considered that the noise would not be likely to generate significant adverse impacts on health and quality of life of the occupants of nearby residential dwellings the closest gardens for which are some 250 metres from the site with the closest some 270 metres away. The existing rugby club is approximately the same distance from the dwellings on Cherry Orchard Way and directly adjoining the Cherry Orchard Farmhouse.

Air Quality

- 4.68 The proposed development would not be considered to have any greater effect on air quality than the existing rugby club, which the proposed development would replace, given that both would generate roughly equivalent traffic movements.

5 CONCLUSION

- 5.1 In determining this application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The application site is allocated for the proposed rugby club by Policy ENV2 of the JAAP and is therefore acceptable in principle. The proposed access is suitably positioned and not objectionable. The proposed rugby pitches are suitably laid out on the site and would be appropriate development in the Green Belt.

- 5.3 The recommended conditions would adequately mitigate impacts associated with the development, including those related to the highway network, flood risk and archaeology.
- 5.4 The proposal is policy compliant with respect to relevant JAAP, Core Strategy and other planning policies and there are no material planning reasons to refuse consent.

6 RECOMMENDATION

- 6.1 It is proposed that the Committee **RESOLVES**

That the application be **APPROVED**, subject to the following heads of conditions and following consultation with the HSE as to whether they would request that the application be called in for determination by the Secretary of State:-

- (1) No development shall commence within that area of the site edged and shaded pink on Drawing Number A_8114 Rev A until plans and particulars showing precise details of the layout, scale, design, external appearance, access (save for vehicular access to the site as shown on the approved plan Drawing Number A_8116 Rev A) and landscaping of the site, (herein after called the "Reserved Matters"), have been submitted to and approved in writing by the Local Planning Authority. All development at the site shall be carried out in accordance with the Reserved Matters details approved.
- (2) In the case of the Reserved Matters, application for the first reserved matters application for approval shall be made no later than the expiration of two years beginning with the date of this permission. Application for the approval of the remaining "Reserved Matters" shall be made to the Local Planning Authority before the expiration of three years from the date of this planning permission.
- (3) The development hereby permitted in respect of the rugby pitches, as shown on Drawing Number A_8114 Rev A, shall be begun before the expiration of three years from the date of this permission.
- (4) The development hereby approved shall be constructed in strict accordance with the following approved plans: Details of Proposed Access (A_8116 Rev A), Pitch Layout & Access Detail (A_8113 Rev A), Proposed Building Heights (A_8115 Rev A), Proposed Development Areas (A_8114 Rev A), Details of Proposed Access (A_8116 Rev A), Location Plan (A_0101 Rev D).
- (5) No development or preliminary ground works of any kind shall commence at the site until field work, as detailed in a mitigation strategy which shall have been submitted to and approved in writing by

the Local Planning Authority, has been completed and written confirmation that the archaeological field work has been completed. Written confirmation that the archaeological field work has been completed in accordance with the agreed strategy shall need to have been issued by Essex County Council's Archaeological Officer and submitted to and agreed by the Local Planning Authority (LPA) within a timeframe that shall have previously been submitted to and agreed by the LPA.

Within 6 months of the completion of the field work agreed in any mitigation strategy, a post excavation assessment to include completed post excavation analysis, a full site archive and report ready for deposition at a local museum and a publication report shall be submitted to and agreed in writing by the Local Planning Authority.

- (6) A detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, must be submitted to and approved in writing by the Local Planning Authority.

This should be based on the outline drainage strategy SJC/582098/JRC-RC-DS Rev1 and the following mitigation measures:-

- Limiting the discharge from the site to 24.2l/s
- Providing attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.
- Providing the necessary number of treatment stages associated with each element of the development

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

- (7) The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall be implemented as approved.
- (8) Prior to practical completion of the development hereby approved the applicant must submit a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.

- (9) The (adopting) body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.
- (10) Prior to first use of the development a vehicular turning facility for the largest vehicles accessing the site, of a design to be approved in writing by the Local Planning Authority, shall be constructed, surfaced and retained free from obstruction within the site at all times for that sole purpose.
- (11) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
- (12) The public's rights and ease of passage over local public footpath no. 40 shall be maintained free and unobstructed at all times.
- (13) The removal of any vegetation at the site must take place outside of the bird breeding season (March to August inclusive). If this is not possible a prior check of the vegetation proposed for removal must be undertaken by an experienced ecologist and confirmation that no nests were present submitted to and agreed in writing by the Local Planning Authority before any clearance of vegetation takes place.
- (14) A survey for breeding birds shall be carried out at the site in the appropriate season in 2016 and the results submitted to and agreed in writing by the Local Planning Authority. Skylark nesting plots shall be created (and confirmation provided of their provision) on adjoining farmland in accordance with the details that shall have been previously submitted to and agreed in writing by the Local Planning Authority prior to commencement of ground works at the site unless the LPA confirms that this provision is no longer required as a result of the survey work undertaken.
- (15) Prior to the commencement of development at the site details of exclusion fencing to be placed a minimum of 25 metres from the

badger sett at the site shall be submitted to and agreed in writing by the Local Planning Authority. Fencing as agreed shall be erected and retained in place throughout the duration of construction operations at the site.

- (16) Prior to the erection of any flood lighting at the site details of the proposed flood lighting shall be submitted to and approved in writing by the Local Planning Authority. Details should demonstrate accordance with design principles and considerations as per guidelines from the Bat Conservation Trust, as set out at 6.1.2 of the Ecological Appraisal and Protected Species Surveys October 2015 report accompanying the planning application and compliance with CAP 168.
- (17) Only those lights as agreed in respect of condition 18 above shall be installed at the site and be retained in perpetuity. Only the senior pitch 1 and training pitch as shown on the approved layout Drawing Number A_8113 Revision A shall be flood lit.
- (18) Prior to the first beneficial use of the new rugby pitches hereby approved 8 No. bat roosting boxes shall be installed on mature trees along the northern river corridor and retained in perpetuity in accordance with details that shall have been previously submitted to and agreed in writing by the Local Planning Authority.
- (19) No ground work or development shall take place until a tree protection plan and method statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures as agreed shall be implemented on site prior to commencement of development and retained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.
- (20) Prior to first use of the rugby pitches and/or club house hereby approved on site parking shall be provided, hard surfaced, sealed and marked out in parking bays for 81 spaces each to the preferred bay size of 5.5 metres by 2.9 metres and in addition an overflow parking area with a grasscrete surface shall be provided with minimum dimensions of 37 metres by 32 metres in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. All parking as agreed and provided shall be retained on site in perpetuity and not used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- (21) No works shall commence to facilitate the development hereby approved (including any ground works), until sub conditions 2 to 4 below have been complied with in full. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the

extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 "Site Characterisation", and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2 "Submission of Remediation Scheme", which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3 "Implementation of Approved Remediation Scheme".

5. Validation Certificate

Prior to first use of the club house hereby approved and the provision of any services, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 2 "Submission of Remediation Scheme" above.

This certificate is attached to the planning notification.

- (22) A Dust Management Plan shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of works and shall be implemented in full for the duration of the construction works.
- (23) Details of cycle storage to provide a minimum of 19 spaces, designated spaces to park a minimum of 6 powered two-wheelers, a minimum of 5 disabled bays and a minimum of two coach parking bays shall be submitted to and agreed in writing by the Local Planning Authority prior to installation on site which shall in turn be completed prior to first use of the rugby pitches and/or club house hereby approved.
- (24) The rugby club house hereby approved shall meet the BREEAM (Building Research Establishment Environmental Assessment Method) rating of 'Very Good' as a minimum unless such requirements would render the development economically unviable in which case details as to why the building cannot viably achieve the 'Very Good' rating and what standard can be achieved shall be submitted to and agreed in writing by the Local Planning Authority and the building will be constructed in accordance with the details agreed.
- (25) No development shall commence until a detailed playing field construction specification including an implementation programme prepared in accordance with the TGMS feasibility study for the construction of winter sports pitches for Westcliff RFC on land off Aviation Way, Southend-on-Sea - 26 June 2015 [Rev 2 02/02/2016] recommendations and in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The approved specification and implementation programme shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.
- (26) The floor space of the club house hereby approved shall accord with Drawing Reference: 0688 A_109 as a minimum (this is the non-RFU compliant layout) and Drawing Reference: 0688 A_811 A as a maximum (this is the RFU compliant layout), but allow flexibility for further iterations of the layouts, which fall between the minimum and

maximum, as this may be required and submitted for consideration at the Reserved Matters stage.

- (27) Prior to first use of the rugby pitches and or club house as hereby approved, the vehicular access to the site shall be constructed to tie into the existing carriageway at the site boundary, which has been provided and inclusive of wearing course and provision of footways on both sides.
- (28) Prior to commencement of the development hereby approved details of existing and proposed land levels for the proposed rugby pitches shall be submitted to and approved in writing by the Local Planning Authority. Levels shall be provided on site in accordance with the details as agreed.



Christine Lyons

Assistant Director

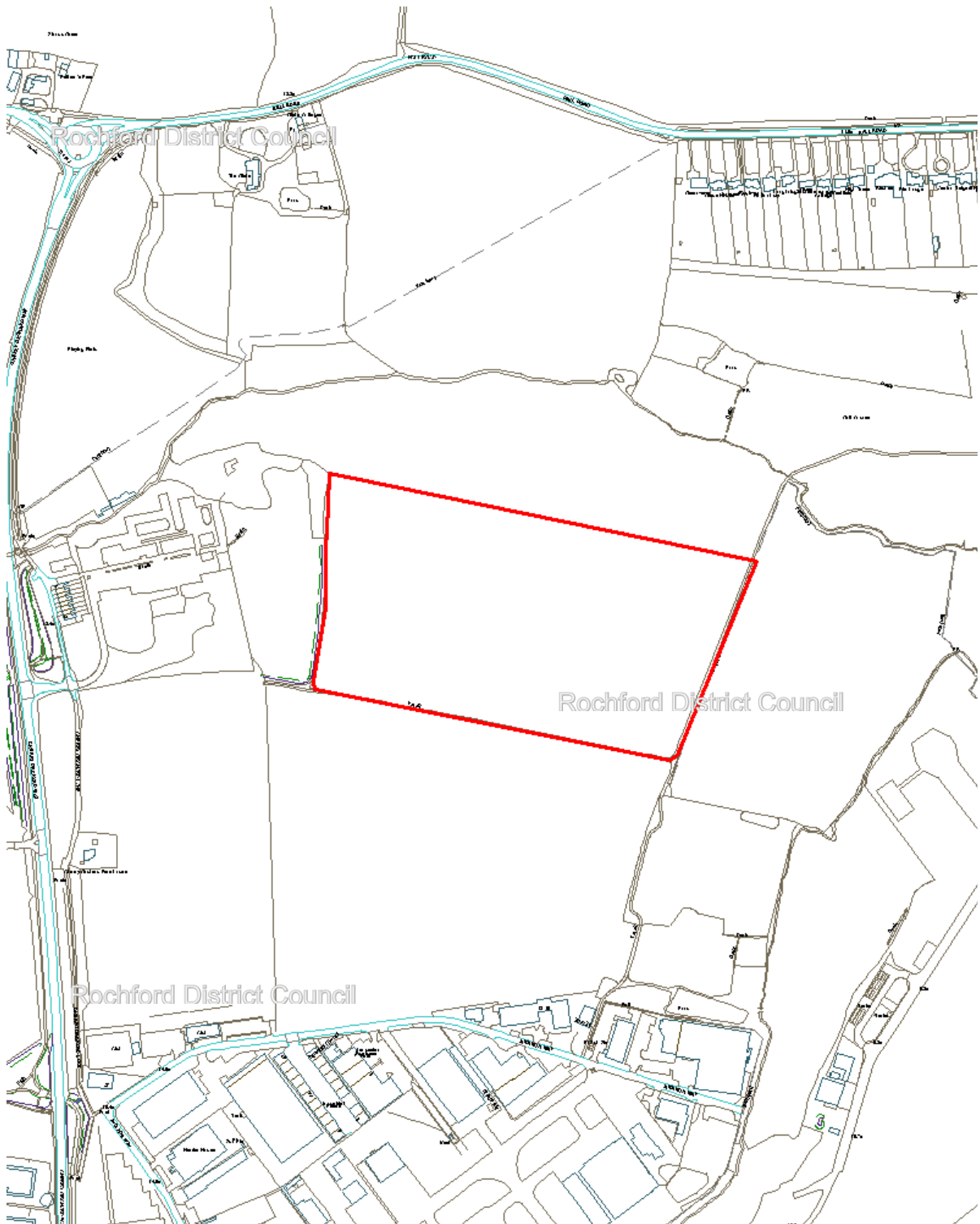
Relevant Development Plan Policies and Proposals

Policies ENV2, T3, T4, T5, ENV5 and ENV7 of the London Southend Airport and Environs Joint Area Action Plan (JAAP) (adopted December 2014).
Policies GB1, ENV1, ENV3, ENV10, ENV11, CLT10, T1, T5, T6, T7 and T8 of the Rochford District Core Strategy 2011.
National Planning Policy Framework (NPPF)
Parking Standards Design And Good Practice Supplementary Planning Document (Adopted December 2010).
Policies DM1, DM5, DM16, DM25, DM26, DM27, DM29, DM30 and DM31 of the Development Management Document (Adopted December 2014).
Allocations Plan (2014)

For further information please contact Katie Rodgers on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.



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