

DR/21/20

Report to: DEVELOPMENT & REGULATION (24 JULY 2020)

Proposal: COUNTY COUNCIL DEVELOPMENT - Provision of a new Multi Use Games Area (MUGA) and associated works and the provision of a new emergency vehicular access from Paxman Avenue to replace the existing emergency vehicle access from Walnut Way

Ref: CC/COL/100/19

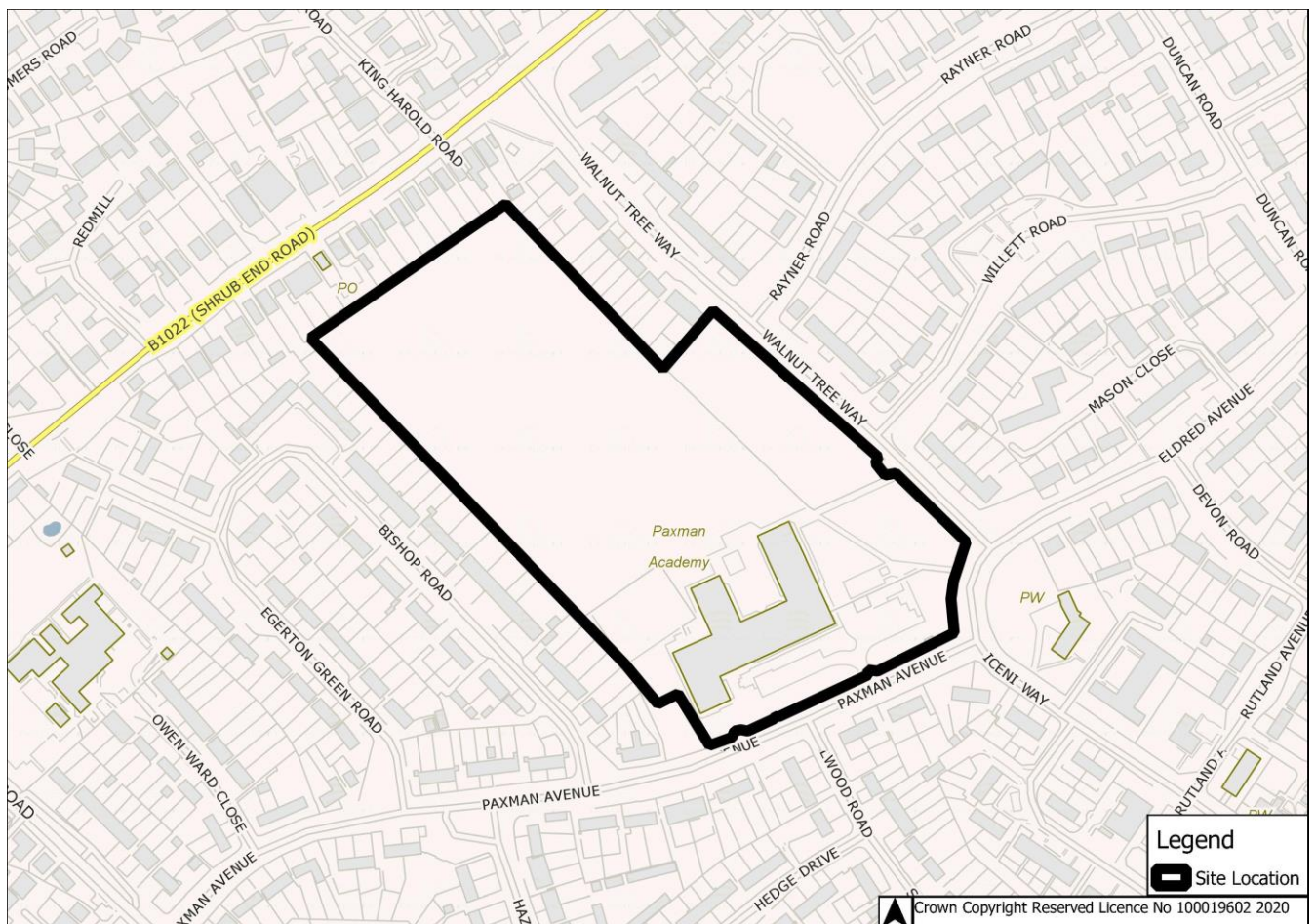
Applicant: Essex County Council

Location: Paxman Academy, Paxman Avenue, Colchester
CO2 9DQ

Report author: Chief Planning Officer (County Planning and Major Development)

Enquiries to: Rachel Edney Tel: 03330 136815

The full application can be viewed at <https://planning.essex.gov.uk>



1. SITE

The application site comprises the new Paxman Academy, which opened in September 2019. The new secondary school is a redevelopment of the former Alderman Blaxhill site and comprises a new 6FE secondary school, ancillary facilities and structures, landscaping, new pedestrian, cycle and vehicular access and facilities.

The part 2 storey part 3 storey building will accommodate up to 900 pupils and has replaced all the previous structures associated with the previous Alderman Blaxhill School.

The built footprint is contained predominantly within the southern section of the site fronting Paxman Avenue, with the playing field extending to the northern boundary.

The surrounding area is predominantly residential with residential properties to the in Paxman Avenue, west in Bishops Road, north in Shrub End Road and east in Walnut Tree Way.

Vehicular access is via Paxman Avenue. There are separate pedestrian access points via Paxman Avenue and Walnut Tree Way.

2. PROPOSAL

It is proposed to provide a new Multi-Use Games Area (MUGA) in the form of an All-Weather Pitch (AWP) on the school's existing playing field. A 4.5m high twin bar (weldmesh) fence would be erected around the perimeter of the proposed MUGA. A 2.4m high acoustic fence would be erected to the northern and western sides of the proposed MUGA.

No floodlighting or community use of the pitch is proposed as part of this application.

It is also proposed to provide a new vehicular emergency access from Paxman Avenue to replace the existing emergency access from Walnut Tree Way.

3. POLICY CONSIDERATIONS

The following policies of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) the development plan framework for this application. The following policies are of relevance to this application:

[Colchester Borough Council Development Policies adopted October 2010 \(selected policies revised July 2014\)](#)

Policy DP1 – Design and Amenity

Policy DP14 - Historic Environment Assets

Policy DP15 – Retention of Open Space and Indoor Sports Facilities

Policy DP17 – Accessibility and Access

The Revised National Planning Policy Framework (NPPF) was published on 19 February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) is considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

On 9 October 2017 Colchester Borough Council, along with Braintree and Tendring Councils, submitted their Local Plans and accompanying documents to the Planning Inspectorate.

Due to strategic cross boundary policies and allocations, Colchester, Braintree and Tendring's Local Plan share an identical Section 1. As a result of this, Section 1 was considered through a joint examination in public between January and May 2018.

Colchester specific policies and allocations found within Section 2 of the Local Plan will be considered through a later separate examination.

After considering all the evidence and representations and the discussion at the hearing sessions, the Inspector wrote to the North Essex Authorities (NEAs) on 8 June 2018. In his letter the Inspector identified those aspects of the Section 1 Local Plan and its evidence base which he considered required further significant further work on the part of the NEAs. In that context the Inspector set out options for the NEAs to consider in determining its next steps in their Local Plan preparation.

Of these options the NEAs chose to pause the Examination and carry out the further necessary work on the evidence base and Sustainability Appraisal and bring forward and resulting revised strategic proposals for the Section 1 Local Plan examination to consider. On 10 December 2018 the Inspector announced a pause in the Examination to enable this further work to take place.

The NEAs carried out a public consultation on the Additional Sustainability Appraisal, additional evidence base documents and the suggested amendments to the Section 1 Local Plan between 19 August – 30 September 2019.

The Local Plan Section 1 Public Examination resumed on 14 January 2020.

The requirement for the further work on Section 1 of the Plan has resulted on delays to the examination of Section 2 which deals with site allocations and policies. The emerging Local Plan is a material consideration in the determination of this application. However, the weight which can be given to the policies contained within Section 2 is limited in light of the delay to the EiP.

[Publication Draft of Colchester Borough Local Plan 2017-2033 July 2017](#)

Policy DM4 – Sports Provision
Policy DM15 – Design and Amenity
Policy DM16 – Historic Environment

NEIGHBOURHOOD PLAN

There is not an adopted neighbourhood plan for the area.

4. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL – We would recommend the following:

- That any new areas of hardstanding are to be constructed using porous materials laid on a permeable base;
- Consultation is undertaken with Sport England;
- Suitable measures are taken to ensure new hardstanding and the intensive construction phase will not have any adverse impact on adjacent trees;
- Suitable measures are taken to ensure that any groundworks relating to the proposed development do not cause significant ground disturbance that has

- potential to damage any archaeological deposits that currently exist;
- Suitable measures in relation to noise, dust and construction pollution are taken to ensure that there is not an adverse impact upon neighbouring dwellings;
- Suitable measures are taken in relation to contamination to ensure the proposal is safe for end user;
- Suitable measures are taken to ensure biodiversity is not impacted
- Suitable measures are taken to ensure the proposal does not create an adverse impact upon the street scene;
- We would request that any comments and Local Members are taken into consideration prior to determination.

SPORT ENGLAND – No objection

ESSEX COUNTY FIRE AND RESCUE – No comments received

HIGHWAY AUTHORITY – No objection

COUNTY COUNCIL'S NOISE CONSULTANT – No objection

PLACE SERVICES (Ecology) – No objection

PLACE SERVICES (Trees) – No objection

PLACE SERVICES (Landscape) – No objection but would recommend the provision of landscaping between the acoustic fence and boundary

PLACE SERVICES (Historic Environment) – No objection subject to conditions

LOCAL MEMBER – COLCHESTER – Maypole – Any comments received will be reported

5. REPRESENTATIONS

104 properties were directly notified of the application. Five letters of representation have been received. These relate to planning issues, summarised as follows:

| <u>Observation</u> | <u>Comment</u> |
|---|----------------------|
| Concerned to read some of the detail regarding the noise level that may affect us in the proposal of the MUGA. | Noted |
| We have over the years been used to having pupils and staff using the school grounds to the rear of our property for field games. | Noted |
| Concern as proposed MUGA is to be situated so close to the rear of the properties in Bishop Road. | Noted. See appraisal |

| | |
|--|---|
| <p>Would not have any objections to these proposals if there is a guarantee that:</p> <ul style="list-style-type: none"> • We will not be affected by increased noise • The MUGA is only used during school times • The MUGA will not be available for outside organisations out of school hours • That floodlighting will not be present now or in the future | Noted. See appraisal |
| <p>No problems with the planning providing it is only for the school use and not let out to use in evenings and weekends and the floodlights added.</p> | Noted. See appraisal |
| <p>Acoustic fence is a wasted expense as I have lived here for over 40 years and never had a problem with noise but have learnt a few new words from pupils over the years.</p> | Noted |
| <p>Reduction in light due to the nearly 8 metre fences – in the morning we get good light on that end of the garden where we have plants which require sunlight</p> | Noted. See appraisal |
| <p>Noise – although the plan states the use of this area is only during school daylight hours we have a young baby and we find the rear garden of our home an area for peace and privacy</p> | Noted. See appraisal |
| <p>Visual appearance – 8m high fencing is an eyesore and would impose on our open garden – this would be particularly acutely felt due to the large tree next door</p> | Noted. See appraisal |
| <p>Feel multi-use games area is a great idea but the proposal of putting it so close to residential properties, especially with so much more space to put it well away from any property, is unacceptable.</p> | Noted. See appraisal |
| <p>Believe original plan was to locate it on Walnut Tree Way which I would support</p> | Noted. The application can only be determined on its merits |

| | |
|--|--|
| Even an 8m high fence will not stop all balls from coming over and this causes a risk to my property being damaged or the constant disruption of having to return such objects or having people knocking for their equipment back. | Noted |
| Have major objections to the planned proposal of an 8 metre in total fence to be erected on our boundary as it would obstruct our current view across the horizon from our back gardens. | Noted. See appraisal |
| There are also concerns of additional noise due to the MUGA being right on our boundary. We are aware they plan to put up a 2.5m acoustic fence which allegedly the council have carried out a noise impact assessment and state the noise impact would be none/not significant. | Noted. See appraisal |
| We don't believe there would be no increase in noise level. We understand there will be noise from the fields as it is a school and has been there for many years | Noted. See appraisal |
| There is a vast area on the field that the MUGA could be situated on as to have no or very little impact on residents | Noted. See appraisal |
| Also a major concern of residents is it would eventually be opened up to general public use. It is stated that it is for school use only during daylight hours which is open to interpretation as to what are daylight hours during the summer periods, but we are sure eventually they would want some revenue from it. This would lead to floodlights being installed. | Noted. See appraisal |
| I live at the boundary of this proposal and have major concern for its location. | Noted. See appraisal |
| Also, I do not wish for floodlights to illuminate my property if this was to be requested. | No floodlighting is proposed as part of this application |

6. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Policy Considerations & Impact on Existing Playing Field
- C. Location and Layout of MUGA
- D. Impact on Natural Environment
- E. Impact on Historic Environment
- F. Impact on Residential Amenity
- G. Traffic & Highways

A NEED

Planning permission was granted in January 2018 for the construction of a new 6FE secondary school (comprising part 2 storey and part 3 storey buildings), ancillary facilities, structures, hard and soft landscaping, widening of the existing vehicular access, provision of new pedestrian access points and new vehicle and cycle parking facilities.

It is proposed to install a new MUGA to support and enhance the school's ability to teach a full, broad and balanced curriculum. The proposed MUGA could be used all year round, especially when poor weather conditions frequently render a significant portion of the existing playing field unusable, with flooded pitches and frozen ground conditions.

The MUGA would be used for football, touch rugby, fitness, cricket and athletics lessons as well as moving forward GCSE and BTEC components. It would also be used frequently during extra-curricular times such as clubs and fixtures to ensure all potential opportunities and uses are captured and maximised.

It is considered that the need for the proposed MUGA has been demonstrated as it would provide the school with much needed additional sports facilities which could be used all year round.

B POLICY CONSIDERATIONS & IMPACT ON THE EXISTING PLAYING FIELD

Paragraph 98 of the NPPF states that "*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."*

Adopted Policy DP15 (Retention of Open Space and Indoor Sports Facilities) states inter alia that "*development of any existing school playing field forming part*

of an educational establishment will not be supported unless it can be demonstrated that alternative and improved provision will be created in a location well related to the functional requirements of the relocated use and its existing and future users.”

Emerging Policy DM4 (Sports Provision) states inter alia that “*development, including change of use, of any existing or proposed sports ground or playing field will only be supported where it can be demonstrated that alternative and improved provision will be created in a location well related to the functional requirements of the relocated use and its existing and future users.*”

As it is proposed to install the MUGA on the existing school playing field, Sport England is a statutory consultee.

Sport England has assessed the proposals against exception 5 of its policy, which states:

“The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.”

The proposed MUGA would offer the potential to significantly improve the delivery of curricular and extra-curricular PE and sport at the school by providing an all-weather outdoor sports facility which could be used continuously throughout the year and intensively due to its surface. In particular, it would extend the opportunities available for pupils to participate in PE/sports in all weathers. It would also help to address the limitations of using the school’s natural turf playing fields, which due to ground conditions are not available for school use for substantial parts of the academic year. The proposed MUGA would also widen the range of sports available for the school as it would be designed for football, rugby, cricket and athletics use at a level suitable for secondary school use.

The proposed MUGA would also be used to meet the needs of the school’s extra-curricular clubs and for informal recreational use during break times. The facility would allow the school to meet DfE guidelines for soft outdoor playing field space as the playing field provision proposed for the new school was less than DfE guidelines for a 6FE school.

The school does not propose to make the proposed MUGA available for community use outside of school hours due to the potential for adverse impact on the neighbouring residential properties. While the proposed MUGA is not proposed to be floodlit, it would still offer potential for meeting community needs during the weekends. This is disappointing because the facility would therefore not offer any benefits to the wider community which is pertinent as there are identified deficiencies of 3G AGP provision in Colchester.

In terms of the impact on the playing field, the proposed MUGA would result in the loss of a substantial area of the playing field equivalent in size to the footprint of the proposed MUGA. The number and range of winter and summer playing pitches that could be accommodated on the remaining playing field would therefore be reduced. At present, while the school has not actually marked out

pitches on the playing field since it opened in September 2019, the indicative existing pitch layouts show that the playing field has the capacity for three football pitches in the winter and a 400m running track and a cricket wicket in the summer. Following implementation of the proposed MUGA, there would only be space on the remaining natural turf playing field for a small rugby pitch, a football pitch and a 300m running track. However it is acknowledged that much of the activities that currently take place on the natural turf playing field would be transferred to the proposed MUGA and, as set out above, the main rationale for the MUGA is to improve the range, quality and capacity of outdoor sports provision for the school and address the limited availability of the natural turf playing field which is an important consideration in the assessment. It is also understood that there is no formal community use of the School's playing field that would be affected by the proposal.

Sport England has concluded that, on the basis of the above assessment, whilst finely balanced, the potential sports benefits that the proposed MUGA would offer would outweigh the detriment caused by the impact on the playing field. It is therefore considered that the proposal would meet exception 5 of Sport England's Playing Field Policy and this being the case Sport England does not wish to raise an objection to the application.

The applicant provided Sport England with the design specifications of the proposed MUGA, which included details of surfacing, construction cross-section, line marking and fencing.

Sport England confirmed that the design specifications were acceptable as they appear to accord with the Football Association's design guidance.

It is considered that the provision of the proposed MUGA on an area of existing school playing field would be in accordance with Paragraph 98 of the NPPF, Policy DP15 and Policy DM4 as it would provide the school with much needed all year-round sports facilities and enable an improved sports curriculum to be provided for pupils.

C LOCATION AND LAYOUT OF MUGA

The layout of the pitch would run in a north-south orientation running parallel with the western boundary of the school site. It would be approximately 5m from the boundary of the residential properties in Bishops Road.

The proposed MUGA would consist of a 97 x 61m synthetic sports pitch and a 27 x 3m goal recess area. The pitch would be demarcated into a full-size football pitch, 9v9 sized football pitch and three 5x5 pitches through distinct line markings.



The MUGA would be surrounded by 4.5m high twin bar (weldmesh) fencing. It was originally proposed that this fencing would be topped with a 3.5m high ball stop netting making a total height of 8m. However, following adverse comments received from the Council's Landscape Consultant with regards to visual amenity, the ball stop netting has been removed. A 1.2m high Super Rebound Panel would be fixed to the bottom of the proposed fencing to help reduce the noise when balls hit the fence.

The proposed fencing would be galvanised powder coated fencing, incorporating 3nr. double leaf gates. An access pathway from the existing school buildings would be provide access via the double gates.

Representations have been received from residents regarding the location of the proposed MUGA questioning the need for it to be located so close to the boundary between the school and residential properties, as it appears to be ample space on the playing field.

If the proposed MUGA was relocated more centrally on the playing field, it would reduce the available space for other sports pitches to be marked out and would reduce the sports curriculum that could be offered by the school. Rotating the proposed MUGA by 90° was considered by the applicant. However, although this would move the MUGA away from a number of residential properties, it would effectively create a barrier between the school and the playing field. An area of land to the east of the site remains in the possession of Essex County Council, which restricts the amount of playing field available for use by the school. The school has expressed concerns that re-orientating the MUGA by 90° would create an unusable area to the rear of the pitch, creating potential safeguarding issues for pupils. Re-orientating the proposed MUGA by 90° would restrict emergency vehicle access to the school playing field and require the removal of existing trees located towards the eastern boundary of the site.

It is considered that the proposed location of the MUGA would be the optimal location in supporting and delivering the sporting curriculum at the school. The proposed MUGA would also allow the school to increase the numbers of sports offered to pupils.

D IMPACT ON THE NATURAL ENVIRONMENT

Adopted Policy DP1 (Design and Amenity) states inter alia that “*all development must be designed to a high standard and respect and enhance the landscape and other assets that contribute positively to the site and the surrounding area.*”

Emerging Policy DM15 (Design and Amenity) states inter alia that “*wherever possible development should positively integrate the existing built form and other landscape, heritage, biodiversity and Arboricultural assets.*”

It is not proposed to remove any existing vegetation as a result of the proposed scheme.

An Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan were submitted as part of the application.

Place Services (Arboriculture) raised no objection to the proposed scheme and commented that the BS5837 survey provided together with the Arboricultural Impact Assessment showed sufficient mitigation measures would be in place to prevent damage to retained trees.

Place Services (Ecology) originally objected to the proposal as it appeared that the provision of the new emergency vehicle access would result in trees, planted as part of the application for the new school, being removed, which could impact upon bats and nesting birds.

The applicant confirmed that the proposed trees in the area of the proposed emergency access had not yet been planted and so there would not be a loss of landscaping. However, it is proposed to plant these trees to the east of the new emergency access on an existing grassed area, once the new access is in place. Following further assurances from the applicant that no other trees or vegetation was to be removed; no floodlighting was to be erected and no works were to be carried out to existing buildings on the site, the Council's Ecologist withdrew its objection.

Place Services (Landscape) originally raised objections to the proposed 4.5m high twin bar (weldmesh) fencing with the 3.5m high ball stop netting above due to concerns over visual amenity impact. As a result, the applicant has removed that element of the fencing. It is considered that the visual impact has been reduced but the Council's Landscape Architect has recommended that landscaping be provided between the acoustic fence and boundary to further reduce the visual impact for neighbouring residential properties.

It is considered that providing the proposed development is carried out in accordance with the submitted documents and conditions detailed at the end of the report that the proposal would be in accordance with Policy DP1 and Policy

DM15.

E IMPACT ON THE HISTORIC ENVIRONMENT

Adopted Policy DP14 (Historic Environment Assets) states inter alia that *“development will not be permitted that will adversely affect a listed building, conservation area, historic park or garden or important archaeological remains. Archaeological Evaluations will be required for proposals related to or impacting on the setting of heritage assets and/or known or possible archaeological sites, so that sufficient information is provided to assess the impacts of development on historic environment assets together with any proposed mitigation measures.”*

Emerging Policy DM16 (Historic Environment) states inter alia that “Heritage Statements and/or Archaeological Evaluations will be required for proposals related to or impacting on the setting of heritage assets and/or known or possible archaeological sites, and where there is potential for encountering archaeological sites so that sufficient information is provided to assess the significance of the heritage assets and to assess the impacts of development on historic assets together with any proposed mitigation measures.”

An Archaeological Desk Based Evaluation Report was submitted as part of the application. It suggests that the proposed development may have some impact on the historic environment due to the potential presence of a Roman road and ditches extant below the ground. It recommends that given the high archaeological significance of the wider landscape, measures should be taken to ensure that any groundworks, particularly to the north of the site, are monitored and recorded.

Place Services (Historic Environment) has no objection and has commented that the proposed development lies within a sensitive area of archaeological deposits known from evidence of crop marks recorded on the historic Environment Record.

It supports the proposed development subject to conditions requiring further monitoring and recording work to be undertaken.

It is considered that the proposal would be in accordance with Policy DP14 and Policy DM16 providing that the recommended monitoring and recording work is undertaken as per the suggested conditions.

F IMPACT ON RESIDENTIAL AMENITY

Adopted Policy DP1 (Design and Amenity) states inter alia that *“all development must be designed to a high standard, avoiding unacceptable impacts on amenity by protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight.”*

Emerging Policy DM15 (Design and Amenity) states inter alia that “development proposals must demonstrate that they will protect and promote public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight.”

It is not proposed to erect any floodlighting to the proposed MUGA or permit community use of the pitch due to the potential for disturbance to the neighbouring residential properties adjacent to the western boundary of the school site in Bishops Road.

The proposed MUGA would be for use by the school only, including extra-curricular activities for pupils.

A noise impact assessment was submitted as part of the planning application, which was reviewed by the Council's noise consultant. The noise assessment concluded that the proposed MUGA would likely result in an adverse impact on the neighbouring residential properties as a result of increased noise. It was suggested that re-orientating the pitch by 90° would help reduce the noise impact on the nearest residential properties. However, for the reasons detailed above the applicant did not consider it to be practical or feasible to re-orientate the MUGA.

Following discussions between the applicant and the County's noise consultants, it is proposed to erect a 2.4m high fence along the northern and western boundaries of the proposed MUGA. An updated Noise Assessment states that with the provision of the acoustic fence a 'None/No Significant' impact would result for receptors in the vicinity. This does not mean that there would not be any noise resulting from the use of the proposed MUGA but that the noise impact would not have a significant adverse impact and is considered to be acceptable given the educational use of the site. The County's Noise Consultant is satisfied that this is a reasonable reflection of the likely residual impacts from the introduction of the MUGA. The specification document presents a typical acoustic barrier with a category of B3, representing the highest achievable under BS EN1793-2. Providing the fence is correctly constructed the County's Noise Consultant is satisfied that the fence would perform as intended for the purpose of attenuation.

It is considered that the erection of a 2.4m high acoustic fence would help reduce the potential for adverse noise impact from the use of the MUGA on the neighbouring residential properties.

Representations received from local residents seek assurances that floodlighting and community use would not be permitted in the future. The current application states that there would not be any floodlighting or community use of the proposed MUGA. If floodlighting for the MUGA was proposed at a later date a full planning application would need to be submitted and determined on its own merits.

The Council's Landscape Consultant raised concerns regarding the height of the proposed fence around the MUGA, which originally would have measured 8m in height (4.5m twinbar (weldmesh) fence with a 3m ball stop netting above) in respect of adverse visual impact. To resolve these concerns the applicant has agreed to remove the proposed ball stop netting which would reduce the height of the fence to 4.5m.

Following re-consultation on the proposed acoustic fence a number of representations were received from local residents objecting to the erection of an 8m fence. As stated above the applicant has reduced the height of the proposed

MUGA weldmesh fence to 4.5m in response to the recommendation by the Council's Landscape Consultant.

The Council's Landscape Consultant considers that the reduction in height of the proposed fence surrounding the MUGA would reduce the potential for visual impact. It has suggested that planting be implemented between the proposed acoustic fence and boundary to help further reduce any impact on visual amenity.

It is considered with the provision of the acoustic fence the proposal would be in accordance with Policy DP1 and Policy DM15 as the potential for adverse impact on the residential amenity of the neighbouring residential properties would be reduced.

G TRAFFIC & HIGHWAYS

Adopted Policy DP17 (Accessibility and Access) states inter alia that “*proposals for development shall incorporate satisfactory and appropriate provision for servicing and emergency vehicles. The access and any traffic generated shall not unreasonably harm the surroundings, including the amenity of neighbouring properties and/or the public rights of way network.*”

A new emergency access is proposed to run parallel to the eastern wing of the school, adjacent to the existing hardstanding path that runs tightly along the building's perimeter. The access would be via Paxman Avenue through the existing visitor, accessible, bus and delivery entrance. The emergency access would provide emergency vehicles with access to the school playing field and the rear of the existing school buildings.



The Highway Authority questioned whether sufficient space would be available to provide access for emergency vehicles. Following the provision of a vehicle tracking drawing by the applicant which demonstrated access for emergency vehicles could be provided, the Highway Authority raised no objection to the

proposal.

It is considered that the provision of an emergency vehicle access would be in accordance with Policy DP17.

7. CONCLUSION

It is considered that planning permission should be granted for the installation of a new MUGA pitch on the school's existing playing fields as it would provide the school with much needed all-year round sports facilities. The erection of a 2.4m high acoustic fence to the northern and western sides of the proposed MUGA would help reduce any potential adverse noise impact to the neighbouring residential properties.

The proposed new emergency access entrance from Paxman Avenue would provide emergency vehicles with access to the rear of the school buildings and playing field.

Providing the proposed development is carried out in accordance with the submitted documents and proposed conditions it is not considered that there would be a significant detrimental impact on the landscape, visual or residential amenity of the neighbouring properties as a result of this application.

It is considered that the proposal would be in accordance with Policy DP1 (Design and Amenity), Policy DP14 (Historic Environment Assets), Policy DP15 (Retention of Open Space and Indoor Sports Facilities) and Policy DP17 (Accessibility and Access) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM4 (Sports Provision), Policy DM15 (Design and Amenity) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

8. RECOMMENDED

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with details of the application reference CC/COL/100/19 dated 17 December 2019 and validated on 9 January 2020 together with drawing numbers:
 - 6360-D-AIA Rev D – AIA & TPP – 3.12.19
 - 6093-D-AIA Rev C – Prelim AIA – 12.12.19
 - 9810/GA/01 Rev E – Proposed Synthetic Sports Pitch – General

arrangement – 11.6.20 Option 2 Rev A – Proposed Synthetic Sports pitch General Arrangement – 17.3.20

- GA – 4.5mH 868 Rebound Bay GA Detail – 9.3.20
- 16-0587-CDP-DR-ZZ-XX-L-4006-C5 – Detailed Reference Plan – Visitor Entrance & Bus Parking – 19.2.20
- 16-0587-CDP-DR-ZZ-XX-L-9006 P1 – Site Location Plan – 28.6.19
- 16-0587-CDP-DR-ZZ-XX-L-2003 P11 – BB103 External Areas Assessment – 4.12.19
- 16-0587-CDP-DR-ZZ-XX-L-4027 C2 – Detailed Reference Plan – AWP – 16.10.19

Together with:

- Acoustic Fence Information Sheet from Dawn Fencing Ltd
- Noise Impact Assessment Addendum Report (Ref: 19313/003/dd) prepared by AAD dated 28 May 2020
- Certificate of Calibration – MTS Calibration – 22 May 2019
- FIFA Quality Programme for Football Turf Duo Shape P+50 SBR – Limonta Sports S.P.A. – 30.6.16
- Limonta Sport Duo Shape P+50 Data Sheet
- Manufacturer Calibration Certificate (FL-18-070) NTi Audio AG – 3.9.18
- Planning Statement – Strutt & Parker – December 2019
- Supporting Statement – Sigma Trust – November 2019
- Noise Impact Assessment (Ref: 19313/001/dd) prepared by AAD – 26 November 2019
- Archaeological Desk Based Assessment (1497) – Colchester Archaeological Trust – November 19

and

- Letter from Strutt & Parker 7 July 2020
- Email from Strutt & Parker 1 June 2020 13:12
- Letter from Strutt & Parker (Ref 210184) dated 14 April 2020
- Email from Strutt & Parker 2 March 2020 16:03
- Email from Strutt & Parker 18 February 2020 15:45
- Email from Strutt & Parker 14 February 2020 16:28
- Letter from Strutt & Parker 9 January 2020
- Letter from Strutt & Parker 17 December 2019

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy DP1 (Design and Amenity), Policy DP14 (Historic Environment Assets), Policy DP15 (Retention of Open Space and Indoor Sports Facilities) and Policy DP17 (Accessibility and Access) of the Colchester*

Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM4 (Sports Provision), Policy DM15 (Design and Amenity) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

3. The development hereby permitted shall be undertaken in accordance with the Arboricultural Method Statement & Tree Protection Plan (Project No: 6360) Rev D prepared by Haydens Arboricultural Consultants dated 13 December 2019 and Drawing Number 6360-D-AIA Rev D – AIA & TPP – 3.12.19

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

4. The development hereby permitted shall be undertaken in accordance with the Construction Management Plan Rev 2 prepared by Barnes Construction dated November 2019.

Reason: To minimise the risk of flooding, in the interests of highway safety and to minimise impact on local amenity and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

5. The planting details as shown on Drawing Number 16-0587-CDP-ZZ-XX-L-3001 C11 (Landscape General Arrangement Plan) dated 16 October 2019 shall be fully implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted and maintained thereafter in accordance with Condition 6 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

6. Any tree or shrub forming part of the landscaping scheme approved in connection with the development under Condition 5 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

7. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: *To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

8. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under Condition 7. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

Reason: *To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

9. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under Condition 8.

Reason: *To enable the preservation (by record) of any archaeological remains and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

10. Within 3 months of the completion of the fieldwork, the applicant shall submit to the County Planning Authority a post-excavation assessment. The assessment shall include 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.

Reason: *To disseminate the information from the archaeological investigation and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

11. No fixed lighting shall be erected or installed on site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as to why these are considered appropriate.

The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The details shall identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging.

The details shall show how and where external lighting would be installed through the provision of appropriate lighting contour plans and technical specifications, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places and detail the proposed hours of operation.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: *To minimise the nuisance and disturbances to neighbours and the impact on ecology and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located within distance to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER: In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered necessary or appropriate. This approach has been taken positively and proactively in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

COLCHESTER - Maypole