

DR/14/21

Report to: DEVELOPMENT & REGULATION (23 JULY 2021)

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

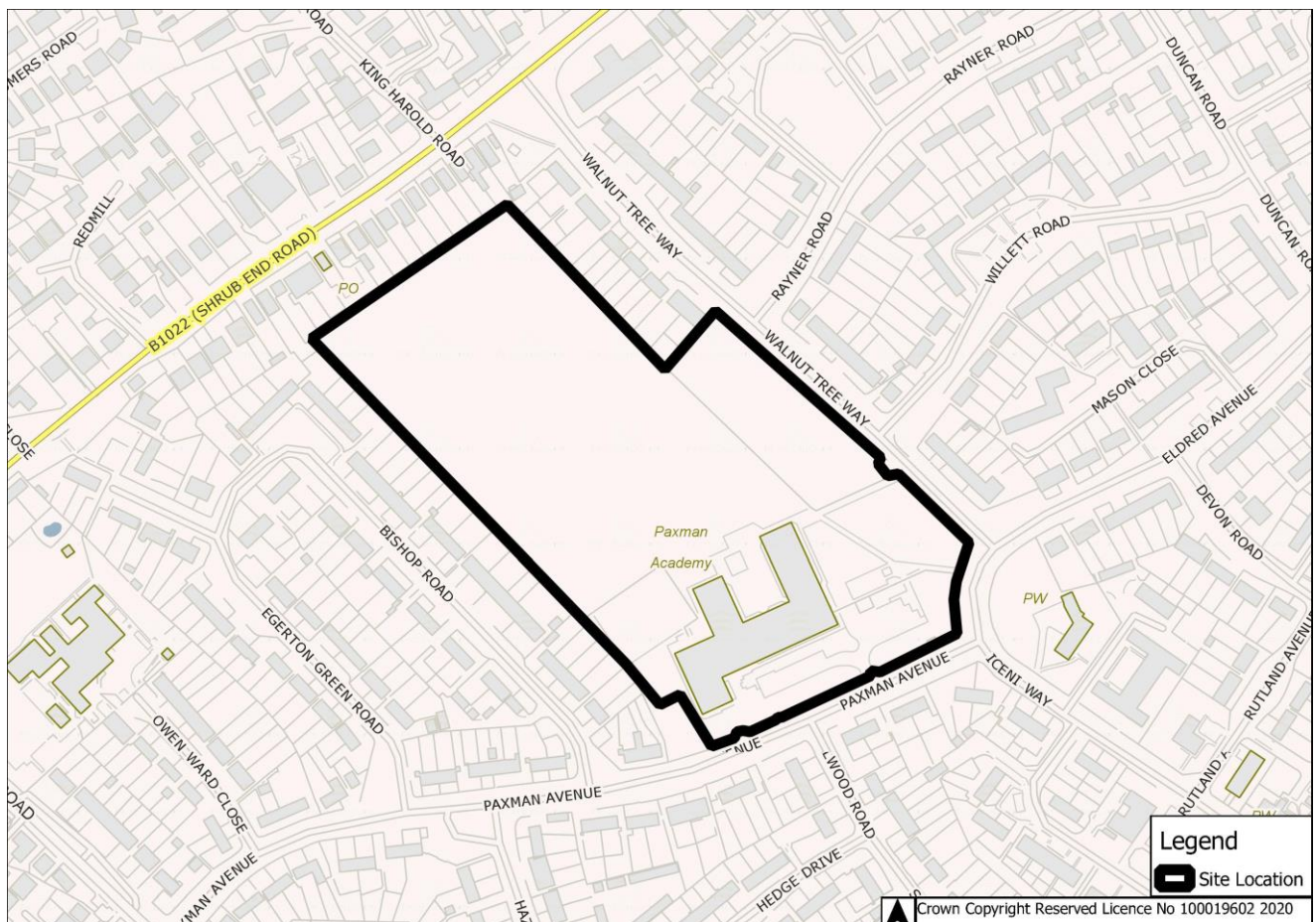
Applicant: Essex County Council

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

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

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



1. BACKGROUND

The application was first considered by Development & Regulation Committee in July 2020. A number of concerns were raised by Members and as a result it was resolved to defer a decision on the application to allow the applicant the opportunity to review certain aspects of the proposals, namely:

- That the proposal did not include specific time restrictions for use, particularly evenings and weekends to limit any adverse effect on local residents.
- Whether all possible locations for the MUGA had been considered to reduce the adverse affects on local residents.
- That the acoustic fence did not extend beyond the southern limit of the MUGA although it did enclose the northern boundary.

Additional information has been submitted by the applicant to address the concerns raised by Committee.

2. 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 eventually accommodate up to 900 pupils and has replaced all the previous structures associated with the former 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 south in Paxman Avenue, west in Bishops Road, north in Shrub End Road and east in Walnut Tree Way. The area of land to the east of the site, remains in the possession of the County Council and an application for the construction of a Pupil Referral Unit is currently under consideration (CC/COL/34/21).

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

3. 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.

A new emergency vehicular access from Paxman Avenue would be provided to replace the existing emergency access from Walnut Tree Way.

Floodlighting is not proposed as part of the application.

The school does not propose to use the MUGA for students after 5pm on weekdays and currently has no plans to run any weekend sessions. However, community use would be permitted through an arrangement with the school if there was demand. This would be restricted to 8pm weekdays and 6pm at the weekend. As floodlighting is not proposed the use of the MUGA by the community would be restricted by daylight hours.

4. POLICY CONSIDERATIONS

The following policies of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) provide 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.

Colchester Borough Council submitted its Publication Draft Local Plan to the Planning Inspectorate in October 2017. The document is in two parts:

- Section 1: Strategic Plan for North Essex – including the Garden Communities. (This document is shared with Braintree District Council and Tendring District Council)
- Section 2: Policies, maps and sites for development, housing, employment, regeneration etc within the Colchester Borough area.

Section 1 was formally adopted by Colchester Borough Council on 1 February 2021.

The Examination in Public for Section 2 was held between 20 and 30 April 2021. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

[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.

5. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL – Recommends 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.
- We would request that any comments from neighbours and Local Members are taken into consideration prior to determination
- 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.

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

6. REPRESENTATIONS

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

Observation

Comment

Concerned to read some of the detail regarding the noise level that may affect us in the proposal of the MUGA.

Noted. See appraisal

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
No problems with the planning providing it is only for school use and not let out to use in evenings and weekends and floodlights added	Noted. See appraisal
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	Noted
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	Noted. See appraisal
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	Noted. See appraisal
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	Noted. See appraisal
Feel multi-use games area is a great	Noted. See appraisal

idea but the proposal of putting it so close to residential properties, especially with so much more space to put it well away from my property, is unacceptable.

Believe original plan was to locate it on Walnut Tree Way which I would support

Noted. The application can only be determined on its own 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 that 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 floodlighting 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

Floodlighting is not proposed as part of this application

7. 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 Residential Amenity
- E. Impact on Natural Environment
- F. Impact on Historic Environment
- 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 Multi Use Games Area (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 during extra-curricular times such as clubs and sports fixtures to ensure all potential opportunities and uses are captured and maximised.

The proposed MUGA would support and enhance Paxman Academy's ability to teach a full, broad and balanced curriculum. The facility would allow use all year round, even when poor weather conditions render a significant portion of the existing playing field unusable with flooded pitches and frozen ground conditions. The proposed MUGA would provide a hugely important facility for the school.

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."

Sport England has commented that 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.

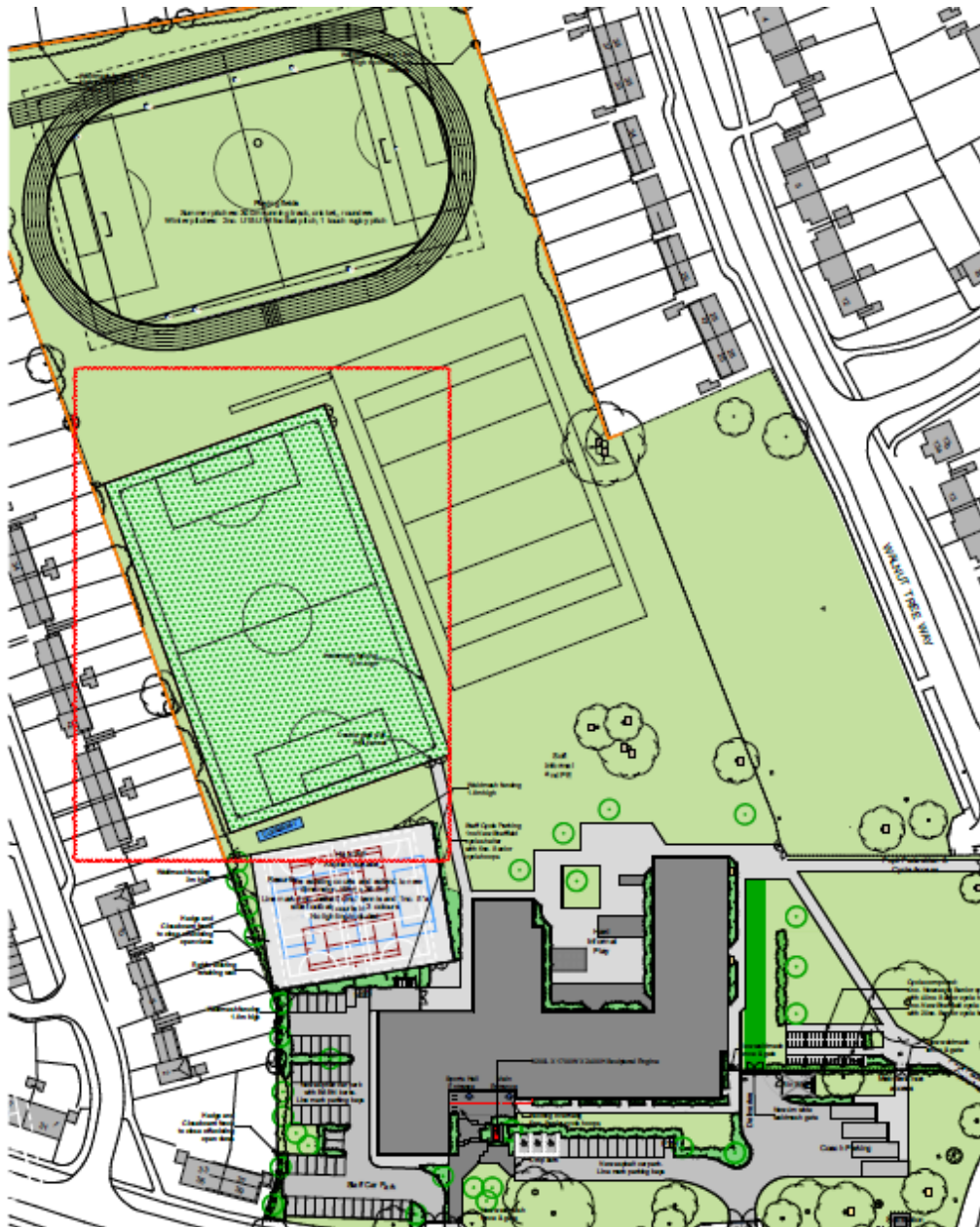
Sport England confirmed that the design specifications were acceptable as they appear to accord with the Football Association's design guidance.

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.

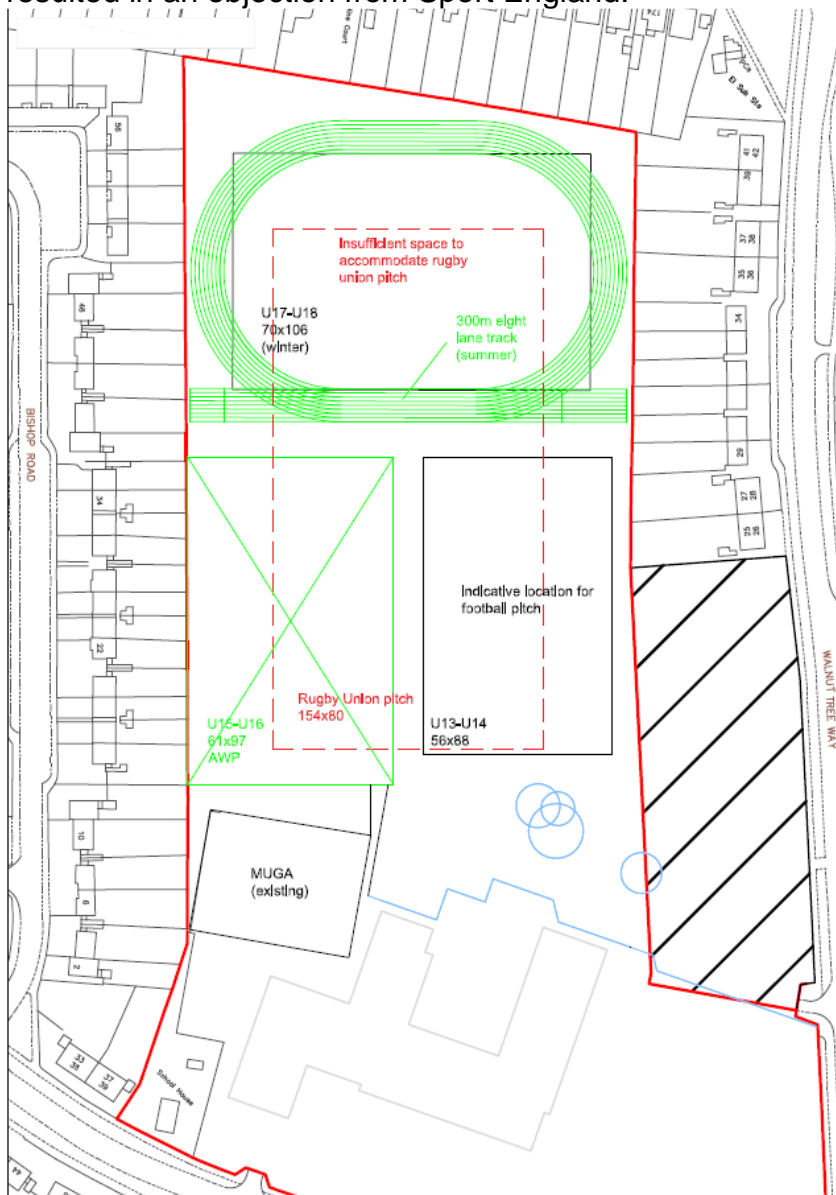
The proposed fencing would be galvanised powder coated fencing, incorporating 3nr. double leaf gates. An access pathway from the existing school buildings would provide access via the double gates.

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 of the school and residential properties, as there appears to be ample space on the playing field.

The position of the MUGA was selected for a number of reasons. An exercise was undertaken by the applicant to examine all options to ensure the proposed location achieved the optimal outcome.

Alternative locations were considered but none allowed the site to function as effectively as the current proposal. Alternative locations would have compromised other pitch layouts on the site, such as the running track and rugby pitch. The school is required to provide for all elements of the PE curriculum so the provision of the MUGA should not reduce the existing provision.

Locating the proposed MUGA more centrally on the playing field would reduce the amount of space available for other playing pitches to be marked out and reduce the PE curriculum that could be offered by the school. This would likely have resulted in an objection from Sport England.



Consideration was given to rotating the MUGA by 90° which would have moved it away from a number of residential properties in Bishops Road. However, this would effectively have created a barrier between the school and the playing field and created an unusable area of playing field to the rear of the pitch, creating potential safeguarding issues for pupils. This location would also have restricted emergency vehicle access to the playing field and required the removal of existing established trees.

It is considered that the proposed location of the MUGA would be the optimal location allowing the site to function as effectively as possible. It would also ensure that the remaining existing sports pitches could continue to be marked out on the playing field and enable the school to deliver a comprehensive sporting curriculum for pupils.

D 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.”*

The Trust which operates the academy has no plans to use the MUGA for students beyond 5pm on weekdays and currently has no plans to run any weekend sessions. The application does not seek community use through this application. However, it should be noted that a Draft Community Use Agreement was secured as part of the original planning permission for the school (CC/COL/50/17). This relates to the use of the sports hall and playing field and would be considered to cover the proposed MUGA should planning permission be granted.

Community use is encouraged and sought by Sport England and through planning policies. Community use of the academy facilities was strongly encouraged when the application for the new school was determined and formed a component of the original planning permission following comments received from statutory consultees which were endorsed by Colchester Borough Council and committed through the decision notice. Support for the application is partly based on the MUGA being beneficial to the wider area. Accordingly, whilst not sought as part of this application it is considered that any restriction on community use would potentially be in conflict with the original permission and planning policy.

However, community use may be permitted through a future arrangement with the school, should there be demand. In such a case use would be restricted to 8pm on weekdays and 6pm at the weekends. No floodlighting is proposed as part of this

application which would restrict use depending on daylight availability.

Following the comments made by Committee Members in July 2020 the applicant has undertaken a public engagement event with local residents. An on-line consultation was held between 1 and 15 June 2021 and neighbours adjoining the site were consulted on the proposals. The consultation consisted of a summary of the proposals with plans, explaining the principal reasons for the deferral and responses to the concerns raised by Members.

Appointments were also available for local residents to meet with the applicant at the school in accordance with COVID restrictions in place at the time.

Eleven comments were received – seven from local residents, three from parents and one from another interested party.

Eight of these responses fully supported the proposals (73%), one was in general support with concerns about the position of the MUGA (9%) and two objected to the proposals (18%).

Positive responses received included the following comments:

- The proposal is much needed for the school and the community/will only be beneficial to school pupils and the area.
- It will be a great addition to an already impressive school, allowing children to take part in sport in any weather.
- It will be an asset to Colchester as a whole.
- An excellent addition for the students, allowing access to PE all year round, beneficial to physical and mental wellbeing.

Negative concerns and objections included the following:

- Impact on views from the rear gardens of properties
- Whether there is a better position within the site, away from rear gardens
- Whether noise can be reduced by an acoustic fence
- Potential anti-social noise from adult sports if community use if allowed on the pitch
- The potential for floodlighting to be sought.

Visual Impact

The proposed MUGA is positioned approximately 5 metres from the boundary of residential properties in Bishops Road and not directly adjacent. It is not proposed to remove any of the existing landscaping or boundary fencing as a result of this application.

The applicant has undertaken an assessment of views from the gardens in Bishop Road which indicates that a 2.4m high fence at 5 metres from the boundary is unlikely to be seen from within the rear gardens of properties, which would typically have a 1.8m high close boarded fence to the rear together with existing planting. The 4.5m high mesh fencing surrounding the proposed MUGA would allow light to pass through it and it is considered to be of insufficient height to have

any impact on light levels. The proposed mesh fencing around the MUGA is a common feature within the grounds of a modern school and it is not considered that it would have a significant detrimental impact on visual amenity.

Following the removal of the 3.5m high ball stop netting, the County's Landscape Architect removed its objection to the application on visual amenity grounds and following further discussions with the applicant it was agreed that additional planting between the acoustic fence and boundary fencing, would not be appropriate.

Location of the MUGA

The location of the proposed MUGA has been considered in more detail in Section C (Location and Layout of MUGA). Alternative locations were explored and discounted as they would either have compromised the ability to provide the existing range of sports pitches currently provided, required the removal of existing established trees or would have resulted in a greater amount of acoustic fencing required. The proposed location allows the school site to function effectively and allows for a full range of sports pitches to be provided on the field.

Noise Impact

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 by way of increased noise. The County's noise consultant 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 the relocation of the MUGA to be practical or feasible.

Following discussions between the applicant and the County's noise consultant, it is proposed to erect a 2.4m high acoustic fence along the northern and western boundaries of the proposed MUGA. The applicant's noise consultants submitted an addendum report, including computer modelling results. The reports demonstrated the scale of the noise reduction that would be achieved by the erection of the acoustic fencing. The specifications of the fencing have been assessed by Salford University (Acoustic Test Laboratory) and the results are considered to be reliable. The report demonstrates a predictable noise level of -2 - +3 dB compared to ambient noise levels for properties on Bishops Road.

The County's noise consultant raised concerns that the original proposal could result in harmful noise impact without mitigation. The proposed acoustic fence has been assessed by the County's noise consultant who is satisfied that provided the acoustic fence is correctly erected it should perform as intended for the purpose of attenuation.

It is not proposed to include an acoustic screen along the southern boundary of the proposed MUGA. The technical evidence does not suggest that one is needed to reduce noise impact along the southern boundary and the County's noise consultant did not disagree with this finding.

Community Use & Floodlighting

Community use is not proposed as part of this application. However the school has indicated that it would be willing to consider requests for use by the community through a future arrangement agreed in principal through a Draft Community Use Agreement secured as part of the application for the construction of the new school (CC/COL/50/17).

The school has stated that it would not support any misuse of its facilities. It would not accept any inappropriate behaviour or anti-social noise as the support of the community and immediate residents is important to the school. Any such activity would harm the reputation of the school and the academy trust which operates the site. Any use of the facilities, including the proposed MUGA would be overseen by the school.

Floodlighting is not proposed as part of this application. Should floodlighting be required in future a full planning application would need to be submitted and assessed on its own merits. Any future community use would be limited by the lack of floodlighting, particularly during the winter months.

It is considered appropriate to attach a condition regarding the hours of use of the proposed MUGA.

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 to acceptable levels.

E 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 trees 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 new 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 were 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 from the MUGA fencing. It is considered that the visual impact has been reduced. However, the Council's Landscape Architect recommended that landscaping be provided between the acoustic fence and boundary to further reduce the visual impact for neighbouring residential properties. Following further discussions between the applicant and the County's Landscape Architect it has been agreed that further planting would not be feasible in the 3m space between the acoustic fence and boundary of the school owing to the need for maintenance access.

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.

F 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.

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.*”

The existing emergency access is via Walnut Tree Close across land which remains in the possession of the County Council rather than the school.

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 originally 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.

8. 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 boundaries of the proposed

MUGA would help reduce any potential 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.

It is considered that providing the proposed development is carried out in accordance with the submitted documents and the imposition of appropriate conditions that there would not 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.

9. 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

- Email & attachments from Strutt & Parker 1 July 2021 12:59
- 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 14 February 2020 16:28
- Email from Strutt & Parker 18 February 2020 15:45
- 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 –

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. The use of the development hereby permitted shall only be carried out

during the following times:

- 08:00 hours to 20:00 hours Mondays to Fridays
- 09:00 hours to 18:00 hours Saturdays
- 10:30 hours to 18:00 hours Sundays

And at no other times or on Bank or Public Holidays.

Reason: *In the interest of residential 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.*

BACKGROUND PAPERS

Consultation replies
Representations

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

The proposed development would not be located adjacent 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