



Essex County Council

Development and Regulation Committee

10:30	Friday, 23 July 2021	Council Chamber County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

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Essex County Council and Committees Information

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2	Minutes	6 - 18

To approve the minutes of the meeting held on the 25 June 2021.

3 Identification of Items Involving Public Speaking

To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email democratic.services@essex.gov.uk no later than 5pm on Tuesday before the meeting.

4 County Council Development

4.1 Shenfield Library, Hutton Road, Shenfield, CM15 8NJ 19 - 52

To consider report DR/13/21 relating to the demolition of existing building and the construction of a new three storey building providing a new library (Use Class F1d) and commercial unit (flexible use within Use Classes Ea, Eb, Ec, Ee, Ef, F1b, F1d, F1e, F2b) on the ground floor and 9 new residential units over alongside associated access, parking, servicing, utilities and landscaping.

Location: Shenfield Library, Hutton Road, Shenfield, CM25 8NJ

Ref: CC/BRW/30/21

4.2 Paxman Academy, Paxman Avenue, Colchester CO2 9DQ 53 - 76

To consider report DR/14/21 relating to the 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.

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

Ref: CC/COL/100/19

5 Information Item

5.1 Applications, Enforcement and Appeals Statistics 77 - 78

To update Members with relevant information on Planning Applications, Appeals and Enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

Report DR/15/21

6 Date of Next Meeting

To note that the next meeting will be held on Friday 27 August 2021, in the Council Chamber, County Hall.

7 Urgent Business

To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

8 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Emma Hunter, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership

(Quorum: 3)

Councillor C Guglielmi

Councillor J Jowers

Councillor J Fleming

Councillor M Garnett

Councillor I Grundy

Councillor M Hardware

Councillor D Harris

Councillor B Aspinell

Councillor S Kane

Councillor R Moore

Councillor M Steptoe

Councillor P Thorogood

Chairman

Vice-Chairman

Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 25 June 2021 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr M Steptoe	Cllr I Grundy
Cllr J Fleming	Cllr R Moore
Cllr M Garnett	Cllr P Thorogood
Cllr D Harris	Cllr S Kane

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Councillor M Hardware and Councillor B Aspinell.

Councillor I Grundy declared an interest in item 5.1 of the agenda (Minute 2) concerning the Land off St Luke's Way, Runwell, Wickford as the site was in his division. Cllr Grundy considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

2. Appointment of a Vice Chairman

Councillor C Guglielmi proposed and Councillor D Harris seconded the election of Councillor J Jowers as Vice Chairman. There being no other proposals, Councillor Jowers was duly appointed.

3. Minutes

The minutes of the meeting held on 26 March 2021 were agreed as a correct record and signed by the Chairman.

4. Identification of Items Involved in Public Speaking

Individuals to speak in accordance with the procedure were identified for the following items:

- 1) Land off St Luke's Way, Runwell, Wickford
To consider report DR/08/21 relating to the erection of a new Primary School and Early Years Nursery with associated playing fields, hard play areas, parking and landscaping.
Location: Land off St Luke's Way, Runwell, Wickford
Ref: CC/CHL/15/21

Public speakers:

- Agent, on behalf of Applicant: Mr Ward – speaking for

5. Land off St Luke's Way, Runwell, Wickford

The Committee considered report DR/08/21 by the Chief Planning Officer.

The Chairman drew the Committee's attention to the Addendum to the agenda, particularly in respect of the comments made by Chelmsford City Council.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report and Addendum.

The Committee noted the key issues:

- Principle of Development, Green Belt and Need
- Site Layout and Design
- Landscape, Trees and Ecology
- Heritage
- Amenity (Noise, Air Quality and Lighting)
- Highways
- Other issues
 - Sustainability
 - Flood Risk and Drainage
 - Land Contamination

In accordance with the protocol on public speaking the Committee was addressed by Mr Michael Ward, speaking as an agent on behalf of the Applicant. Mr Ward made several points:

- The proposals had been recommended for approval with no objection from Chelmsford City Council.
- The site fell within the area of the former Runwell Hospital allocation, which had provided for major redevelopment, including outline planning permission for 575 new houses and a primary school.
- The construction of the new houses was well advanced. The new houses and increased birth rates would bring a demand for primary school places that would not be met by other schools nearby.
- The site was constrained with limited layout options, and there was a desire to keep the buildings away from the nearby listed chapel building and the veteran oak tree.
- The design aimed to meet the needs of the school whilst minimising the impact on the local environment.
- The package of technical information submitted with the application confirmed that no adverse impact would arise from the development, including on the local highway network. Mitigation had been provided where necessary, for example, by planting new trees.
- The proposed design and layout had been discussed in detail and amended where possible in line with the requirements of the school, educational standards, site constraints and established parameters.
- The proposed conditions were appropriate and the applicant was in the process of providing updated information to officers with the view of minimising the number of pre-commencement and pre-occupation conditions to allow a prompt start in the construction process in order to allow the school to open in the required time.

Following comments and concerns raised by Members, it was noted:

- The veteran oak tree, known as T1, would be retained, whilst the healthy oak tree known as T4 would be removed. Whilst it was regrettable to remove a healthy oak tree, the removal gave the applicant more flexibility and reduced the distance between the nursery and primary school. A semi-mature replacement oak with a girth of 25-50cm was proposed in the plans. The Committee requested that this specifically be an Old English Oak.
- The school and parents would use the parking at the Neighbourhood Centre, which had sought to incorporate additional parking spaces to compensate for this. A vehicle tracking plan had confirmed that a refuse vehicle would be able to get through the car park when it was full.
- Members raised concerns about access to the site. It was confirmed in respect of this that there would be no pedestrian access to the school from the southern vehicular access off Liberty Way. Officers advised that this access road would have no pavement and would also be gated. Similarly, the south-eastern access off St Luke's Way would purely be a maintenance access and was not proposed as a school access point for pupils. Officers noted that colleagues in the Infrastructure Delivery team would ensure appropriate signage was installed to assist in terms of wayfinding and the different uses of the access points to the site.
- Officers advised that there was to be no financial contribution towards a Traffic Regulation Order. The Highways Authority had initially asked for consideration to be given to a financial contribution with concern to parking near the Western pedestrian entrances. However, this was not deemed justifiable as the school would not be at full capacity until six years after the first pupils were admitted. The parking situation would nevertheless be reassessed in the future, should, for example, an application be made to expand the school.
- Officers reported that most students were expected to come from the immediate local area, as the 10 Year Local Plan had shown that the deficit in pupil places was principally due to the development of St Luke's Park. As a result, the students would likely be able to cycle and walk to school.
- The design was a modern contrast to the Chapel, and there were concerns raised in the Heritage Statement about altering the existing undeveloped nature setting of the Chapel. However, it was felt that the community benefit of the school outweighed the heritage concerns.
- Officers reported that the site remained within the Green Belt; however, Chelmsford City Council had allocated this as a strategic site for redevelopment, hence, the principle of the development had already been agreed and deemed acceptable in Green Belt terms.
- The local community and Runwell Parish Council were in support of the proposed school.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor J Jowers and seconded by Councillor D Harris. Following a unanimous vote of ten in favour, it was

Resolved

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 the details of the application dated 09/02/2021 and shown on drawings titled: 'Location Plan', drawing number: 120098-CDP-ZZ-XX-DR-A-2001 P3, dated Nov 20; 'Block Plan', drawing number: 120098-CDP-ZZ-XX-DR-A-2002 P5, dated 07/06/21; 'Site Plan', drawing number: 120098-CDP-ZZ-XX-DR-L-2001 P6, dated 08/06/21; 'Levels Plan North West', drawing number: 120098-CDP-NW-00-DR-C-4004 P8, dated 09/06/21; 'Levels Plan South West', drawing number: 120098-CDP-SW-00-DR-C-4005 P7, dated 09/06/21; 'Primary School GA Plans', drawing number: 120098-CDP-ZZ-XX-DR-A-2003 P4, dated 07/06/21; 'Primary School Roof Plan', drawing number: 120098-CDP-ZZ-XX-DR-A-2010 P2, dated 07/06/21; 'Primary School Elevations', drawing number: 120098-CDP-ZZ-XX-DR-A-2005 P6, dated 07/06/21; 'Primary School Sections', drawing number: 120098-CDP-ZZ-XX-DR-A-2012 P2, dated 07/06/21; 'Nursery GA Plans', drawing number: 120098-CDP-ZZ-XX-DR-A-2004 P3, dated 07/06/21; 'Nursery Roof Plan', drawing number: 120098-CDP-ZZ-XX-DR-A-2011 P2, dated 07/06/21; 'Nursery Elevations', drawing number: 120098-CDP-ZZ-XX-DR-A-2006 P3, dated 07/06/21; and 'Nursery Sections', drawing number: 120098-CDP-ZZ-XX-DR-A-2013 P2, dated 07/06/21 and in accordance with any non-material amendment(s) 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 policies S1 – Spatial Principles, S2 – Addressing Climate Change and Flood Risk, S3 – Conserving and Enhancing the Historic Environment, S4 – Conserving and Enhancing the Natural Environment, S9 – Infrastructure Requirements, S11 – The Role of the Countryside, DM6 – New Buildings in the Green Belt, DM13 – Designated Heritage Assets, DM14 – Non-Designated Heritage Assets, DM15 – Archaeology, DM16 – Ecology and Biodiversity, DM17 – Trees, Woodland and Landscape Features, DM18 – Flooding/SUDS, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM25 – Sustainable Buildings, DM27 – Parking Standards,

DM29 – Protecting Living and Working Environments and DM30 – Contamination and Pollution of the Chelmsford Local Plan (2020).

3. No development beyond damp proof membrane on either the primary school or nursery building shall take place until details of the materials to be used for the external appearance (including all windows and doors and any proposed window films) of the development hereby permitted have been submitted to and approved in writing by the County Planning Authority. The details, which it is expected would follow that outlined on drawings titled 'Primary School Elevations', drawing number: 120098-CDP-ZZ-XX-DR-A-2005 P6, dated 07/06/21 and 'Nursery Elevations', drawing number: 120098-CDP-ZZ-XX-DR-A-2006 P3, dated 07/06/21, with the exception of the window films on the Nursery, shall confirm the exact specification of the materials to be used including manufacturer, colour and finishes/application proposed. The development shall be implemented in accordance with the approved details.

Reason: In the interest of the amenity of the local area and to comply with policies S3 – Conserving and Enhancing the Historic Environment, DM13 – Designated Heritage Assets, DM14 – Non-Designated Heritage Assets, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design and DM24 – Design and Place Shaping in Major Developments of the Chelmsford Local Plan (2020).

4. No development shall take place until an updated Arboricultural Method Statement has been submitted to and approved in writing by the County Planning Authority. The Arboricultural Method Statement shall seek to detail protection measures proposed to the veteran Oak (T1) on-site during construction and when works encroach into the root protection area of this tree. The development shall subsequently be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment, on the basis that the submitted Arboricultural Impact Assessment, prepared by A. T. Coombes Associates Ltd, dated 02 February 2021 is based on an previous version of the proposal and the changes made to the scheme have implications to work within the root protection area of the veteran oak to be retained on-site and to comply with policy S4 – Conserving and Enhancing the Natural Environment, S11 – The Role of the Countryside, DM16 – Ecology and Biodiversity, DM17 – Trees, Woodland and Landscape Features, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design and DM24 – Design and Place Shaping in Major Developments of the Chelmsford Local Plan (2020).

5. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted, a revised hard and soft landscaping scheme (inclusive of all hard surfacing, boundary

treatments, fencing and gates) shall be submitted to the County Planning Authority for review and approval in writing. For the avoidance of doubt, it is expected that this scheme will follow the landscaping principles shown on drawings titled 'Outline Planting Plan', drawing number: 120098-CDP-ZZ-XX-DR-L-2002 P3, dated 09/06/21; 'Paving Details', drawing number: 120098-CDP-ZZ-XX-DR-C-6002 P4, dated 10/03/21; '1.8m Closeboard Fence', drawing number: 120098-CDP-ZZ-XX-DR-L-6001-P2, dated 24/02/21; '1.8m Weldmesh Fence', drawing number: 120098-CDP-ZZ-XX-DR-L-6003-P3, dated 09/03/21; and '1.5m Hit and Miss Fence', drawing number: 120098-CDP-ZZ-XX-DR-L-6007 P4, dated 09/03/21. However, the drawings should be updated to clearly detail all areas to be planted (including the proposed planted wire climbing system) with specific reference to species, sizing and spacing and the recommendations made from Place Services in terms of species and mix of the proposed native hedge. The landscaping plan shall furthermore be updated to account for the fence alignment change shown on drawing titled 'Alternative Fence Line', drawing number: 120098-CDP-ZZ-XX-DR-L-9005 P1, dated 08/06/21. The approved landscaping scheme shall subsequently be implemented within the first available planting season (October to March inclusive) 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 S3 – Conserving and Enhancing the Historic Environment, S4 – Conserving and Enhancing the Natural Environment, S11 – The Role of the Countryside, DM13 – Designated Heritage Assets, DM14 – Non-Designated Heritage Assets, DM16 – Ecology and Biodiversity, DM17 – Trees, Woodland and Landscape Features, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design and DM24 – Design and Place Shaping in Major Developments of the Chelmsford Local Plan (2020).

6. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted an updated Soft Landscape and Biodiversity Enhancement Management Scheme shall be submitted to and approved in writing by the County Planning Authority. The Scheme shall cover all elements of the landscaping scheme (including planted wire climbing system), albeit a specific management schedule is expected for the replacement oak tree. The Scheme shall furthermore seek to confirm that any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years after the completion of the development (operations) 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 environment and the amenity of the local area, to ensure the landscaping proposals are effectively managed

following implementation and to comply with policies S3 – Conserving and Enhancing the Historic Environment, S4 – Conserving and Enhancing the Natural Environment, S11 – The Role of the Countryside, DM13 – Designated Heritage Assets, DM14 – Non-Designated Heritage Assets, DM16 – Ecology and Biodiversity, DM17 – Trees, Woodland and Landscape Features, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design and DM24 – Design and Place Shaping in Major Developments of the Chelmsford Local Plan (2020).

7. The development hereby permitted shall be implemented in accordance with the biodiversity enhancement measures detailed in section 7.8 of the submitted 'Ecological Impact Assessment', produced by MLM Consulting Engineers Ltd, document ref: 66201998-MLM-ZZ-XX-RP-J-0001, dated 04/02/2021. Regarding this, and the enhancement measures proposed, 1no. bat and 2no. single chamber sparrow boxes shall be installed on-site prior to beneficial occupation of the development.

Reason: To conserve and enhance Protected and Priority species, to allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species) and to comply with policies S4 – Conserving and Enhancing the Natural Environment, DM16 – Ecology and Biodiversity, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design and DM24 – Design and Place Shaping in Major Developments of the Chelmsford Local Plan (2020).

8. No external fixed lighting shall be erected or installed on-site until exact details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design and management (including proposed hours of operation), the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground (including spill in context of adjacent site levels), angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The lighting design shall also consider the impact on light sensitive biodiversity and a) 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, for foraging; and b) clearly demonstrate 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.

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 surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and to comply with policies S4 – Conserving and Enhancing the Natural Environment, S11 – The Role of the Countryside, DM16 – Ecology and Biodiversity, DM17 – Trees, Woodland and Landscape Features, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM25 – Sustainable Buildings and DM29 – Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

9. Prior to beneficial occupation of the development hereby permitted, details of the external sound level emitted from all plant, machinery and equipment installed shall be submitted to the County Planning Authority for review and approval in writing. The details shall furthermore outline any mitigation measures proposed to ensure that the external sound level emitted from plant, machinery and equipment proposed to be installed would be equal or lower than the existing background sound level. The assessment shall be made in accordance with BS 4142:2014+A1:2019 and the assessment shall be based on all plant, machinery and equipment operating together at design duty with impact predicted/assessed at a range of nearby sensitive receptors (or areas respective to the location of these). The development shall subsequently be implemented and managed in accordance with the details approved.

Reason: In the interests of adjacent residential amenity and to comply with policies DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM25 – Sustainable Buildings and DM29 – Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

10. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority. With regard to this the scheme shall either:
 - Demonstrate that the previous development parcel made attenuation storage allowance to manage runoff volumes generated by an unlimited discharge from the school site or if such allowance was not made or this cannot be demonstrated, the proposed drainage scheme shall include but not be limited to:

- Restricting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;
- Providing sufficient storage on-site to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- Demonstration that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event;
- Final modelling and calculations for all areas of the drainage system;
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features; and
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The drainage strategy subsequently approved shall be fully implemented prior to beneficial occupation of the development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment, failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site and to comply with policies S2 – Addressing Climate Change and Flood Risk, S9 – Infrastructure Requirements, DM18 – Flooding/SUDS, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM25 – Sustainable Buildings and DM29 – Protecting Living and Working Environments and DM30 – Contamination and Pollution of the Chelmsford Local Plan (2020).

11. Prior to beneficial occupation of the development hereby permitted, a maintenance plan detailing the maintenance arrangements, including who is responsible for different elements, of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to the County Planning Authority for review and approval in writing.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended and to ensure mitigation against flood risk as failure to provide the above required information prior to occupation may result in the installation of a system that

is not properly maintained and may increase flood risk or pollution hazard from the site and to comply with policies S2 – Addressing Climate Change and Flood Risk, S9 – Infrastructure Requirements, DM18 – Flooding/SUDS, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM25 – Sustainable Buildings and DM29 – Protecting Living and Working Environments and DM30 – Contamination and Pollution of the Chelmsford Local Plan (2020).

12. No development of the natural turf playing field shall commence until the following documents have been submitted to and approved in writing by the County Planning Authority, after consultation with Sport England:

- A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
- Based on the results of the assessment to be carried out pursuant to the above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and the land shall thereafter be maintained and made available for playing field use in accordance with the details of the development approved.

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

13. No development shall take place until an updated Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The approved Plan shall be adhered to throughout the construction period and provide for:

- a) the proposed layout of the construction compound inclusive of areas proposed for the parking of vehicles of site operatives and visitors, the loading and unloading of plant and materials and the storage of plant and machinery used in constructing the development;
- b) wheel and underbody cleaning facilities;
- c) routing of vehicles;
- d) measures proposed to reduce the potential for amenity impacts or nuisance;
- e) measures proposed to minimise the risk of offsite flooding caused by surface water run-off and groundwater; and
- f) mechanisms for liaising with other developers in the vicinity to co-ordinate construction activity and reducing the impact on the network.

The Plan shall also be supported by a condition survey of roads proposed to be used by construction vehicles with a commitment to undertake a further survey once the development is complete. The results of the latter survey shall be submitted to the County Planning Authority for review and approval in writing no later than one month after beneficial occupation of the development and in the event of identified damage to the highway this shall be accompanied by a resolution strategy. The development shall be implemented in accordance with the approved Plan/strategy.

Reason: In the interests of highway safety and amenity, that construction works may lead to excess water being discharged from the site and to comply with policies S9 – Infrastructure Requirements, DM18 – Flooding/SUDS, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM29 – Protecting Living and Working Environments and DM30 – Contamination and Pollution of the Chelmsford Local Plan (2020).

14. No development beyond damp proof membrane on either the primary school or nursery building shall take place until an updated parking plan has been submitted to the County Planning Authority for review and approval in writing. The car parking arrangement as shown on drawing titled 'Site Plan', drawing number: 120098-CDP-ZZ-XX-DR-L-2001 P6, dated 08/06/21 shall be revised to clearly show the three spaces which would have charging points for electric vehicles. The parking area shall subsequently be constructed and laid out as approved. In addition to this, the cycle/scooter parking, as shown on the same drawing, for the avoidance of doubt, shall also be provided prior to beneficial occupation of both the primary school or nursery building. The specification for the cycle/scooter parking is to be as shown on drawings titled 'Cycle Shelter', drawing number: 120098-CDP-ZZ-XX-DR-L-6006 P2, dated 24/02/21; 'Cycle Hoops', drawing number: 120098-CDP-ZZ-XX-DR-L-6004-P3, dated 24/02/21; and 'Scooter Racks', drawing number: 120098-CDP-ZZ-XX-DR-L-6005 P2, dated 24/02/21. The car parking areas and cycle and scooter racks/shelters shall be permanently retained for the lifetime of the school and shall not be used for any other purpose.

Reason: To provide a suitable level of parking on-site, to provide appropriate facilities to store cycles and scooters on-site, in the interest of highway safety and to comply with policies S2 – Addressing Climate Change and Flood Risk, S9 – Infrastructure Requirements, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments, DM25 – Sustainable Buildings and DM27 – Parking Standards of the Chelmsford Local Plan (2020).

15. No development beyond damp proof membrane on either the primary school or nursery building shall take place until exact details of the carbon/energy saving measures outlined in Section 5 of the 'Design and

Access Statement' (V3), produced by Concertus, dated 04/02/2021 and section 6.42 of the 'Planning Statement', produced by Strutt and Parker, dated February 2021 have been submitted to the County Planning Authority for review and approval in writing. Such detail shall, for the avoidance of doubt, include but not be limited to the exact layout of the solar arrays proposed on both building roofs, shown in principle on drawings titled 'Primary School Roof Plan', drawing number: 120098-CDP-ZZ-XX-DR-A-2010 P2, dated 07/06/21 and 'Nursery Roof Plan', drawing number: 120098-CDP-ZZ-XX-DR-A-2011 P2, dated 07/06/21.

Reason: In the interests of energy efficiency, delivering the carbon savings suggested as part of the proposals and to comply with policies S2 – Addressing Climate Change and Flood Risk, DM20 – Delivering Community Facilities, DM23 – High Quality and Inclusive Design, DM24 – Design and Place Shaping in Major Developments and DM25 – Sustainable Buildings of the Chelmsford Local Plan (2020).

16. The development shall be implemented in accordance with recommendations outlined within the Site Investigation Report, produced by Ground Engineering, report reference: C15191, dated December 2020. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy, in such an event, shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources in line with paragraph 170 of the NPPF and to comply with policy DM30 – Contamination and Pollution of the Chelmsford Local Plan (2020).

6. Enforcement Service Update

The Committee considered report DR/09/21 by the Chief Planning Officer.

The Committee NOTED the report.

7. Applications, Enforcement and Appeals Statistics

The Committee considered reports DR/10/21, DR/11/21 and DR/12/21; applications, enforcement and appeals statistics, as at the end of March 2021, April 2021 and May 2021 respectively.
The Committee NOTED the report.

8. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 23 July 2021, to be held in the Council Chamber, County Hall, Chelmsford. Further information on Committee training would be circulated.

There being no further business, the meeting closed at 11:17am.

DR/13/21**Report to:** DEVELOPMENT & REGULATION (23 July 2021)

Proposal: COUNTY COUNCIL DEVELOPMENT - Demolition of existing building and the construction of a new three storey building providing a new library (Use Class F1d) and commercial unit (flexible use within Use Classes Ea, Eb, Ec, Ee, Ef, F1b, F1d, F1e, F2b) on the ground floor and 9 new residential units over alongside associated access, parking, servicing, utilities and landscaping

Ref: CC/BRW/30/21**Applicant:** Essex County Council**Location:** Shenfield Library, Hutton Road, Shenfield, CM15 8NJ**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Tom McCarthy Tel: 03330 320943The full application can be viewed at <https://planning.essex.gov.uk>

1. SITE

This application relates to an area of land measuring approximately 1,443m², currently occupied by Shenfield Library. The area in question is located on Hutton Road, on the junction with Friars Avenue.

As existing the site is occupied by a single 1960's brick building, with a pitched roof, currently operated as a library. The building is effectively made up of two wings or parts: one a typical single storey scale element which houses the main building entrance; and then a double height element which comprises the main library space. Inside the building is split level, with a few steps within the main Library space to account for the site topography.

To the front of the building are two green areas inclusive of a number of trees, most notably three silver birch trees and a large cherry. To the rear of the building is a car park, accessed via Friars Avenue.

Photo taken on Hutton Road looking towards Shenfield Library



The site is designated for community use within the existing Brentwood Replacement Local Plan (2005). With the main commercial part of Hutton Road or the High Street to the north-east towards Shenfield rail station. Residential properties are located to the immediate west on Hutton Road and to the south on Friars Avenue.

2. PROPOSAL

This application seeks planning permission to demolish the existing building and construct a new three storey building. The ground floor of the proposed building would house a replacement library; a new commercial unit proposed to be used for the display or retail sale of goods, sale of food and drink for consumption (mostly on the premises), financial services, professional services or other appropriate services in a commercial, business or service locality, medical or health services, creche, day

nursery or day centre, display of works of art, public library or public reading room, public hall or exhibition hall or as a hall or as a meeting place for the local community; and a lobby for the residential units. Floors one and two comprise would comprise five and four residential apartments respectively, each with a private balcony.

As shown on the below visualisations, the building is proposed to be constructed from three shades of buff/grey brick with the intention of creating a 'geometric sense of an interlocking puzzle', with a high proportion of glazing on the ground floor. Window frames would be dark and recessive, with balconies on the front and side elevations proposed as projecting (metal railings). To the rear the balconies would be inset and bricked.

Visualisation of the proposed development from Hutton Road



Visualisation of the rear elevation of the proposed development (elevated view)



To the front of the site, to account for the larger building footprint, the existing cherry tree together with a few other minor, less mature trees are proposed to be removed/felled. The three silver birch trees would however be retained as part of the proposals with a publicly open landscaped area retained in front of the library.

To the rear of the site, the car parking area is proposed to be retained in a form similar to existing. This would provide 10 car parking spaces (one for each residential unit and one for the library) together with a space which would double-up as a servicing and disabled bay.

3. POLICIES

The following policies of the Brentwood Replacement Local Plan (2005) provide the development plan framework for this application. The following policies are of relevance to this application:

Brentwood Replacement Local Plan (2005)

CP1 – General Development Criteria
CP2 – New Development and Sustainable Transport Choices
CP3 – Transport Assessments
CP4 – The Provision of Infrastructure and Community Facilities
H4 – Mixed Use Development
H6 – Small Unit Accommodation
H9 – Affordable Housing on Larger Sites
H14 – Housing Density
T2 – New Development and Highway Considerations
T5 – Parking
T10 – Access for Persons with Disabilities
T14 – Cycling
T15 – Pedestrian Facilities
LT8 – Use of Redundant Institutional, Recreational and Community Building
LT11 – Retention of Existing Local Community Facilities
C5 – Retention and Provision of Landscaping and Natural Features in Development
IR5 – Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development
PC1 – Land Contamination
PC4 – Noise
PC6 – Transport Pollution

The Revised National Planning Policy Framework (NPPF) was published in 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).

Brentwood Borough Council has undertaken a compatibility assessment with the NPPF and the conclusions of this will be taken on board as part of the policy appraisal of this application.

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.

Brentwood Borough Council submitted a 'new' Local Plan to the Secretary of State for independent examination on 14 February 2020. Hearing sessions commenced on 1 December 2020 and are still on-going (week 6 hearing sessions scheduled between 27-29 July 2021). At the current time, as the Plan has not been found sound, the emerging policies are considered to hold limited weight in the determination of applications.

4. CONSULTATIONS

Summarised as follows:

BRENTWOOD BOROUGH COUNCIL (PLANNING)

Relationship with neighbouring properties

The removal of the proposed roof terrace with railings adjacent to 61 Hutton Road is an improvement. There remains no indication that this area, or the main roof, would be utilised for PV panels, behind an appropriate parapet. Unfortunately, the step down isn't accompanied by articulation or setting back of the remaining ground and first floor element in this area, which need not be more than a brick or two, though such an alteration would make the change in scale of this lowered section look less of an afterthought.

There is a large side (west) window to unit 1.05 and a small window to 1.03, that are marked on the floor plan (P012 Rev A) but not the elevation (P016 Rev A). The same issue exists with regard to units 2.03 and 2.05 (P013 Rev A). If not omitted, these should be obscure glazed and non opening or otherwise altered to avoid overlooking.

The rear facing windows are mostly in excess of the 15 metre window to boundary dimension given in the Brentwood Replacement Local Plan 2005 (The Development Plan) and Essex Design Guide. However, to reduce overlooking of neighbours, as well as the perception of it, the applicant should be encouraged to use methods of reducing overlooking, e.g. directional windows, high level windows and obscure glazing, particularly with regard to the bedroom window and kitchen diner window to units 1.05 and 2.05. I would suggest assessment of those methods in that order, as for example obscure glazing bedroom windows is generally a poor alternative. The balcony to 1.03 and 2.04, is contained by the building constraining overlooking of number 61 and measures over 19 metres to the boundary with 2 Friars Avenue.

The greater scale of the building in comparison to the existing building would be clearly perceptible from Friars Avenue, though this has been kept away from the outlook from 2 Friars Avenue and is to the north of that property thereby avoiding loss of sunlight. Due to the relative position of the buildings and orientation of 2 Friars Avenue, it appears that the rear elevation windows to the latter would not suffer a loss of daylight, assessed using the '25 degree rule'.

Affordable housing provision

It is noted that the proposal is now for nine dwellings and therefore falls below the threshold set out in paragraph 64 of the National Planning Policy Framework (NPPF) for the provision of affordable housing in urban areas.

Sustainability

The form of the building appears to be particularly suitable for inclusion of solar PVs, maybe in conjunction with a green roof, as part of addressing its own needs for energy and power. Meeting the aspirations and direction given in the LDP for energy and water efficiency and low carbon generation, is the right direction to go and am pleased that this the route the applicant is following. Little information has been provided on plant, rainwater goods and safety equipment which can disfigure otherwise well designed buildings. The Energy Statement refers to PVs and air source heat pumps though details indicating how they, or related infrastructure (vents etc), would affect the appearance of the building have not been provided. The section drawing does not show how the PVs would be placed on the roof.

Flat roof buildings should have parapets of sufficient height, or use 'Mansafe' systems, to avoid unsightly protective fencing and plant should be designed in to avoid later design or amenity problems. Furthermore, given the unknown occupier of the commercial unit and the flexibility within the amended use classes order, appropriate provision should be designed in to avoid unsightly alterations due to the requirements of different potential uses in due course. It is noted that the range of uses in Class E has been limited, to reduce the potential to affect the amenity of neighbours.

Design

The Urban Design consultee advising Brentwood, attended the pre application discussions and gave advice (included in the planning statement (page 29). While the redevelopment of the library site presents an opportunity for mixed use development and meaningful public realm for local residents, having assessed the submitted scheme, she advises that it has not fully addressed those aspects regarded and advised by her as being deficient; the relationship to the neighbouring property remains unresolved and the façade treatment has not progressed. In terms of the fabric first approach and incorporation of renewables, these remain vague and lacking in terms of the development principles. This has resulted in a proposal that is not an exemplar Public Building. As previously advised she directs the applicant to Essex Quality Review Panel to enable further design development and specialist support.

Brentwood requires proposals of this type to go through the Essex Quality Panel, overseen by Place Services at Essex County Council. This should also be the case for this proposal, particularly given that it is a County Council proposal to be determined by the County Council. It has not been confirmed that County officers will require this to happen. Not having the proposal considered by the design review panel would be a matter of concern as it is a common requirement for other applicants, and it is not clear why the County should or wish to avoid such a review. It would also miss out on the advice and guidance the panel would provide to achieving a quality development.

Parking

Parking provision is at 1:1 for the flats, one unspecified space plus a delivery space but no provision for the commercial unit. This does not comply with the requirements set out in the 2009 parking standards. However, given the location of the site, the level of provision of residential parking appears appropriate. The provision of no parking for the commercial unit is acceptable given the small size of the unit, the access to local car parks and choice of modes of transport for staff travel.

ECC Officer Comment

Since the above comments were received, revised drawings have been submitted to show a single brick course step back in the building projection closest to 61 Hutton Road. The elevation drawings were also updated to correctly show all windows proposed.

BRENTWOOD BOROUGH COUNCIL (ENVIRONMENTAL HEALTH) – No objection subject to conditions.

THE COUNCIL'S URBAN DESIGN, LANDSCAPE, ECOLOGY AND TREE CONSULTANTS

Urban Design

Some concerns around the approach to the elevations, with it considered that there could be an imbalance between the glazing ratio and brick finish. This is due to the small window units being proposed where large expanses of brick dominate the build. The existing built form to the east comprises more glazing and uses this to create

horizontal banding/focus.

The key corners/elevation are mainly blank brick detailing or small set window units. There is a clear opportunity missed in the design and approach to the upper storeys to create a well-balanced and considered approach. The use of window units, recessed brick detail and add on balconies create a flat approach.

The southern elevation provides nothing to southern views or the approach to the High Street from this direction. The rationale around the use of climbers being integrated here is more lip services than anything tangible. There is not a suitable growing space/volume to accommodate a suitable climber system.

In addition, reservations are raised around the hierarchy of residential access from the car park. Accessing homes through a service yard is not welcoming or practical.

Lastly, there is little information on the sustainability credentials of the build. Given the launch of the Essex Climate Action Commission in the coming weeks it would be important to ensure that the build goes above and beyond the approach of sustainability for this location. Given the ground floor use as a library/community use, we would expect to see commitment in reducing running costs and striving for a fully sustainable build.

Landscape

No objection subject to conditions. That said, the following are made as recommendations:

- Given the urban context, we would recommend incorporating SuDS into the library grounds. For instance, the use of rain gardens and bioretention beds where appropriate would help reduce surface water runoff but also reduce watering as part of the maintenance schedule.
- Given the proposed building has two flat roofs, we would recommend green roofs are explored, especially given as some areas will be visible from many of the residential properties proposed.

Ecology

No objection subject to a condition seeking to secure reasonable biodiversity enhancements, as part of the development, to ensure that measurable net gains are provided for biodiversity.

Trees

No objection subject to conditions. A total of six trees would be removed to facilitate the development, five of these trees are of low quality (Category C) but one is of moderate value (Category B). Acceptable replacement planting is however proposed as part of the landscaping proposals to mitigate this loss.

HIGHWAY AUTHORITY – No objection subject to conditions. The proposals entail a widening of the existing site access onto Friars Avenue to comply with up-to-date Essex Design Guide standards. The existing barrier will be retained to allow residents, staff, disabled and delivery access only. This will ensure that there will be no increase

in vehicle trips to and from the site.

In terms of car parking, each dwelling will be provided with a single parking space with two additional spaces for library staff / deliveries / disabled use. This is considered reasonable given the site's location in the centre of Shenfield with all its facilities including public car parks and excellent public transport links.

Therefore, from a highway and transportation perspective, the proposals are acceptable to the Highway Authority.

LEAD LOCAL FLOOD AUTHORITY – No objection subject to a condition requiring submission of finalised modelling of the pipe network.

ESSEX FIRE & RESCUE – No objection. Further observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

ESSEX POLICE – No comments received.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

LOCAL MEMBER – BRENTWOOD NORTH – Any comments received will be reported.

5. REPRESENTATIONS

59 properties were directly notified of the application. The application was also advertised by way of site notice and press advert. 16 letters of representation have been received. These relate to planning issues summarised as follows:

<u>Observation</u>	<u>Comment</u>
Do not oppose the modernisation of the library. However, oppose the design put forward. The building is immensely imposing and not in keeping with the properties on Friars Avenue.	See appraisal.
The orientation of the proposed building and the adjacent properties means people within the flats would be able to see directly into bedrooms, living rooms and gardens.	See appraisal.
Do not want to look out of our window and see residents sitting on balconies.	Noted.
The meeting room within the library is proposed for hire. This is reducing space for the library use so can it be used by the	The internal layout of the library is largely for the Essex Library Services to determine and consider. It would be

public when not booked? A more flexible arrangement i.e. this room being able to be created when required through folding/moveable walls would be preferable. The meeting room as a fixed entity should be removed from the proposals.

inappropriate for a planning permission to control or restrict the internal layout of a building in such manner, without due reason/justification. Internal alternations and to how spaces are used are likely to be changeable and subject to the use of the building not changing this is not something the planning regime would normally engage in.

The library should be able to be used for events but to do so appropriate facilities should be secured and considered as part of the design i.e. appropriate flexibility in layout to hold such events and provision to store excess chairs, tables, blinds etc...

Noted. Albeit, to confirm licensing for events is a different regulatory regime to planning.

No disabled parking provision.

The proposals incorporate one space which is proposed for dual use as a servicing bay and disabled bay. Public use of this space would be managed by Essex Library Services, in a similar manner to existing.

The outside space in front of the library is important as we lack green spaces in Shenfield. Concern is raised that this may be locked and not accessible to the public at all times.

Whilst the proposals incorporate a fence and gate to this area, the applicant does not propose to lock this when for example the library is closed. This is intended as publicly accessible space and not just private open space for occupiers of the flats. That said, the area may be closed off to the public if for example the library were using it as part of an event or club.

Concerns about the disruptive nature of the (construction) project.

See appraisal.

Concerns about impacts on privacy. The balconies and windows open up intrusive over-views.

See appraisal.

This is a residential-led project, and the mix of uses puts the scheme outside those where the County can properly decide its own applications. This application should be determined by Brentwood Borough Council.

Regulation 3 of the Town & Country Planning General Regulations 1992 allows for an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, to be determined

	by the authority concerned.
The proposed building is excessive in profile, would extend the ugly Sixties block-scape across Friars Avenue into an all-residential townscape of two storey houses with pitched and tiled roofs.	See appraisal.
Concerns about the proposed roof terrace to unit 2.02.	The roof terrace to this unit is no longer part of the proposals.
To the extent that Essex County Council added a roof terrace to the plans so that it can simply 'concede it' in order to retain its plans for balconies, is highly transparent and in poor taste.	Noted.
The development would encroach on, loom over and de-grade central Shenfield's only green focal point.	See appraisal.
The scheme should at the very least reflect the mansard design of the development opposite.	Noted.
Blatant disregard to involve us (neighbouring occupiers) in the project. The applicant proclaims to have consulted prior to submitting this application but posting a pre-printed letter to "the occupiers" is not actively consulting. The results presented of the engagement undertaken are also misleading.	Noted. The submitted Statement of Community Involvement has been considered by officers in context of this criticism.
The height of the development is inappropriate. The development towers above the adjacent properties and it is completely unnecessary. It would ruin one of the nicest focal points in central Shenfield.	See appraisal.
I am all for development and modernising this space, but it should remain in keeping with both sides adjoining it. The argument that the proposals would be equivalent to the building opposite on the High Street and the building over the road is farcical. The High Street is commercial in nature and extremely ugly by design. The same can be said opposite the road.	See appraisal.

Why would you want to copy something that is an eyesore?

Shenfield is a beautiful location and coming off the train into the High Street you would be losing our identity as a green village if we continue to build out more and more three storey developments.

See appraisal.

The design comments from pre-applications discussions with ECC and BBC about 'book ending' are not valid as the High Street doesn't finish at the Friars Avenue entrance.

See appraisal.

Comments raised by BBC at pre-app have not been addressed and remain valid: Why would I want to live there? Would I be happy to be a neighbour to the development?

See appraisal.

This proposal is all about maximising monies for ECC.

Noted.

Impact on property prices.

Property prices alone are not a material planning consideration.

Concerns around precedent.

See appraisal.

No staff parking. Do ECC honestly expect that library staff should pay for their own parking to attend work?

See appraisal.

This whole project smarts of money first over community happiness. The development is too big and doesn't achieve what the community wants which is a commitment from ECC and BCC that the library will remain forever.

Noted.

The Essex Future Library Services Strategy 2019-2024 (as amended) does not envisage the closure of any library during the life of the strategy.

Accept that public opinion in Shenfield is heavily in favour of retaining the library and we do appreciate that, to safeguard its future, the Council has to find a way to fund it.

Noted.

We are confident that should we, as owners of a private residential property on Shenfield High Street, submit a proposal to build an extra storey onto our

Each application is considered on its own merits in context of relevant development plan, policies and guidance.

house and create a terrace/balcony viewing into neighbouring gardens, this would be flatly refused. Please confirm why different standards should apply to the redevelopment of the library site.

Green initiatives should be on all of our agendas right now. Please confirm what consideration the Council has given, if any, to the fact that the proposals will encroach upon one of Shenfield's very few remaining green spaces.

Comments raised at the public engagement event have not been taken on-board. This is not an over developed 'urban' area and those putting together the application and designing the development should at least visit it to understand its context.

Is a flat roof building appropriate?

Concerns about the visual appearance of plant (heat pumps) on the roof.

How tall is the building?

Concerns about the subsequent impact on the installation of satellite dishes.

Lack of parking for visitors and delivery vehicles

Additional signage is needed on Friars Avenue, warning of the car park entrance/exit

See appraisal.

Noted. See appraisal re: overdevelopment comment.

See appraisal.

See appraisal.

The building height varies given the varying topography and the point of reference. From the finished floor level of the main library entrance to the top of the roof parapet is 11.365m.

In the event that planning permission is granted, a condition would be attached to prevent the installation of satellite dishes on the building elevations.

See appraisal.

The car park access is proposed to be widened to 5.5m. All work within or affecting the highway would be required to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority. The access point at this stage would be subject to road safety audit which would duly identify the need for any signage.

Sufficient resource must be allocated to facilities to enable community groups to make the fullest possible use of the building; and the use of such facilities should be at cost price, rather than on a commercial basis.	Not considered to be a planning consideration per-se, with this viewed more as a comment/request to Essex Library Services in terms of the potential management of the site/use.
Views in the vicinity would be dominated by the proposed building.	See appraisal.
The building is unattractive and a vast expanse of brickwork to the rear. The proposals lack attractive architectural features. A design more in keeping with Clune Court would be more appropriate.	Noted. See appraisal.
Overlooking and loss of amenity. There is no view from many of the flats but of the private gardens of the neighbouring properties.	See appraisal.
Balconies to units 1.03, 1.05, 2.03 and 2.05 should be removed.	See appraisal.
Preferred option would be for the existing Shenfield Library to be renovated; however, I can see that there are economic arguments in favour of developing the site, particularly if it means that we keep an Essex County Council-run library in Shenfield	Noted.
The proposed building is uninspiring, and an opportunity has been missed to create something more exciting in this key, central location.	See appraisal.
Concerns about shadows. The newly created landscaping areas in front of the building will also be in shade virtually all of the day.	See appraisal.
Concerns about the validity of the submitted Transport Assessment. How can there be a net reduction in vehicle movements when nine additional dwellings are being introduced to the site. Uses mentioned and considered in the Assessment, for example Barnardos have not been based at the Library for a number of years.	See appraisal.

Assumption is made in the Transport Assessment that the three bays in front of the library could be used by delivery drivers but those bays are almost always fully occupied.	Noted. See appraisal.
Concerns about the safety/visibility of the car park entrance/exit.	See appraisal.
The large Cherry tree currently on the site will be greatly missed and I would have liked to have seen it retained.	See appraisal.
Additional seating/benches should be provided outside the library.	See appraisal.
There was no ability to submit comments via the Council's website.	This comment was received after the formal consultation period had ended. The ability to submit representations via the website is only 'live' during the 21 day consultation period.
I would ask that ECC takes account of the provisions of the Equality Act 2010, and even in situations where the Council is not required to comply with the law, it makes such reasonable adjustments as to make it a leading exemplar in compliance with the Act. This would, I suggest, require at least one disabled parking space be provided.	Noted. The proposals incorporate a parking space which is proposed for dual use as a servicing bay and disabled bay.
There is no demand for another coffee shop in Shenfield.	Noted.
Concerns about the proposed library layout and in-particular the small area allocated for the children's library in comparison to the adjacent meeting room.	The internal layout of the library is largely for the Essex Library Services to determine and consider. It would be inappropriate for a planning permission to control or restrict the internal use of a building in such manner. Internal alternations and to how spaces are used are likely to be changeable and subject to the use of the building not changing this is not a material planning consideration.
I would argue that the library is not adjacent to existing commercial buildings. It is adjacent to two storey homes, roads and a small green area. There are three	Noted.

storey buildings on the other side of the road, but I don't feel this has any bearing on the immediate context as none of these are as close as the neighbouring two storey homes.

It is suggested that new residents should have a good standard of living but as an existing resident, I would also like that same level of respect and consideration.

There have been studies conducted on the unhealthiest places to live in Essex and I noticed Shenfield featured highly in two that have been conducted by good UK universities stating bad air quality, lack of green space and notably poor access to dentists and hospitals. There have been many additional flats either built or given permission and I haven't seen anything yet about how this increase demand for health care and dentists is proposed to be dealt with.

Works are suggested to likely be completed by 2024, if planning permission is granted, which is also the date we have been given as a guarantee by Essex County Council that Shenfield will have a library until. Surely if the library only moves back into this building in 2024 there should be a guarantee for far longer as the building will have been built with the library and its new facilities in mind.

Agreed. See appraisal.

Planning obligations can be used to mitigate the impact of unacceptable development and make it acceptable in planning terms. Planning obligations can however only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

This proposal has been submitted post adoption of the Essex Future Library Services Strategy 2019-2024. As detailed in respect of another comment received, this Strategy seeks to identify various ways to transform the existing library service in a bid to change the decline in usage which has been witnessed. The Strategy does only cover a period until 2024. However, as this is a project evolving from the Strategy it has to be acknowledged that this is not a short-term answer and it is highly unlikely, should planning permission be granted, that the library use would be closed shortly after completion or occupation. That said, this would remain a landowner decision. In planning terms, the use has nevertheless been explicitly detailed (Use Class F1(d)) so, in the event planning permission is granted, any potential proposed change of use would require planning permission. At which point the justification for this

development and the loss of the library as a community asset would be fully considered.

6. APPRAISAL

The key issues for consideration are considered to be:

- A. Principle of Development
- B. Schedule of Accommodation/Library Space, Density and Housing Mix
- C. Design and Landscaping
- D. Amenity
- E. Highways
- F. Sustainability and Flood Risk/Drainage

A PRINCIPLE OF DEVELOPMENT

This site is allocated for community use within the Replacement Brentwood Local Plan (2005) and policy LT8 applies. Policy LT8 states other than those sites identified as major housing sites on the proposals map, permission for the change of use or redevelopment of existing schools, hospitals or buildings of a similar institutional character, or existing recreational, cultural, leisure or other community facilities, shall only be granted where the proposed use addresses local community needs and, where these needs are met or where the existing community use can be suitably adequately relocated on an appropriate alternative site, housing needs.

Essex County Council's Cabinet in July 2019 approved the Essex Future Library Services Strategy 2019-2024. The Strategy approved was amended following public consultation on an earlier version or draft which had originally identified the potential closure of several libraries across the County. Shenfield Library was originally identified as a Tier 3 library and a library which ECC did not consider necessary to meet its statutory duty, but where it could support the provision of library services run by a community or partner organisation. The Strategy eventually approved nevertheless amended this tier approach and seeks to strive by working with communities to retain a library service in every current location through the Strategy period. However, it is stated that *'doing nothing is not an option. If we did not transform the service, within five years it is highly likely that the decline in usage would continue; the service and buildings would not be modernised or be fit for purpose and communities would have less opportunity to be involved in shaping local services to suit their needs, as less resources would be available to them. Efficiencies and greater convenience associated with sharing space, embracing digital technology and other planned improvements would not be achieved.'*

Regarding this, and the existing library property portfolio, this Strategy principally concerns the library service or offer, not the buildings. But it is acknowledged that library buildings are often seen as valuable community assets and many people will be concerned about their future use. The Strategy states that ECC *'will work to make the most efficient use of public buildings, whether owned by the council, other public bodies or community organisations. Most library services will be in shared spaces by 2024. We will review running costs and the condition of library buildings in council-run libraries, with a view to bringing all services up to a consistent, modern standard and finding the most effective ways to respond to local needs. This includes considering*

the most appropriate location for the service. In the future, library services could be provided from a range of outlets, such as shared locations with other services, new spaces provided as part of housing or retail developments or co-located in community centres, shops, leisure centres or other locations. In most cases, we would expect library services to be provided in alternative, better locations. We would expect community libraries would be run from premises owned or paid for by the community groups. Buildings that are no longer required by the library service because the community has opened a library in other premises will be considered under the Council's usual way for dealing with properties no longer required for their current use.'

Although this site is not allocated as a development site within the Replacement Brentwood Local Plan, it is noted that the allocation for a community use is not restrictive and a mixed-use re-development could potentially be considered compliant. Policy H4 confirms that within areas allocated for residential/offices/shops or shops/residential and in other applications involving commercial development within the main district shopping areas of Shenfield, Ingatestone High Street or Warley Hill, the opportunity should be taken to provide new residential accommodation as part of mixed-use development.

The above position is also portrayed in the NPPF with paragraph 92 in respect of social, recreational and cultural facilities and services the community needs, outlining that planning policies and decisions should d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

With regard to the proposed introduction of residential development to this site, Brentwood Borough Council cannot currently demonstrate a five year supply of housing land. Whilst the contribution of this application (9 units) is only minor, paragraph 59 of the NPPF confirms the Government's objective of significantly boosting the supply of homes. Paragraph 68 expands that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often build-out relatively quickly with c) explicitly confirming support should be given to the development of windfall sites through policies and decisions.

Turning to the proposed commercial unit, this would be a modestly sized unit. Whilst this again would be a new use for the site, no in-principle objections are raised in context of the extent of the existing Shenfield shopping area and the actual uses proposed for this unit.

Overall, no in-principle policy objection is considered to exist to the re-development of this site for mixed use purposes. The existing library (community) use is proposed to be retained and the proposed introduction of residential is general supported given the current housing supply issues in Brentwood and that policies and the NPPF seek to promote making the most effective use of land. This is nevertheless subject to the re-development proposals complying with relevant other considerations, noting as detailed at paragraph 117 of the NPPF, that whilst planning policies and decisions should promote an effective use of land, in meeting the need for homes and other uses, policies and decisions should also safeguard and improve the environment and ensure safe and healthy living conditions.

B SCHEDULE OF ACCOMMODATION/LIBRARY SPACE, DENSITY AND HOUSING MIX

As existing the library building has a gross internal area of 434m² and is utilised as per the below breakdown (provided as part of the submitted 'Proposed Site Ground Floor Plan'). As shown in the adjacent table/column titled 'Proposed GF Areas' the proposed development would result in an overall reduction size of the library. However, in terms of useable/publicly accessible parts of the building (main library, children's library, entrance hall) the replacement provision would actually provide a greater amount of floorspace. This has been achieved by optimising the layout of the library and for example reducing the size of the stock/storage room and providing one public toilet rather than a separate male and female provision.

Existing vs Proposed GIA

<u>EXISTING LIBRARY</u>		<u>PROPOSED GF AREAS</u>	
Main Library	199.0 m ²	Main Library	288.5 m ²
Heating Chamber	17.4 m ²	Lobby	11.3 m ²
Oil tank	10.7 m ²	Meeting Room	19.6 m ²
Children's Library	55.8 m ²	Library Storage	9.0 m ²
Stock Room	67.8 m ²	Library WC	3.9 m ²
Entrance Hall	28.6 m ²	Staff Room	7.3 m ²
Store	21.1m ²	Staff Office	17.0 m ²
Staff Room	13.0 m ²	Staff WC	3.9 m ²
M Cloaks	4.1 m ²	Commercial Unit	61.8 m ²
F Cloaks	4.1 m ²	Resi Lobby	40.2 m ²
		Bike Store	15.0 m ²
Total Room GIA:	421.6 m²	Bin Store	14.9 m ²
BUILDING GIA:	434.0 m²	Library GIA:	368.5 m²

No objections are therefore raised to the development proposals in context of policy LT11.

Turning to the residential units, the below table seeks to confirm the Gross Internal Area of each of these, their proposed occupation capacity and the size of balcony (open space) proposed.

Unit	GIA (m ²)	Bed Spaces	Balcony Size (m ²)
1.01	75	2 bed / 4 person	7.3
1.02	70.3	2 bed / 4 person	6.5
1.03	55.7	1 bed / 2 person	6.9
1.04	64	2 bed / 3 person	6.5
1.05	69.3	2 bed / 3 person	6.5
2.02	82.9	2 bed / 4 person	6.5
2.03	77.7	2 bed / 4 person	6.9
2.04	64	2 bed / 3 person	6.5
2.05	69.3	2 bed / 3 person	6.5

Policy H6 of the Replacement Brentwood Local Plan states that a mix of units is expected, with at least 50% of the total units being 1 and 2 bedroom properties, except where it can be demonstrated that such a mix of units would be inconsistent with the character of the existing development in the area.

Eight out of the nine flats proposed as part of these scheme would be 2 bed units, with one proposed as a one bed. The mix proposed, furthermore noting the sub-breakdown between 2 bed, 3 person and 4 person units is considered acceptable and compliant with policy. The size of the units also conforms with the Technical Housing Standards – Nationally Described Space Standard (2015).

Regarding densities, with nine units the proposed development density equates to 62.3 units per hectare. Factoring in the non-residential space (at a rate of 75m² as an allowance for one dwelling) the total development density increases to 96.4 units per hectare. Policy H14 of the Replacement Brentwood Local Plan expects residential densities to be no less than 30 dwellings per hectare, unless the special character of the surrounding area determines such densities inappropriate. Densities greater than 65 dwelling per hectare would be expected in town and district centres or locations with good public transport accessibility as is the case here. No objection in respect of the proposed development density is therefore raised.

Lastly, for confirmation, all nine units as part of this development are proposed for private ownership. Nine units is below the threshold for consideration to be given to affordable housing and as such no issues or concerns are raised in terms of proposed tenure/ownership.

C DESIGN AND LANDSCAPING

Policy CP1 of the Replacement Brentwood Local Plan details a range of criteria which any development coming forward needs to satisfy. Included as part of this list is that the proposal would not have an unacceptable detrimental impact on visual amenity or the character and appearance of the surrounding area; the proposals would be of a high standard of design and layout and should be compatible with its location and any surrounding development; and the means of access to the site for vehicles and pedestrians and parking and servicing arrangements are satisfactory.

As detailed previously in this report, the design rationale put forward by the applicant to support this development is a simple design, with minimal detailing, with a taut skin and large punctured openings. A palette of three contemporary bricks is proposed to support the simple, clean approach and create a geometric sense of an interlocking puzzle. The building is proposed with a high parapet to hide the solar array and other plant and equipment proposed on the main flat roof of the building.

As has been outlined in a few the letters of public representations received, Shenfield Library currently represents a transition site from the main commercial high street to residential (further along Hutton Road and into Friars Avenue). The junction with Friars Avenue whilst representing the end of the commercial activity on the southern side of Hutton Road, does not however represent the end of the high street with this continuing on the northern side of Hutton Road with further parades also existing further to the west.

In terms of the existing library building, this is considered a typical 1960's style building. The building is largely utilitarian and unoffensive but does not specifically add to the quality of the streetscene, locality or sense of place. Albeit the value of the green in-front and the trees in-front of the library do positively contribute to the character of the high street providing a soft element to an otherwise predominately hard landscaped street.

The Hutton Road streetscene itself, to the east of the site and junction with Friars Avenue is similar i.e. utilitarian in design. Buildings on southern side of the Road are predominately three storey and flat roofed, decreasing to single storey towards Shenfield Railway Station. On the north side of the road, there is a little more variation in building design with some buildings with pitched roofs and bay windows, albeit a similar three storey flat roofed building occupies the corner location with Crossways. Across the junction with Crossways, so opposite the library site, development is again three storeys, with Hunter House comprising commercial on the ground floor and offices on the two floors above.

At three storeys the proposed re-development of this site is more in-keeping with the scale of development to the east of the site, rather than the residential to the west and south. The applicant has however sought to suggest that the proposed use of the building in-part as a library and the design of the development means that such scale and mass can be incorporated without the site appearing cramped or over-developed. With regard to this, no objection in-principle is raised to a three storey development coming forward. It is considered that development at this scale is prevalent in the locality and as such would not appear unduly dominant or out of place. However, maintaining an acceptable relationship with 61 Hutton Road and the residential properties on Friars Avenue is fundamental to this and ensure a precedent for further development at the scale is made.

In terms of to these relationships, as shown below in elevational form, the building is proposed to be stepped in on the second storey to create a more substantial gap to 61 Hutton Road at this level. Furthermore, this projection has been stepped back by a single brick course to further aid and define the change in scale.

Hutton Road Elevation from Proposed Elevations Sheet 1 of 2



To the rear, in contrast to that proposed on the Hutton Road elevation, windows in the majority are not proposed as full length and generally more of a traditional residential scale. The two rear balconies are also inset instead of being projecting, to limit the potential for overlooking and activity on these appearing overbearing to neighbouring

properties.

Rear Elevation from Proposed Elevations Sheet 2 of 2

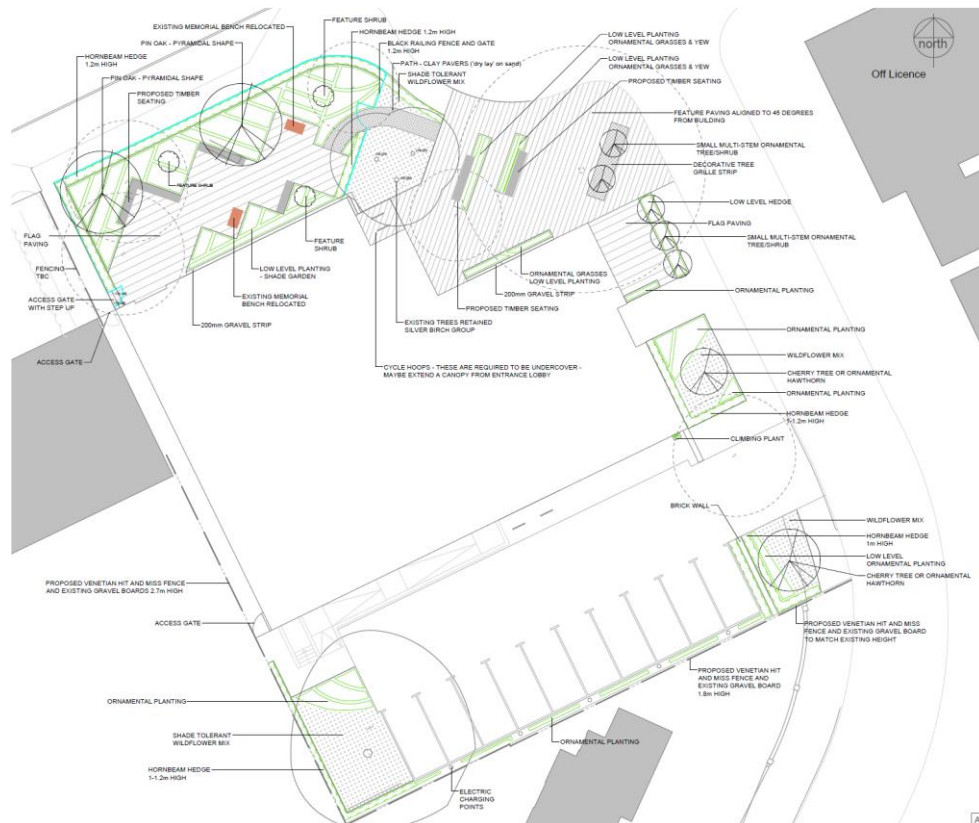


In terms of comments received from the Council's urban design consultant, the small windows on the rear elevation it is agreed do not create a significant amount of interest. However, the variation in brick does add some interest and views of the building on this aspect would be deflected by planting adjacent to and within the car park. It is considered that a balance needs to be struck, particularly on the rear elevation, in terms of the extent of glazing and the potential for overlooking or at least the perception of overlooking, given the scale of the development.

With regard to the access to the residential lobby adjacent to the library service/disabled parking bay, this is not proposed as the main access and the elevational treatment of it this supports this. This is proposed as a secondary access and a more convenient 'service access' for residents in respect of the bin store. Whilst the comments raised by the Council's consultant are therefore acknowledged, in context that this is not being proposed as the primary entrance to the residential lobby/core it is not considered that this represents a reason to refuse the application. It is considered that there are more benefits to having this secondary access than requiring this be removed to avoid the slightly awkward nature of it.

Moving on to landscaping, to facilitate this development the applicant is proposing to remove/fell the Cherry tree in-front of the library building as existing. The three silver birch trees would nevertheless be retained, as would the Beech within the car park area. The area in-front of the proposed building is proposed to be landscaped with the installation of a 1.2m fence and gate to aid more formal use by the library during operational hours. The area in-front of the new library entrance/lobby on the corner with the Friars Avenue junction would similarly be landscaping albeit the area would have a more manicured appearance, in comparison to the largely grassed appearance as existing, as is shown on the below plan.

Extract from the submitted 'Proposed Landscape Plan'



The Council's landscape consultant has raised no objections to the proposed landscaping scheme. It is considered that the area in front of the library would have a different feel to existing and would be seen more as an active part of the library. However, whilst the area would be fenced and gated it would still be publicly accessible, when not in formal use by the library. In addition, benches are proposed in the area immediately in front of the newly proposed library entrance which would always be available for use. No objection in context of policy C5 is raised to the development coming forward.

Essex Quality Review Panel

Within the representation received from Brentwood Borough Council it will be noted that concern has been raised that this proposal has not been presented to the Essex Quality Review Panel. The applicant, as part of pre-application discussions with the Council, was asked to consider presenting this proposal to the Panel but declined to do so. The County Planning Authority, whilst endorsing the value and benefit the EQRP provides, unlike Brentwood Borough Council, has no policy which seeks to outline when a development is required to go before the Essex Quality Review Panel. Whilst it is disappointing that the applicant decline to do this, it is not considered that this could form a reason to delay determination or refuse planning permission.

D AMENITY

Policy CP1 in addition to covering unacceptable detrimental impact on visual amenity, also seeks to ensure development would not have an unacceptable impact on the general amenities of nearby occupiers or the occupiers of the proposed development by way of overlooking, lack of privacy, overbearing effect or general disturbance.

The proposed building would be set 1.5m away from the common boundary with 61 Hutton Road and at its closet point 14.5m from the boundary with 2 Friars Avenue. With regard to this, the Essex Design Guide states that where the rears of neighbouring properties face each other at an angle of more than 30°, the minimum spacing between buildings should be 15m from the nearest corner. From edge of the proposed building to edge of the building at 2 Friars Avenue is 15.5m (at its closest point). That said, it is considered that a condition could be attached to any planning permission granted to secure that the window to units 1.05 and 2.05 are directionally installed, non or only partially opening and/or potentially glazed given the additional height of the development in comparison to 2 Friars Avenue and the potential perception of overlooking. A suitable worded condition could for example require confirmation of the window layout together with proposed measures to reduce such a feeling.

The distance between the windows and balconies associated with units 1.01, 1.03 and 2.03 is such that it is not considered that that these would unduly give rise to overlooking. The Essex Design Guide does however note that upper storey flats can cause problems due to overlooking from living rooms and accordingly it is suggested that rear-facing upper storey living rooms should be no closer than 35m from any other dwelling. The windows to units 1.03 and 2.03 would be 24m from the rear of 2 Friars Avenue. However, the development would not be directly to the rear of this property and the orientation of the 2 Friars Avenue effectively means any window to window views would be oblique.

As noted by Brentwood Borough Council, the greater scale of the building in comparison to the existing building would nevertheless be clearly perceptible from Friars Avenue. The development has however been kept away from the outlook from 2 Friars Avenue and is to the north of that property thereby avoiding loss of sunlight.

Regarding noise and air quality issues, it is accepted that the intensity of use of the site would increase because of this development and furthermore the use of the car park area is likely to be a lot less routine as this would not just be used by library staff and in association with the library. That said, the site is located on Hutton Road and the junction with Friars Avenue is a busy junction. Accordingly, it is not considered that impacts associated with the introduction of a residential use would be wholly unacceptable or out of character in terms of the existing acoustic environment. The balconies for all units are of a useable but modest size and it is not considered that these are of a size where large groups of people would likely to be able to congregate for a substantial period.

In terms of the amenity of potential occupiers, given the site location it is acknowledged that balcony areas would likely experience road noise. The balconies are however set back from the immediate road and similar features do exist elsewhere along Hutton Road. Albeit not ideal for a private open space when buying a flat or

house in an area like this there must be an understanding or acceptance that a degree of background road noise and activity will exist.

Construction Phase

If planning permission is granted, a construction management plan would be secured by condition which would seek to confirm construction working practices including hours and measures proposed to limit nuisance to nearby sensitive uses. Whilst noise and dust nuisance may result from the construction period, it is not considered any such nuisance or impacts given these would only be temporary would in any event form a reason to refuse planning permission in isolation.

E HIGHWAYS

This application has been submitted with a Transport Statement. This seeks to confirm the widths of both Hutton Road and Friars Avenue, the priority junction arrangement and one-way horseshoe section between the two roads and where existing pedestrian crossing points are located. With regard to parking/waiting restrictions the Transport Statement confirms Friars Avenue has a mix of double yellow (no waiting at any time) and single yellow line (Monday-Friday 9am-6pm) restrictions. With Hutton Road providing free short stay (1 hour) car parking (Monday to Saturday 9am to 6pm) including three spaces within a lay-by directly in front of the existing library building. In terms of parking provision, for context, the Statement also confirms that there is a short stay public car parking opposite on Friars Avenue which permits free parking for 30 minutes with longer periods up to three hours subject to a charge. Albeit blue badge holders are permitted to park for the full three hours for free.

To facilitate the development, from a transport perspective, the proposals seek to widen the existing access to the car park area off Friars Avenue to 5.5m. Each residential unit would be provided with one car parking space, with one space proposed for the library and an additional space which would double-up as a servicing and disabled bay. No parking provision is proposed for the commercial unit. The above represent an under provision in terms of adopted standards. However, standards and guidance do acknowledge that in highly accessible locations a lower standard may be acceptable and in this case the Highway Authority has raised no objection to the proposed parking ratios.

With regard to trip attraction/generation, it is noted that as exiting the library car park is only used by staff, community groups, blue badge holders and for deliveries. Data provided in terms of the predicted level of activity of the car parking as existing is therefore considered to likely represent an exaggeration as this is based on a generic library use of an equivalent size, rather than actual survey. From personal experience/knowledge of this site, the estimated trips from the predicted library use (12 movements over a 12 hour period) is considered to be more realistic reflection of current trip generation. However, it is accepted that in terms of a theoretical assessment, if the library was using the car park in a different manner, and it could be at any point as currently this is just a management decision, then the number of vehicle movements suggested (97) could be realised.

The Transport Statement in terms of the residential units predicts 19 movements over a 12 hour period (effectively each unit undertaking one car journey a day), with the commercial unit in isolation not considered to be a significant trip generator. The Highway Authority has raised no objection to the development from a highway safety or efficiency perspective in context of the predicted level of trips and as such overall no objections are raised in terms of policies CP2, CP3, T2, T5, T10, T14 and/or T15 of the Brentwood Replacement Local Plan.

F SUSTAINABILITY AND FLOOD RISK/DRAINAGE

Sustainability

Policy IR5 of the Brentwood Replacement Local Plan states that new development proposals should:

- incorporate the principles of energy conservation and efficiency in the design, massing, siting, orientation, layout and use of materials;
- encourage the use of renewable sources of energy; and
- encourage water conservation

The applicant is seeking to be lean, be clean and be green in terms of the energy performance of the building proposed. To deliver this the development is proposed to use high specification fabrics (material palette and windows), air source heat pumps and install solar panels on the main roof of the building. Only indicative details of this have been provided with the application but the assessment submitted has sought to suggest the aforementioned measures would deliver a 54% regulated Carbon savings above the standard required by Building Regulations. Subject to a condition seeking to confirm details of this, no objections from a sustainability perspective are raised.

Flood Risk and Drainage

This site is located within Flood Zone 1, at a low probability of fluvial and/or tidal flooding. No in-principle flood risk objections are therefore raised to this development coming forward.

With regard to drainage, surface water is proposed to be attenuated at a limited flow to the existing drainage network. The attenuation capacity to control the discharge rate is proposed as a deepened sub-base to the paved areas across the site.

In terms of foul water, an indirect connection is again proposed to be made to the existing system/network. The Lead Local Flood Authority has raised no objection to the proposed drainage design subject to a condition confirming the finalised modelling of the pipe network.

7. CONCLUSION

Whilst this proposal seeks to re-develop this site to a greater scale than existing and introduce new land uses (residential and commercial), it is clear from the Essex Future Library Services Strategy 2019-2024 that in the long term it is unlikely that Essex County Council will be able to maintain a library (community use) on the site without some form of change.

The building on-site, as existing, is a typical 1960's building, which it has been suggested is not efficient to run and incorporates a lot of spaces/areas which are not easily useable in terms of offering library services. No objection in principle is therefore raised to the concept of re-developing this site to provide a more modern, energy efficiency building for community use.

With regard to the introduction of residential flats above the replaced library provision, the Government has a strategic objective to significantly boost the supply of homes and it is noted that Brentwood Borough Council does not currently have a five year housing land supply. As a concept, the addition of residential accommodation is in-principle also therefore supported.

In terms of design and layout, it is accepted that the proposals would by virtue of the scale of the development give rise to a change in the character of the site. However, it is considered that the design rationale has been well thought through and once built it is considered that the building and re-landscaped green/open areas in front of the building would positively contribute to the streetscene and community. It is furthermore not considered that the development would give rise to any amenity impacts at a level to warrant refusal and/or impacts to highway safety and efficiency subject to the imposition of appropriate conditions. The proposals are considered policy compliant and accordingly representative of sustainable development as per the NPPF definition.

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 the details of the application dated 18/03/2021 and shown on drawings titled: 'Location Plan', drawing number: 001, dated 01/03/2021; 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21; 'Proposed First Floor Plan', drawing number: 012 (Rev B), dated 07/07/21; 'Proposed Second Floor Plan', drawing number: 013 (Rev B), dated 07/07/21; 'Proposed Roof Plan', drawing number: 014 (Rev B), dated 07/07/21; 'Proposed Elevations – Sheet 1 of 2', drawing number: 015 (Rev C), dated 08/07/21; 'Proposed Elevations – Sheet 2 of 2', drawing number: 016 (Rev B), dated 07/07/21; 'Proposed Section AA & Section BB', drawing number: 017 (Rev B), dated 07/07/21; and in accordance with any non-material amendment(s) 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 policies CP1 – General Development Criteria, CP2 – New Development and Sustainable Transport Choices, CP3 – Transport Assessments, CP4 – The Provision of Infrastructure and Community Facilities, H4 – Mixed Use Development, H6 – Small Unit Accommodation, H9 – Affordable Housing on Larger Sites, H14 – Housing Density, T2 – New Development and Highway Considerations, T5 – Parking, T10 – Access for Persons with Disabilities, T14 – Cycling, T15 – Pedestrian Facilities, LT8 – Use of Redundant Institutional, Recreational and Community Building, LT11 – Retention of Existing Local Community Facilities, C5 – Retention and Provision of Landscaping and Natural Features in Development, IR5 – Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development, PC1 – Land Contamination, PC4 – Noise and PC6 – Transport Pollution of the Brentwood Replacement Local Plan (2005).

3. No development shall take place until exact details of the materials to be used for the external appearance (including all windows, doors, balconies, roof coverings and rain goods) of the development hereby permitted have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, to ensure the proposed material palette is of a high quality and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

4. No development shall take place until a finalised schedule of fenestration design has been submitted to and approved in writing by the County Planning Authority. The schedule shall seek to confirm window design/layout together with details about installation angle/direction, glazing and whether the window would be fully, partially or non-opening. The development shall subsequently be implemented in accordance with the approved details.

Reason: In the interest of residential amenity, to reduce the potential for overlooking within the development and to nearby properties and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

5. No development until exact details and specification of all plant and apparatus proposed to be installed on the roof of any part of the building hereby permitted has been submitted the County Planning Authority and approved in writing. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional aerials, antennas, satellite dishes or electronic communications apparatus to that potentially shown on the aforementioned shall be installed or erected on any part of the building without the benefit of express planning permission.

Reason: In the interest of visual amenity, to ensure the design rationale for the building is not subsequently compromised by urban paraphernalia and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

6. No external fixed lighting shall be erected or installed on-site until exact details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design and management (including proposed hours of operation), the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground (including spill in context of adjacent site levels), angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The lighting design shall also consider the impact on light sensitive biodiversity and a) 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, for foraging; and b) clearly demonstrate 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.

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 surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and to comply with policy CP1 – General Development Criteria of the Brentwood Replacement Local Plan (2005).

7. No development beyond damp proof membrane on building hereby permitted shall take place until exact details of the carbon/energy saving measures outlined in the submitted 'Energy Statement', document reference: 0120/IW/ES01 (Issue 2), dated April 2021 have been submitted to the County Planning Authority for review and approval in writing. Such detail shall, for the avoidance of doubt, include but not be limited to the glazing specification of windows and doors to be installed, building insulation, the proposed air source heat pump system, the location of the electric vehicle charging points proposed within the car park and the exact layout of the solar arrays proposed on the building roof, as shown in principle on drawing titled 'Proposed Roof Plan', drawing number: 014 (Rev B), dated 07/07/21. The development shall subsequently be implemented in accordance with the approved details.

Reason: In the interests of energy efficiency, delivering the carbon savings suggested as part of the proposals and to comply with policies CP1 – General Development Criteria and IR5 – Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development of the Brentwood Replacement Local Plan (2005).

8. No development or any preliminary groundworks shall take place until:
 - a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;
 - b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with policies CP1 – General Development Criteria and C5 – Retention and Provision of Landscaping and Natural Features in Development of the Brentwood Replacement Local Plan (2005).

9. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted, a finalised hard and soft landscaping scheme (inclusive of boundary treatments, fencing and gates and landscape features such as benches) shall be submitted to the County Planning Authority for review and approval in writing. For the avoidance of doubt, it is expected that this scheme will follow the landscaping principles detailed on drawing titled 'Proposed Landscape Plan', drawing number: F1470/200 (Rev A), dated 16/06/2021. However, the scheme submitted shall confirm the exact tree species proposed to be planted and the sizing of all plants and shrubs upon planting. The approved landscaping scheme shall subsequently be implemented within the first available planting season (October to March inclusive) and maintained thereafter in accordance with condition 10 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 policies CP1 – General Development Criteria and C5 – Retention and Provision of Landscaping and Natural Features in Development of the Brentwood Replacement Local Plan (2005).

10. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted a Biodiversity Enhancement and Landscape Management Scheme shall be submitted to and approved in writing by the County Planning Authority. The Scheme shall detail any and all biodiversity enhancement measures proposed to be incorporated as part of the development and landscaping proposals and, for the avoidance of doubt, in terms of management seek to confirm that any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years after the completion of the development (operations) 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: To conserve and enhance Protected and Priority species, to allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority Habitats and Species), in the interest of the environment and the amenity of the local area, to ensure the landscaping proposals are effectively managed following implementation and to comply with policies CP1 – General Development Criteria and C5 – Retention and Provision of Landscaping and Natural Features in Development of the Brentwood Replacement Local Plan (2005).

11. Prior to beneficial occupation of the building hereby permitted, a management scheme for the open space in-front of the development (fronting Hutton Road) shall be submitted to the County Planning Authority for review and approval and writing. The development shall subsequently be managed in accordance with the approved scheme.

Reason: Concern has been raised that the proposals incorporate a fence and gate to this area and as such this area could visually appear private open space for example the residential units, incongruous to the otherwise publicly open frontage of the site. The management scheme to be submitted pursuant to this condition, to confirm, is expected to generally allow unrestricted use of this area by the public. However, it is acknowledged that should issues arise in terms of use the applicant has to be afforded a mechanism to control or restrict the use or access afforded.

12. Prior to beneficial occupation of the proposed development, the site access off Friars Avenue shall be widened to a minimum of 5.5 metres, as shown in principle on drawing titled 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21. In addition to this the access barrier shown on the same drawing shall, at no time, be installed no closer than 6 meters back from the carriageway edge.

Reason: To ensure the access accords with relevant standards, to allow vehicles to enter and leave the highway in a controlled manner, in the interest of highway safety and to comply with policies CP1 – General Development Criteria and T2 – New Development and Highway Considerations of the Brentwood Replacement Local Plan (2005).

13. Prior to beneficial occupation of the development hereby permitted, the car parking area, as shown on drawing titled 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21, shall be hard surfaced, sealed and marked out in parking bays. In addition to this, the enclosed bike store and external cycle hoops, as shown on the same drawing, shall be installed. The car parking areas, bike store and cycle hoops shall be permanently retained for the lifetime of the development and shall not be used for any other purpose.

Reason: To provide a suitable level of parking on-site, to provide appropriate facilities to store cycles, in the interest of highway safety and to comply with policies CP1 – General Development Criteria, CP2 – New Development and Sustainable Transport Choices, T2 – New Development and Highway

Considerations, T5 – Parking, T10 – Access for Persons with Disabilities, T14 – Cycling of the Brentwood Replacement Local Plan (2005).

14. Prior to occupation of the any of the residential units hereby approved, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies CP2 – New Development and Sustainable Transport Choices and T2 – New Development and Highway Considerations of the Brentwood Replacement Local Plan (2005).

15. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The approved Plan shall be adhered to throughout the construction period and provide for:

- a) the proposed layout of the construction compound inclusive of areas proposed for the parking of vehicles of site operatives and visitors, the loading and unloading of plant and materials and the storage of plant and machinery used in constructing the development;
- b) wheel and underbody cleaning facilities;
- c) routing of vehicles;
- d) measures proposed to reduce the potential for amenity impacts or nuisance (with specific reference to that requested by Brentwood Borough Council's Environmental Health Officer as part of their consultation response to this application); and
- e) measures proposed to minimise the risk of offsite flooding caused by surface water run-off and groundwater;

The development shall be implemented in accordance with the approved Plan/strategy.

Reason: In the interests of highway safety, nearby amenity, that construction works may lead to excess water being discharged from the site and to comply with policy CP1 – General Development Criteria.

16. No development shall take place until a detailed surface water drainage scheme and management plan for the site has been submitted to and approved in writing by the County Planning Authority. The drainage strategy subsequently approved shall be fully implemented prior to beneficial occupation of the development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of any SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment, failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site and to comply with policy CP1 – General

Development Criteria of the Brentwood Replacement Local Plan (2005).

17. The development shall be implemented in accordance with recommendations outlined within the submitted 'Phase I & II Geo-Environmental Assessment', produced by EPS, report reference: UK20.5245 (Issue 1), dated 26/02/2021. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy, in such an event, shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources in line with paragraph 170 of the NPPF and to comply with policy PC1 – Land Contamination of the Brentwood Replacement Local Plan (2005).

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, the commercial unit as shown on drawing titled 'Proposed Site Ground Floor Plan', drawing number: 011 (Rev B), dated 08/07/21 shall only be occupied by the following use classes: Ea, Eb, Ec, Ee, Ef, F1b, F1d, F1e, F2b of the Town and Country Planning Use Classes Order 1987 (as amended) or any order revoking and re-enacting that Order with or without modification.

Reason: An alternative use of this unit has not been considered as part of this application and a different use could give rise to unacceptable amenity and highway impacts.

Informative(s):

- Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicant in this regard is advised to contact the Development Management Team by email at: development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood, Essex CM13 3HD.
- Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and a suitably qualified ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this and provided with the contact details of a relevant ecological consultant. If a bat is found during the works the ecological consultant or National Bat Helpline should be contacted for advice on: 0345 1300 228.
- The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild

bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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 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 appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

LOCAL MEMBER NOTIFICATION

BRENTWOOD – Brentwood North

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

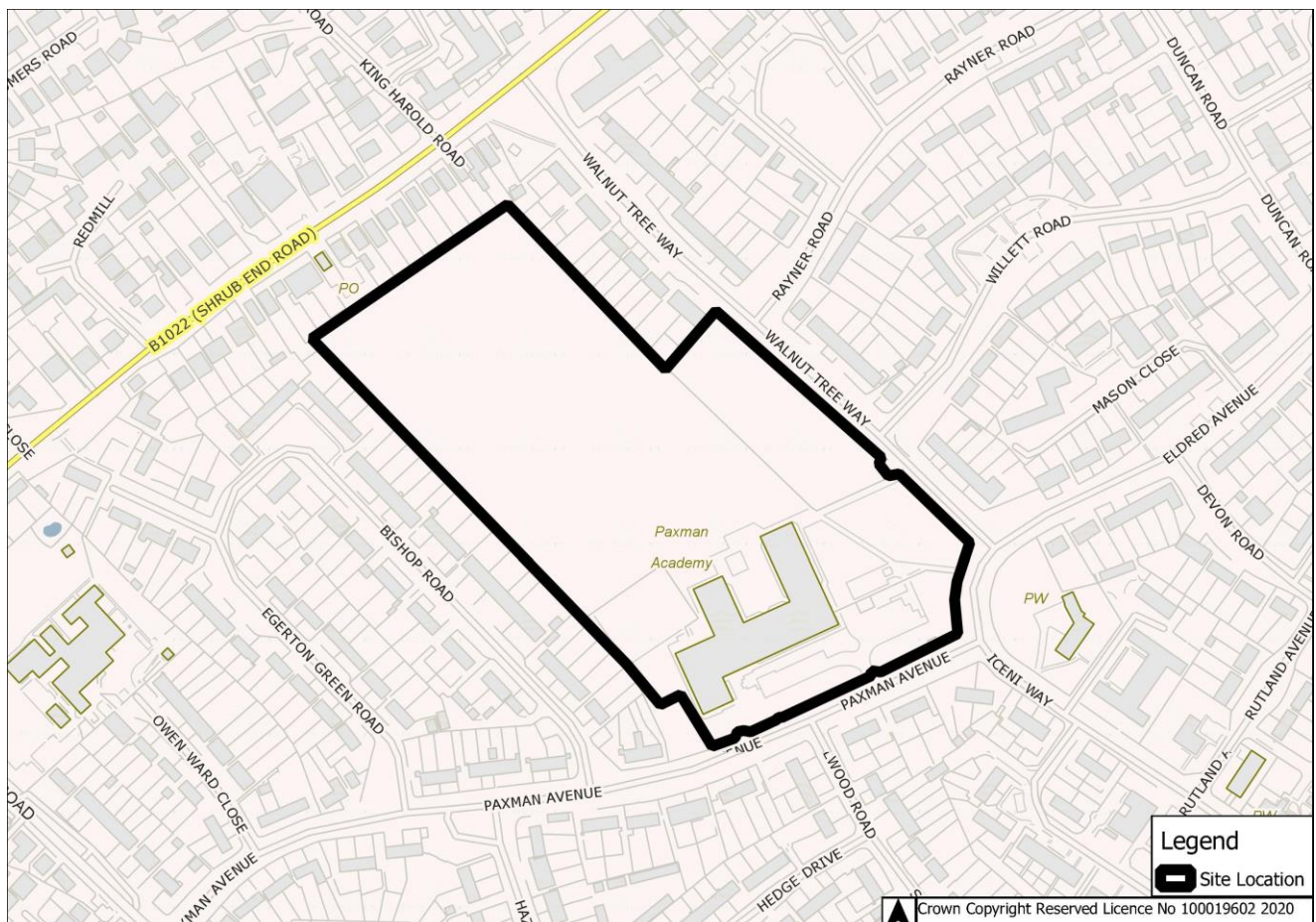
Applicant: Essex County Council

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

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

Enquiries to: Rachel Edney Tel: 03330 136815

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:

<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. 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.

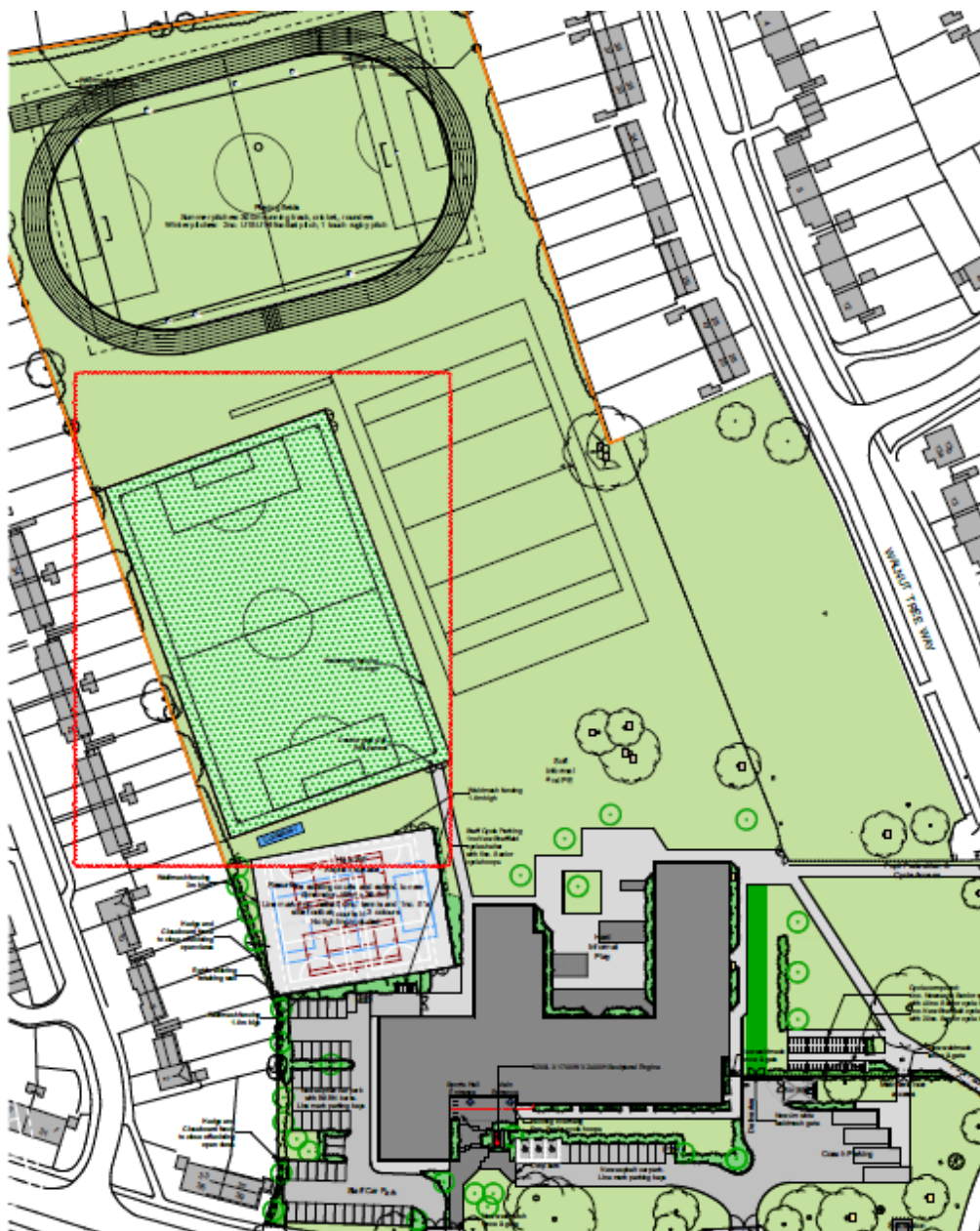
Sport England confirmed that the design specifications were acceptable as they appear to accord with the Football Association's design guidance.

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.

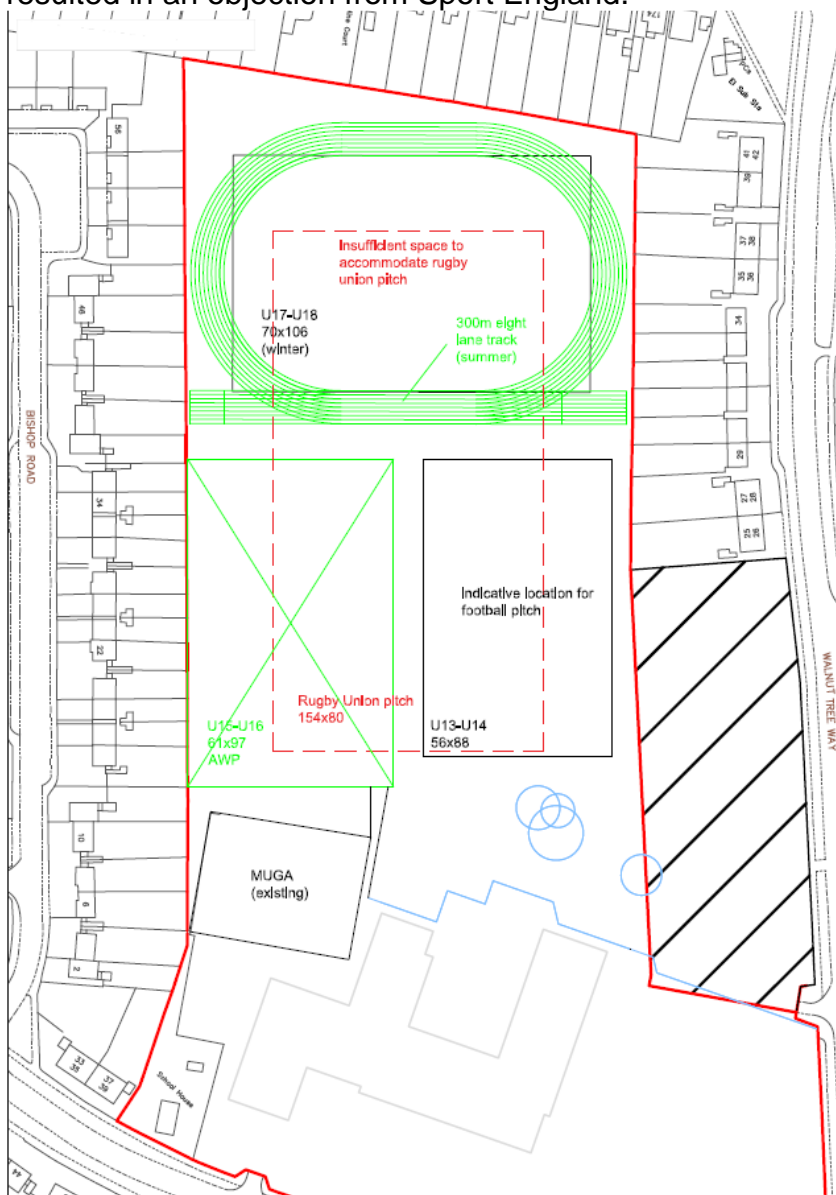
The proposed fencing would be galvanised powder coated fencing, incorporating 3nr. double leaf gates. An access pathway from the existing school buildings would provide access via the double gates.

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

Report to: DEVELOPMENT & REGULATION (23 July 2021)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

MAJOR PLANNING APPLICATIONS	SCHEDULE
Nº. Pending at the end of May	34
Nº. Decisions issued in June	2
Nº. Decisions issued this financial year	10
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in June	2
Nº. applications where Section 106 Agreements pending at the end of June	6

MINOR APPLICATIONS	SCHEDULE
Nº. Pending at the end of May	14
Nº. Decisions issued in June	7
Nº. Decisions issued this financial year	9
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in June	7

ALL APPLICATIONS	SCHEDULE
Nº. Delegated Decisions issued in June	9
Nº. Committee determined applications issued in June	0
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	78
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of June	61
Nº. of referrals to Secretary of State under delegated powers in June	0

APPEALS	SCHEDULE
Nº. of outstanding planning and enforcement appeals at end of June	0
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

ENFORCEMENT	SCHEDULE
Nº. of active cases at end of last quarter	33
Nº. of cases cleared last quarter	7
Nº. of enforcement notices issued in June	0
Nº. of breach of condition notices issued in June	0
Nº. of planning contravention notices issued in June	2
Nº. of Temporary Stop Notices issued in June	0
Nº. of Stop Notices issued in June	0