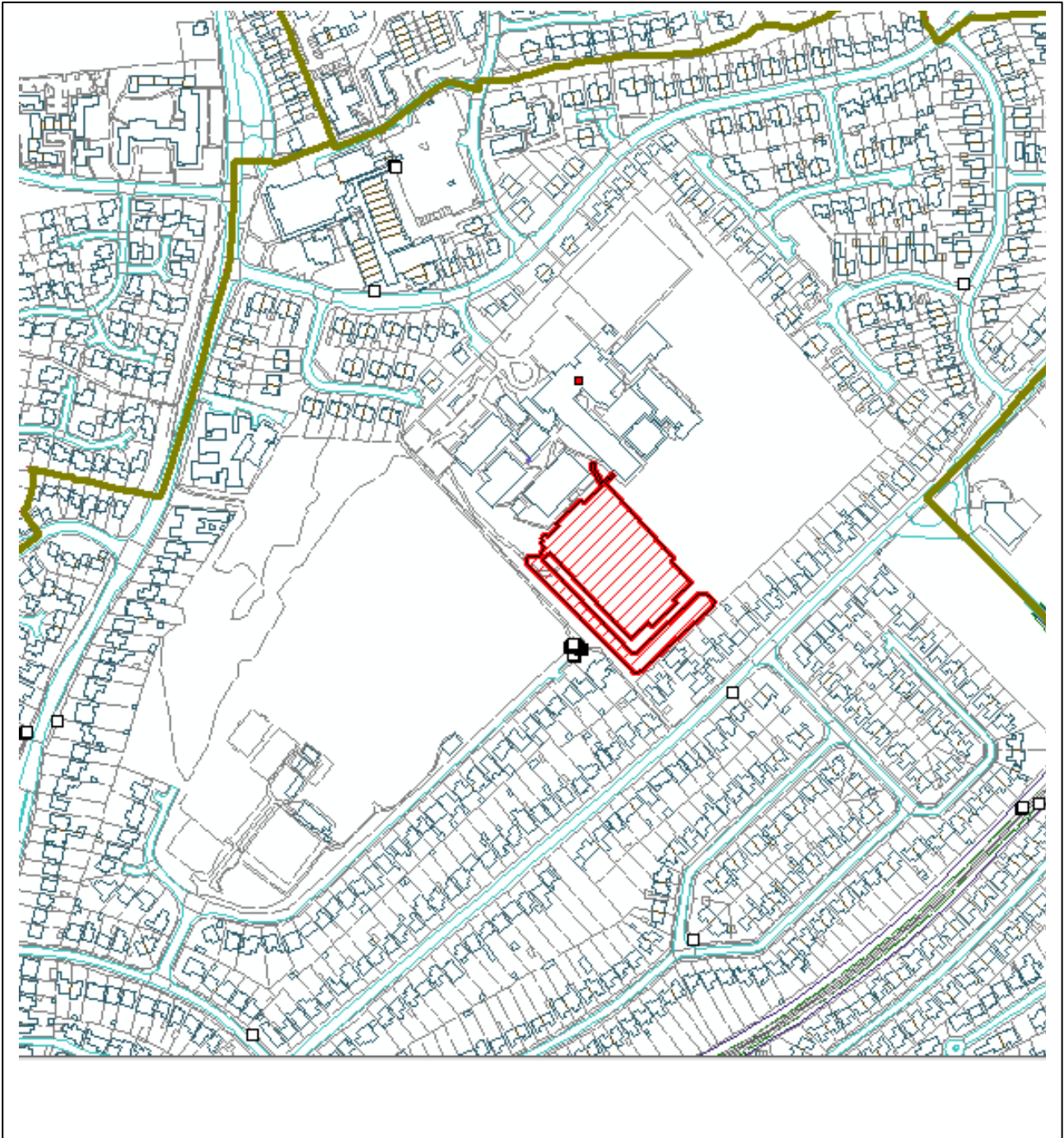


PLANNING COMMITTEE

3 DECEMBER 2024

REPORT OF THE DIRECTOR OF PLANNING

**A.1 PLANNING APPLICATION – 23/01191/FUL – TENDRING TECHNOLOGY COLLEGE
ROCHFORD WAY FRINTON ON SEA CO13 0AZ**



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Application:	23/01191/FUL	Expiry Date:	16th October 2023
Case Officer:	Michael Pingram	EOT Date:	13 th December 2024
Town/ Parish:	Frinton & Walton Town Council		
Applicant:	Ian Dickinson		
Address:	Tendring Technology College Rochford Way Frinton On Sea, CO13 0AZ		
Development:	Proposed creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, acoustic fencing, hardstanding areas, storage container, floodlights, an access footpath and associated bund.		

1. **Executive Summary (updated sections highlighted in bold)**

- 1.1 The proposal is for the erection of an Artificial Grass Pitch (AGP) on land that forms part of the existing playing pitch within the grounds of Tendring Technology College, and is before the Planning Committee following a call-in request by Councillor Turner, who has raised concerns that the development would result in a negative impact on the street scene, is of a poor layout and would result in a negative impact to neighbours.
- 1.2 **The application was initially put before the Planning Committee dated 14th May 2024, where Officers concluded that the wider public benefits of the proposed development outweighed the overall identified areas of harm, namely the impacts to neighbouring amenities through noise and light pollution, and recommended on balance approval.**
- 1.3 **The Planning Committee, however, determined to defer the application and requested additional information/actions be provided/undertaken as follows:**
- **Applicant to provide a Bat Survey Report;**
 - **The Council's Environmental Protection team to undertake a review of the Noise Impact Assessment provided by local residents;**
 - **Applicant to demonstrate whether it would be possible to provide for an amended layout/re-orientated 3G pitch that would result in reduced harm; and**
 - **Submission of a Construction Method Statement to ensure that any construction would be mindful of the school children's presence on site.**
- 1.4 **Following this, the agent has provided a Bat Survey which has been confirmed to be acceptable by ECC Place Services (Ecology) subject to conditions, and the Council's Environmental Protection team have commented on the Noise Impact Assessment to confirm they have considered both the applicants and local residents Noise Impact Assessment's fully, however their earlier no objection comments remain unchanged. They did, however, suggest that the applicants Noise Impact Assessment be updated to include additional information which has since been undertaken. The Council's Environmental Protection team have now confirmed they are satisfied with the predicted noise levels and the evidence of compliance with relevant guidance, and therefore have no adverse comments subject to the measures outlined within the Assessment being implemented.**
- 1.5 **In addition, the agent for the application has clarified that a Construction Method Statement was submitted alongside the original application submission, and the Council's Environmental Protection team have previously confirmed they are satisfied with the contents and had no adverse comments to make (comments dated 14th September 2023).**

- 1.6 An additional drawing has also been provided to outline alternative layouts for the 3G pitch alongside the wider site. Three options are shown, with two showing that it would not be possible without overlapping with the running track (which would likely generate an objection from Sport England if put forward, so would not be feasible), with the third option being sited along the north-eastern boundary which in turn would be closer to a greater number of local residential properties, thereby generating a higher level of harm than the currently proposed siting.
- 1.7 The proposal would generate a high level of public benefits, notably through the inclusion of modern fit for purpose facilities that can be utilised all year round. Sport England offer strong support despite the part loss of an existing playing pitch, and Officers are not aware of an alternative location better suited for the proposed development, whilst equally noting that the Playing Pitch Strategy highlights there is both a current and future shortfall of youth 11v11 and 9v9 football pitches. A strong level of weight in the overall balance is therefore given to the public benefits the scheme would provide.
- 1.8 Furthermore, the proposed development is not considered to result in significant harm to the character and appearance of the wider area, there is sufficient parking provision and ECC Highways offer no objections subject to conditions. Similarly, ECC Ecology do not object to the proposal subject to conditions, and whilst ECC SuDS initially objected, this was on more technical matters which have since been addressed.
- 1.9 The above notwithstanding, in terms of the impact to neighbouring amenities, whilst from a purely technical perspective the change in noise level is considered to be acceptable due to the absolute noise levels being within the WHO guidelines and the suggested mitigation measures proposed, Officers do equally acknowledge that there is inevitably a degree of noise disturbances given the relatively close proximity of the development to neighbouring properties. Amendments to reduce the operating hours and re-locate the AGP away from neighbouring properties have helped reduce the level of harm, but Officers do still afford weight to this harm in the overall planning balance.
- 1.10 Similarly, with regards to the impacts of the proposed floodlights to neighbouring properties, the lighting plan provided demonstrates that the glare created would not be to an unacceptable level, with all lighting facing inwards towards the pitch. However, given the close proximity of the development to neighbours there will be a degree of visual impact to neighbours, if not from the glare of the floodlights but from the light spillage generated. Officers afford this level of harm a low level of weight in the overall planning balance.
- 1.11 Taking all of the detailed considerations above into consideration, Officers have concluded that on this occasion there are strong wider public benefits of the proposed development that outweigh the identified harm and with careful assessment the planning application is recommended for approval.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

2. **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of

the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

3. **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. There are none applicable to the areas subject to this proposal.

4. **Planning Policy**

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

National:

National Planning Policy Framework 2023 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021):

SP1 Presumption in Favour of Sustainable Development
SP3 Spatial Strategy for North Essex
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP5 Open Space, Sports & Recreation Facilities
CP1 Sustainable Transport and Accessibility
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation and Energy Efficiency Measures

Local Planning Guidance:

Essex Design Guide
Essex County Council Car Parking Standards - Design and Good Practice

5. **Relevant Planning History**

02/01118/FUL	1) additional science teaching space 2) provision for performing arts (music) 3) covered outdoor space for poor weather	2) Approved	23.07.2002
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play 4) atrium space to form main pupil entrance

93/00861/FUL	Front porch extension	Approved	17.08.1993
94/00597/FUL	New Sports Hall	Approved	12.07.1994
94/01043/FUL	New Sports Hall (Design revision of permission TEN/94/0597)	Approved	04.10.1994
95/00301/FUL	New science block	Approved	20.04.1995
96/00208/FUL	Retention and part re-location of 7 No. relocatable classrooms	Approved	08.05.1996
96/00381/FUL	New Technology Building	Approved	08.05.1996
96/00855/FUL	Removal of existing glazed roof structure over the Gunfleet building and construction of new pitched roof to form new art studios	Approved	13.08.1996
97/01225/FUL	Proposed first floor classroom on roof of Gunfleet building together with perimeter handrail	Approved	03.11.1997
98/00657/FUL	Two storey extension to sports hall, new all weather sports pitch with floodlights and fencing and new practice court	Approved	27.10.1998
07/01202/FUL	Retention of 3 no. relocatable classrooms.	Approved	14.12.2007
07/01787/FUL	Erection of single-storey extension and lift shaft.	Approved	03.01.2008
08/00504/FUL	Re-cladding works to various elevations, re-roofing to main 3 storey block, various DDA works and tennis court re-surfacing.	Approved	22.07.2008
08/00625/ADV	TTC logo to be fixed to front re-clad building.	Approved	16.07.2008
08/00918/FUL	First floor extension with two monopitch roofs above previously extended single storey classroom extension.	Approved	04.09.2008
10/00293/FUL	Proposed new 6th form block with light weight link to existing 6th form area.	Approved	11.06.2010

10/00942/FUL	Proposed 6th form block with light weight link to existing 6th form area.	Approved	07.10.2010
10/01208/FUL	Retention of 3 no. relocatable classrooms. (Extension of time of previously approved 07/01202/FUL)	Approved	26.01.2011
10/01453/FUL	Install 21 no. wall mounted lights on approved new 6th form block and erect 2 no. bollards, 3 no. two sided lighting columns and 4 no. one sided lighting columns to car park.	Approved	13.04.2011
11/00730/FUL	Extend existing hard surfaced sports area and erect 3m high wire mesh fencing to the perimeter to create a multi-use games area.	Approved	17.08.2011
13/00586/FUL	Demolition of temporary teaching spaces and provision of new modular teaching space and associated accommodation.	Approved	30.07.2013
13/00884/FUL	Variation of condition 2 of approved application 13/00586/FUL to reduce footprint size.	Approved	30.09.2013

6. Consultations

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

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

ECC SuDS Consultee 21.09.2023 – initial comments

Thank you for your email received on 01/09/23 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- The discharge rate restriction should be to Q1, not Qbar.
- The climate change allowance should be 45%.

ECC SuDS Consultee (24.10.2023 - further comments following submission of additional information)

Thank you for your email with additional information received on 05/10/23 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

No works except demolition 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 local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1.93l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change.
- Provide sufficient storage 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 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event, OR, if impracticable
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- 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.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation 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, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

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.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

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

Condition 5

The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason

To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

Failure to carry out the required maintenance 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.

Essex County Council Ecology

23.10.2023 – initial comments

Thank you for consulting Place Services on the above application.

No objection subject to securing biodiversity mitigation and enhancement measures.

Summary

We have reviewed the Preliminary Ecological Appraisal (Greenwood, August 2023) and Floodlighting Scheme - Drawing No. 06 (SIS Pitches, August 2023) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Greenwood, August 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Great Crested Newts, bats, reptiles, nesting birds, Badger and Hedgehog.

We also support the proposed reasonable biodiversity enhancements of bird boxes, bat boxes, habitat creation and log piles, which have been recommended by the Preliminary Ecological Appraisal (Greenwood, August 2023) to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

We note that the Floodlighting Scheme - Drawing No. 06 (SIS Pitches, August 2023) demonstrates a sensitive lighting scheme for foraging and commuting bats, with little to no spill onto adjacent suitable habitat or building. Therefore, the LPA has certainty of the likely impacts to bats, European Protected Species. Finalised details in the form of a wildlife sensitive lighting design scheme should therefore be submitted to the LPA by condition of consent. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k, if possible. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended Conditions.

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenwood, August 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;

e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

Essex County Council Ecology **submission of a bat survey**

13.09.2024 – comments following

Thank you for re-consulting Place Services on the above application.

No objection subject to securing biodiversity mitigation and enhancement measures.

Summary

We have reviewed the Preliminary Ecological Appraisal (Greenwood, August 2023) and its Appendix P Bat Survey Report (August 2024), and Floodlighting Scheme - Drawing No. 06 (SIS Pitches, August 2023) and the Flood Lighting Performance Report (July 2024), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are still satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Greenwood, August 2023) and its Appendix P Bat Survey Report (August 2024), should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Bats, Great Crested Newt, reptiles, nesting birds, Badger and Hedgehog.

We also support the proposed reasonable biodiversity enhancements of bird boxes, bat boxes, habitat creation and log piles, which have been recommended by the Preliminary Ecological

Appraisal (Greenwood, August 2023) and its Appendix P Bat Survey Report (August 2024) to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

We note that the Floodlighting Scheme - Drawing No. 06 (SIS Pitches, August 2023) and the Flood Lighting Performance Report (July 2024) demonstrate a sensitive lighting scheme for foraging and commuting bats, with little to no spill onto adjacent suitable habitat or building. Therefore, the LPA has certainty of the likely impacts to bats, European Protected Species. Finalised details in the form of a wildlife sensitive lighting design scheme should therefore be submitted to the LPA by condition of consent. This should summarise the following measures will be implemented:

- oLight levels should be as low as possible as required to fulfil the lighting need.

- oWarm White lights should be used at <2700k and 550nm. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.

- oThe provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.

- oLights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We also note that whilst a Night-time Bat Walkover Survey was carried out, there is no submission to confirm if a Potential Roost Feature (PRF) inspection survey was undertaken of the PRF in the Oak tree on site and also if an endoscope was used to assess this and any other PRFs. However, we consider that, as long as all PRFs are retained as part of the local roost resource, they will continue to be available for roosting bats. Therefore, the PRF inspection survey is not necessarily required to make it acceptable and would not alter our professional view that, as long as the lighting scheme is secured by any consent, the development will not adversely affect habitat on site which could be used by bats.

However, we highlight that the Appendix P Bat Survey Report refers to temporary floodlighting on site which is causing significant light spillage on suitable habitat for bat foraging & commuting and we support the report recommendation that this is removed or altered.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended Conditions.

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenwood, August 2023) and Appendix P Bat Survey Report (Greenwood, August 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

2. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

3. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 as amended).

Environmental Protection 13.09.2023 – initial comments

With reference to the above application, please see below for comments from the EP Team:

Noise: Section 8.6 of the submitted NIA (Appendix H) advises steps to mitigate noise from the proposal will be required to further reduce noise generated by the use of the proposal and to dampen the escape. The recommendations laid out to manage this include the implementation of acoustic barriers to the west and south of the site. In addition to this a further recommendation of a formal Noise Management Plan has also been suggested.

Providing all recommendations outlined in the report, specifically sections 8, 9 and 10 are adhered to and implemented, we have no reason to object to the proposal in relation to noise.

Noise Management Plan - Appendix I is a submitted NMP, and the EP Team can advise we are satisfied with its contents, and request this is conditioned under any subsequent approval. We would also request this NMP is routinely updated to reflect any changes in procedure / responsible officer information etc, and this document is made available upon request by the Local Authority should any noise or anti-social behaviour complaints be received.

REASON: to protect the amenity of nearby residential dwellings

Lighting: Appendices A through to D and drawing number 06 REV 01 (Floodlighting Scheme) relate to implementation of floodlights for the proposal; I can confirm we are satisfied with the contents of the said documents, and evidence in relation to potential light spill has been addressed. Providing all recommendations as laid out in the reports are adhered to, we have no reason to object on the grounds of lighting.

REASON: to protect the amenity of nearby residential dwellings

Construction Method Statement: I can advise we are satisfied with the contents of the submitted CMS, dated May 2023 (Appendix G); and have no adverse comments to make.

REASON: to protect the amenity of nearby residential dwellings

Should you have any queries concerning this, please do not hesitate to contact me.

Environmental Protection 06.02.2024 – additional comments following submission of additional information from local residents

With reference to the above and our original comments outlined below; I can confirm we have reviewed the recently submitted NIA commissioned on behalf of local residents. We appreciate the comments and the opinions drawn from the report, but would confirm our original comments below stand.

Noise: The Environmental Protection team have reviewed the original noise assessment and can see no reason to reject the findings. We appreciate the comments made by the objector's acoustician; however, the original report was conducted by a relevantly qualified acoustician using the appropriate standards and guidance, and as such we have no reason to reject the outcomes or the proposed mitigation techniques.

Should you have any queries concerning this, please do not hesitate to contact me.

Environmental Protection 07.03.2024 – further comments following submission of information by local residents

With reference to the above application and the further request for confirmation of our response. We entirely appreciate the concerns of residents within the vicinity of this proposal. We have reviewed the noise impact assessment submitted by residents, however as we have previously advised we have no reason to object to the proposal providing the levels emitted from the development are in line with the relevant guidance and standards. We also understand the concern over the lack assessment in relation to existing background noise, but the original NIA was performed in line with relevant guidelines. We accept there will be a Low Observed Effect Level, of which the perception is nuanced and can be varied in each person; however, given the predicted levels are in line with relevant guidance, we have no place to object. However, we would suggest, if possible, revising the site layout to increase the buffer zone between the proposed development and the nearest noise sensitive receptor to further reduce any potential noise impact.

Environmental Protection 16.05.2024 – additional comments following the first Planning Committee recommendations

We can confirm that we have considered both reports fully and our comments remain unchanged, however, should the committee require more information in relation to the noise issues raised by the residents NIA then we can only suggest the following:

The requirement of an updated NIA to include the existing noise environment and calculations evidencing the predicted noise values from the proposal and the subsequent observed impact

level. In addition, we would suggest the applicant include assessment of noise within a revised site layout to include a larger buffer zone, and therefore reduce the potential adverse impact to existing residential premises.

The reason for the above is to alleviate members concerns as EP have no further comments to make based on what has been submitted and as stated have no reason to reject the findings of the applicants NIA.

I am not sure if at this stage it meets all the following, but I guess this is for you and the committee to decide.

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects

Environmental Protection 31.10.2024 – additional comments following submission of a revised Noise Impact Assessment

With reference to the above application, please see below for further comments from the EP Team:

Noise: with reference to the newly submitted NIA, I can advise we have reviewed the document and assessed the methodology and justification of the results. We are satisfied with the predicted noise levels and the evidence of compliance with the relevant guidance, utilising the implementation of a noise mitigation barrier.

Based on the calculations and evidence of compliance with the current guidance, the EP Team have no adverse comments to make in relation to the proposal, providing all measures outlined in the report are implemented.

Tree & Landscape Officer 21.03.2024 – additional comments following submission of additional information

The additional information provided shows a good level of soft landscaping that will soften and screen the proposed development.

Regarding plant species and specification, the information provided is acceptable and the proposed planting will, in time, grow to be a good buffer between the proposed development and dwellings on adjacent land.

In terms of the consistency of information provided it appears that the position of the proposed new bund, as shown on the Proposed Site Plan drawing referenced 03 Rev 05 (and other drawings such as: ref 04.04 and 06.02) does not strictly accord with that provided on the Landscape Strategy drawing ref; 5085_500.

The Proposed Site Plan drawings and others show a linear and formal 'L shaped bund' on the south-eastern and south-western boundaries of the new facility whereas the Landscape Strategy drawing shows a bund along the same boundaries, but in a less formal way, and in a slightly different position to that shown on the other drawings.

Notwithstanding the slight variation in the position of the bund the information provided in terms of soft landscaping is satisfactory. Although the position of the bund does not appear to be

consistent on all drawings the slight variation in its position, as described above, is not likely to affect its overall purpose or functionality.

Tree & Landscape Officer 06.09.2023 – initial comments

The application site is set to grass and does not contain any trees or other significant vegetation.

The position of the proposed development is such that it will be seen from the rear gardens of adjacent properties on Walton Road and to a lesser extent from properties in Heronsgate. The development will also be visible from Frinton Park Playing Field and from the footpath running from Heronsgate to the Walton Road.

It is noted that acoustic fencing and floodlighting form part of the development proposal. In this regard it would appear desirable for new soft landscaping to be carried out on the proposed bund on the south-western and south-eastern boundaries of the site for the screening benefit that it would provide

Soft landscaping would soften and screen the appearance of the proposed new fencing and, in time will, reduce light spillage from the floodlights.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition. Soft landscaping should aim to soften, and screen appearance of the development.

ECC Highways Dept 04.09.2023

The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. A previous site visit was undertaken in conjunction with another earlier planning application. No changes are proposed to the established vehicular access off Rochford Way. The convenient location of the site will ensure the proposed 3G facility can easily be accessed and utilised by nearby communities. The site is within a sustainable location between the built-up areas of Walton-on-the-Naze and Frinton-on-Sea. There are bus stops along Rochford Way and other nearby roads. There is an opportunity for Tendring Technology College to manage traffic movements associated with the proposal by adopting and promoting a set of principles to manage and mitigate vehicle trips. Public transport modes, drop-off / collect systems, and car sharing should be promoted to all visitors unable to walk or cycle (active travel). Measures should be promoted to reduce vehicle trip impacts wherever possible; with active travel being encouraged to students, players, parents, and all community visitors. For community visitors travelling by car, mini-bus, or coach to the site; adequate permanent on-site parking is available with a 110 car parking spaces, including 6 Blue Badge spaces, 4 bus spaces, 48 cycle spaces and 10 motor cycle spaces being retained within the site. Given that the maximum community parking demands will occur either during weekends or outside of peak travel times (outside the regular academic day), any off-site highway impact is likely not to be significant, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. vehicle routing,

- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

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

2. Within three months of the first use of the proposal, Tendring Technology College shall update/ submit a travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

Note: Essex County Council's Travel Plan team (may assist with the preparation and the details of the Travel Plan) by emailing: Travel.PlanTeam@essex.gov.uk

3. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety and in accordance with Policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

4: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Sport England

31.08.2023

Thank you for consulting Sport England on the above application.

Summary: Sport England raises no objection to this application as a statutory consultee which is considered to meet exception 5 of our adopted Playing Fields Policy and paragraph 99 of the NPPF subject to three planning conditions being imposed relating to the following matters as set out in this response:

- Artificial Grass Pitch Certification.
- Excavated Topsoil Landscape Scheme.
- Community Use Agreement.

Advisory comments are made as a non-statutory consultee on the principle of the development and technical issues such as hours of use, lighting and noise.

COMMENTS MADE AS A STATUTORY CONSULTTEE

Sport England - Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.' Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal and Impact on Playing Field

In summary, the development involves a 97x61 metre artificial grass pitch (AGP) with a 3G surface suitable for football (including floodlights and fencing) that would be sited on part of the playing fields at Tendring Technology College.

Assessment against Sport England Policy

This application relates to the provision of a new outdoor sports facility on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

- 5 - 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.

I have therefore assessed the proposals against the above policy to determine whether the proposals meet exception 5.

Sports Development Benefits

The key potential sports development benefits of the proposed development are set out in detail in the design and access statement. In summary, the benefits are considered to be as follows:

- The proposed floodlit AGP would provide a modern all weather surface that would be capable of intensive use throughout the year for matches, training and coaching. The AGP would be capable of accommodating a range of different sized football pitches and would be suitable for both matches and training. The design and layout of the AGP would accord with the Football Association's design guidance which will help ensure that a fit for purpose facility that is suitable for meeting community needs will be implemented in practice.

- In relation to benefits for Tendring Technology College, the AGP would provide an all weather pitch facility that could be used for meeting the school's curricular and extra-curricular PE and sport needs throughout the academic year and would offer continuity of facility provision when natural turf pitches are unavailable due to adverse weather or ground conditions.

- In relation to community benefits, the facility would be made available for community use outside of school hours and community access would be formalised through a community use agreement. Tendring District Council's playing pitch strategy (2017) identified that the district had a deficiency of four full size AGPs with a 3G surface suitable for meeting community football training and match needs. The emerging playing pitch strategy that the Council are currently preparing to replace the 2017 strategy has confirmed that this deficiency has increased since then and there is a specific deficiency in the Central East sub-area of the district which includes Frinton-on-Sea. There are no existing 3G AGPs in the Frinton-on-Sea area, the closest facilities being in Clacton-on-Sea which are meeting existing needs in this area. The Tendring Local Football Facilities Plan (LFFP) <https://localplans.footballfoundation.org.uk/local-authorities-index/tendring/tendring-local-football-facility-plan/> that was prepared for Tendring District Council area by the Football Foundation in 2018 has confirmed the need for additional full size AGPs in the district including one within the Frinton-on-Sea area. The Tendring Technology College site has been identified as the proposed site for meeting this need in the LFFP. I have consulted the Football Foundation (who represent the FA and Essex County FA) for feedback and they have advised that there is an identified current need for 3.75 additional full size 3G AGPs in the district and that with deficiencies expected to increase to 4 AGPs in the future, the proposed facility will be crucial to support local participation. The proposed facility would support the facility needs for matchplay and training of a number of local teams including Frinton and Walton Football Club who would be a key user. The facility would significantly increase training and match play capacity locally to support the needs of a large number of teams and participants. The Football Foundation has also advised that the design of the AGP complies with the FA Guide to 3G Football Turf Pitch Design Principles and Layouts, and the FA Guide to Floodlighting, with the dimensions meeting the minimum FA permitted dimensions and supporting all of the planned programme of use. Consequently, the Football Foundation and the Essex County FA are fully supportive of the proposal.

Impact on Playing Field

In relation to the impact on the playing field, the AGP would be sited on a substantial part of the college's playing fields to the south west of the college's buildings. An existing junior football pitch that currently marked out would be displaced. It is proposed to mitigate this impact by reconfiguring the football pitches on the remaining playing field. The junior football pitch would be relocated to the east where two mini training pitches are currently marked out. While these mini pitches would be displaced it is proposed that they would be overmarked over the relocated junior football to offer the flexibility for them to be used if required. Furthermore, as set out above, the rationale for the project is to provide better quality football facilities for the college and the community and much of the existing use of the natural turf football pitches on the college site can be transferred to the AGP thereby allowing the remaining pitches to be subject to less wear and more recovery time. The Football Foundation has advised that the capacity of the AGP would significantly outweigh that of the natural turf playing field area that it would replace. However, the 3G AGP surface will only be sanctioned for community football matches if it is certified as meeting the appropriate FIFA standard and therefore it will be essential that the surface is designed and maintained to this standard in practice. The existing running track would be realigned to the east and the rounders pitches would not be affected.

The bund that would be sited to the south and west of the AGP formed through excavated topsoil offers potential to be designed to support the use of the AGP and the college's sports facilities if a creative landscape design solution was implemented. For example, the gradients could be designed to create viewing areas over the AGP and the area could be used for creating trim trails, orienteering routes, informal running or cycling routes etc.

Conclusions and Recommendation

On the basis of the above assessment, I consider that the potential sports development benefits that the proposed AGP would offer would clearly outweigh the detriment caused by the impact on the playing field. I therefore consider that the proposed development would meet exception 5 of our playing fields policy. This being the case, Sport England does not wish to raise an objection to this application subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

- Artificial Grass Pitch Certification: A condition requiring the submission and approval by the local planning authority (in consultation with Sport England) of certification that the artificial grass pitch has met the FIFA Quality Standard accreditation or equivalent International Artificial Turf Standard (IATS) requirements prior to first use of the artificial grass pitch. This is justified because AGPs can only be sanctioned for FA affiliated community football match use where the pitch has been tested to meet these requirements. Further details of the FIFA standard is on FIFA's website at <http://quality.fifa.com/en/Football-Turf/Install-Football-Turf/Certification/>. The facility is intended to be designed and maintained to meet these technical standards (if funding from the Football Foundation is secured) but this cannot be confirmed in practice unless appropriate testing takes place which certifies this. As a pitch can only be tested for certification when it is completed it would not be possible to request the information to be provided at planning application or pre-commencement stages. Following meeting the tests, the facility will need to be registered on the FA's Register of Football Turf Pitches <http://3g.thefa.me.uk/> to enable it to be sanctioned for FA affiliated community football match use. It is requested that the following condition and informative be imposed (which is based on condition 9b of our model conditions schedule:

"Use of the artificial grass pitch shall not commence until:

- (a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and
- (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches;

have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy **.

Informative: The applicant is advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation."

- Excavated Topsoil Landscape Scheme: A condition requiring the submission and approval by the local planning authority (in consultation with Sport England) of a detailed landscape scheme for the area proposed for the bund comprising the construction topsoil. As set out above, a creative landscape scheme which considered the sport and physical activity potential of these areas would offer scope to deliver some sport related benefits in order to mitigate the loss of this area from playing field use. A condition along the following lines is requested:

No development shall commence of the artificial grass pitch hereby permitted until an excavated topsoil landscape scheme has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall include details of the proposed gradients and design proposals for sport and physical activities. The excavated topsoil landscape scheme shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy **.

- Community Use Agreement: A condition requiring a community use agreement for the AGP to be submitted and approved by the local planning authority (in consultation with Sport England) prior to first occupation of the new artificial grass pitch in order to ensure that community access to the AGP and the facilities that support it are secured in practice. A community use agreement sets out a school/college's policy and arrangements for community use of its sports facilities and covers matters such as hours of use, types of bookings accepted, restrictions on community use etc. The agreement is usually between a school/college and the relevant local authority (i.e. Tendring District Council) but other bodies can be parties such as sports governing bodies. Sport England regularly secures the completion of such agreements through planning conditions on planning permissions for school developments. Such a condition is justified to avoid a scenario where community access (outside of school hours) to the facility does not take place (or is significantly restricted) following the implementation of the proposed development and to ensure that the community use arrangements are safe and well managed. Without suitable community access being secured over a long term period in practice, one of the principal sports development benefits of the proposals which mitigates the impact of the development on the playing field would not be realised. A community use agreement also provides clarity and formalisation with respect to community access arrangements for all parties. Community use agreement templates, examples of completed agreements and further advice can be provided upon request although advice should be sought from both Tendring District Council and Sport England before an agreement is prepared. The following condition is requested to be imposed to address this which is based on model condition 16 of Sport England's conditions schedule:

"No occupation shall commence of the artificial grass pitch hereby permitted until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch and supporting ancillary changing and parking facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure

the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy"

If you wish to amend the wording of the conditions or use another mechanism in lieu of the conditions, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments. If the Council decides not to attach the above conditions, Sport England would wish to be advised before the application is determined so that our position on the planning application can be reviewed. If your Council decides not to attach the above conditions, Sport England would wish to raise an objection to this application. Should the local planning authority be minded to approve this application without the above conditions, then given Sport England's subsequent objection and in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State via the National Planning Casework Unit.

COMMENTS MADE AS A NON-STATUTORY CONSULTEE

As a non-statutory consultee, without prejudice to our position as a statutory consultee set out above, Sport England would wish to make advisory comments on the following matters:

Principle of the Development

Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand. Sport England's Planning for Sport guidance can be found here: <https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-for-sport-guidance/> . Principles 6 and 7 of the guidance relate to the 'Enhance' objective and in summary support improvements to the existing sport provision where they are needed (principle 6) and encourage/secure wider community use of existing and new sports provision. The proposed development would provide an enhanced sports facility that would offer potential to make a significant contribution towards meeting community sports facility needs in the Frinton-on-Sea area for the reasons set out above. The proposals are therefore considered to meet principles 6 and 7 of the guidance therefore. Sport England would therefore wish to confirm its support for the principle of the proposed development as a non-statutory consultee.

Hours of Use and Sports Lighting

The proposal for the AGP to include sports lighting is welcomed and considered essential as this will offer significant sports development benefits in terms of facilitating use by the community during peak periods of demand. Without suitable sports lighting, it would not be possible for the facility to meet the needs that it has been designed to address and the potential for securing revenue to support its long term maintenance would be prejudiced.

While Sport England would not require a planning condition to be imposed relating to the hours of use of the AGP or its sports lighting, it is acknowledged that the Council may wish to impose such a condition in order to address potential impact on residential amenity or the environment. If planning permission is granted, it is recommended that any condition that may be imposed by the Council relating to the hours of use of the lighting and the use of the AGP is not overly restrictive. In this regard, it is advised that peak community use of AGPs on similar sites usually extends until 10.00 p.m. on weekday evenings and the application is seeking use of the AGP

and its floodlights until 10.00pm on weekday evenings. If the Council wishes to impose a planning condition restricting the hours of use of the AGP or its sports lighting, consideration should be given to using condition 14 from our model conditions schedule.

It should be noted that if the Council sought to remove the sports lighting or impose significant restrictions on the hours of use of the AGP or its lighting in the evenings this may affect our position on the planning application as the potential sport related benefits would be diminished plus it may affect the feasibility and sustainability of the project. If such an approach is to be taken it is requested that Sport England be advised before the planning application is determined to provide an opportunity to review our position on the planning application.

If the design of the lighting scheme is material to the assessment of the planning application, I would recommend that consideration be given to Sport England's 'Artificial Sports Lighting' guidance note (2012) <https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/artificial-lighting> and the FA's floodlighting guidance <http://www.thefa.com/get-involved/player/facility-development-and-technical-guidance>.

Noise

If noise generated from the use of the AGP is an issue in the determination of the planning application, Sport England has published a guidance note on the planning implications of AGP acoustics. This is intended to aid in developing a more consistent approach when assessing the noise associated with AGP use and to provide some rules of thumb when assessing noise impact. If applicable, it is recommended that this guidance is considered to inform any assessment of noise impact as it has been tailored to assist with the consideration of this issue. This can be downloaded from our website at <https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/outdoor-surfaces>.

The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or national governing bodies to support for any related funding application.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

If you would like any further information or advice please contact me.

Essex Wildlife Trust

19.08.2024

No comments received.

7. **Representations**

7.1 The application has been called to be determined by the Planning Committee in the event the application is recommended for approval by Councillor Turner, with concerns raised that the development would result in a negative impact on the street scene, is of a poor layout and would result in a negative impact to neighbours.

7.2 Frinton and Walton Town Council objected to the initial submitted plans, raising the following concerns:

- Overdevelopment of the site;
- Will be open 365 days per year from 8am to 10pm;

- Inadequate engagement with the community;
- Height of floodlights is excessively high;
- Potential health concerns regarding the use of micro plastics; and
- Concerns with sound management.

7.3 Following the submission of amended plans and additional information, Frinton and Walton Town Council again recommend refusal, however welcomed the reduction in operating hours. They have suggested an alternative scheme could be prepared, centralising the pitch and rotating it 90 degrees, and include the running track around the pitch away from boundaries to residential gardens and properties.

7.4 Since the application was last brought before the Planning Committee in May 2024, Frinton and Walton Town Council have again confirmed they recommend refusal of the application, on the following grounds:

- **Hours of operation too excessive for a residential area;**
- **Sound and light pollution;**
- **Environmental concerns relating to the composition of the crumb from the pitch, and it dispersing within the environment;**
- **Not in keeping with the area;**
- **Bat survey carried out was insufficient in duration; and**
- **Lack of engagement with Town Council and local residents**

7.5 In addition, in total there were initially 75 letters of objection received, as well as a petition signed by 265 people. This is the total number of representations received, including in response to the initial plans submitted and the amended plans. A summary of the concerns raised are as follows:

- Unacceptable noise disturbances;
- Harm to bats and wildlife;
- Significant light disturbances via floodlights;
- Overlooking concerns;
- Operating hours are excessive;
- Harm to property prices;
- Inappropriate location for such a development;
- Parking issues already, which will be made worse;
- Increased traffic concerns; and
- Will result in anti-social behaviour.

7.6 Since the application was last brought before the Planning Committee in May 2024, an additional 34 letters of objection have been received, with the following points raised:

- **Noise impacts to neighbours, including in windy conditions;**
- **Parking issues that will arise;**
- **Light pollution;**
- **Damage to surrounding properties;**
- **Overlooking into garden areas via bunding;**
- **Impacts to wildlife;**
- **Wrong location for a football pitch;**
- **Devaluation of local properties;**
- **Bat Survey does not meet guidelines as surveys were condensed, and the report states the conditions were sub-optimal;**
- **Health impacts as a result of the pitch material;**
- **Lack of notification of the planning application;**
- **Fencing will be an eyesore;**

- **Unacceptable hours of use;**
- **Lack of consideration in Noise Impact Assessment for noise generated from spectators, staff and substitutes;**
- **Discrepancies on the application form;**
- **Insufficient analysis of the independent Noise Impact Assessment;**
- **Noise Impact Assessment based on noise figures from Bristol in 2014, which should not be relied upon;**
- **Re-location of pitch makes no difference to harm to neighbours;**
- **Impact of floodlights to users of the adjacent highways; and**
- **The construction and maintenance costs that would be associated with the 3G pitch.**

7.7 The Council also initially received, in total, 100 letters of support and a petition of support submitted by Frinton and Walton Youth Football Club and signed by 359 people. This is the total number of representations received, including in response to the initial plans submitted and the amended plans. A summary of the points raised are as follows:

- An excellent addition for the school;
- Would provide facilities to cater for housing developments previously approved;
- Allow children to keep fit and healthy in a safe environment;
- Provision of facilities not available locally;
- Would provide all-year round facilities;
- Great asset for the community;
- Important for health and wellbeing of community; and
- Great alternative facility for children.

7.8 Since the application was last brought before the Planning Committee in May 2024, an additional two letters of support have been received.

8. Assessment

Site Description

8.1 The application site is land located within the grounds of Tendring Technology College (TTC), which is located on the southern side of Rochford Way within the parish of Frinton-on-Sea. The area of that site specifically is part of the existing playing field, located to the south-eastern corner of the site.

8.2 The main built form associated with the college is located north of the application site, with the remainder of the playing fields being to the north-east. Further out to the west are additional community playing fields which are Safeguarded Open Space. Beyond this, though, the character of the area is heavily urban with a significant number of residential properties, most notably to the south along Heronsgate and Walton Road, to the east along Cedar Close and Lumber Keys, and to the north and west along Rochford Way and Stewards Close.

8.3 The site falls within the Settlement Development Boundary for Frinton-on-Sea within the adopted Local Plan 2013-2033.

Planning History

8.4 The overall wider site within the TTC grounds has a vast array of planning history, however there are two applications considered to be particularly relevant in relation to the proposed development. Firstly, under reference 98/00657/FUL, planning permission was granted in October 1998 for a two storey extension to the sports hall as well as a new all weather sports pitch with floodlights/fencing, that was to be located in the northern corner of the site (adjacent to Rochford Way and Lumber Keys). It appears that this permission was implemented, as aerial images show an all-weather pitch

since at least 2000, although there is no evidence before Officers to suggest the floodlights were ever erected.

8.5 Following this, under reference 11/00730/FUL planning permission was granted in August 2011 to extend the hard surfaced sports area previously approved and constructed under permission 98/00657/FUL to create a multi-use games area.

Description of Proposal

8.6 This application seeks planning permission for the erection of a 3G Artificial Grass Pitch (AGP) to accommodate a football pitch measuring 97 metres x 61 metres. The pitch will be bounded by 4.5 metre high ball stop fencing with entrance gates which will form an enclosure around the pitches perimeter, a 3.5 metre high acoustic fence along the southern perimeter of the pitch, as well as 6 x 13 metre high LED floodlights.

8.7 In addition, the proposal includes a hard standing spectator area with a 1.2 metre high protective fence along its north-eastern boundary, two goal storage areas to accommodate sports equipment to the north-east and north-west of the pitch, and a steel storage container painted green and measuring 2.59 metres to the north-east of the pitch, and a 1.1 metre high bund along the southern and western boundaries.

8.8 The operating hours proposed are as follows:

- Monday to Friday: 8am to 9pm; and
- Saturdays, Sundays and Bank Holidays: 9am to 5pm.

8.9 Within the initial plans submitted, Officers raised some concerns relating to the impact to local residents, and accordingly amended plans/additional information has been provided during the determination of the application, as follows:

- The operating hours have been reduced from 8am to 10pm Mondays to Fridays and 9am to 10pm all other days, to the hours that are listed above;
- The pitch has been re-located approximately 3.2 metres further north away from neighbouring properties;
- A landscaping strategy has been provided to provide planting on top of the proposed bund;
- The inclusion of a running trail around the bund; and
- The preparation of a statement of need outlining the benefits and reasoning for the proposal being in this location.

Principle of Development

8.10 Paragraph 102 of the National Planning Policy Framework (NPPF, 2023) states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

8.11 In this respect the proposal is to provide for a new outdoor sporting facility. TTC was chosen to help satisfy an identified unmet local demand for artificial football pitches. An enhanced sports facility would expand for a range of accessible sports, recreation, and community facilities in Frinton and Walton, which in turn supports school and community demands.

8.12 In particular, the Playing Pitch Strategy (PPS) for Tendring stated there is both a current and future shortfall of youth 11v11 and 9v9 football pitches which is further exacerbated when future demand

is factored in. It also noted overplaying on several sites and a number of the pitches have been assessed as standard (53) or poor (25), with only one recognised as good quality.

- 8.13 In this context the proposal will provide a high-quality artificial grass pitch surface to allow structured football activities to provide certainty that scheduled training and matches would not be disrupted in all but the most inclement weather. The proposal will also allow more intensive football activities to be played at the College which will broaden the opportunity to take part in sport by local community groups and football club players.
- 8.14 Therefore, taking into account the benefits of the scheme, it is considered the proposals are compliant with national and local planning policies governing proposed leisure uses.
- 8.15 Notwithstanding the above, Sport England are a statutory consultee on this planning application as the proposal affects an existing playing field. They have confirmed that, while the proposal will result in the partial loss of an existing playing field, the proposed development is for an outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport and which outweighs the detriment caused by the loss of the playing field or playing fields. Consequently, Sport England consider the development meets exception 5 of their adopted Playing Fields Policy and therefore do not wish to raise any objections subject to conditions.
- 8.16 Within their consultee response, Sport England also outline a series of benefits that the proposed development would generate, which can be summarised as follows:
- Provision of a modern all weather surface capable of intensive use throughout the year for matches, training and coaching;
 - Ability to accommodate a range of different sized football pitches, suitable for both matches and training;
 - Design and layout of the AGP accords with the Football Association's design guidance, which ensures a fit for purpose facility suitable to meeting community needs;
 - AGP would provide benefits for Tendring Technology College in that an all weather facility could be used for the school's curricular and extra-curricular PE and sport needs, and offers continuity of facility provision when natural turf pitches are unavailable due to adverse weather or ground conditions; and
 - Facility available for community use outside of school hours.
- 8.17 In addition to the above, following a request by Officers, further details have been provided to outline that other locations for the proposed development have been considered, however due to the existing infrastructure, daytime use by the school and the general community ethos of educational establishments, the TTC site was considered to be the optimum location. In addition, two local football clubs (Frinton and Walton and Kirby Athletic) are identified as partners of the scheme, and it is noted a high level of support letters/petition have been submitted. The submission also highlights the benefits associated with all-year use of a pitch that would not be impacted by weather conditions as natural turf is, and that the proposal can also generate local economic benefits through bringing visitors to the area.
- 8.18 Taking all of the above into consideration, Officers are content that the proposal would generate a high level of public benefits, notably through the inclusion of modern fit for purpose facilities that can be utilised all year round, and note that Sport England offer strong support despite the part loss of an existing playing pitch. Officers are not aware of an alternative location better suited for the proposed development, note that the Playing Pitch Strategy highlights there is both a current and future shortfall of youth 11v11 and 9v9 football pitches, and also accept the argument that the TTC site is ideally located for the aforementioned reasoning. A strong level of weight in the overall balance is therefore given to the public benefits the scheme would provide.

Impact to Character of the Area

- 8.19 Paragraph 135 of the NPPF (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 8.20 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 and LP4 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout which create a unique sense of place.
- 8.21 The proposal will see the erection of an outdoor sports facility located to the rear of Tendring Technology College, in-lieu of part of the existing playing field. The character of the immediate surrounding area includes the school to the north and residential properties to the east and south, and a playing field to the west. Against this context, while the proposal will be relatively prominent from the street scene, it is not necessarily considered to be out of character with the existing setting on a broad level.
- 8.22 The proposed perimeter fencing at 4.5m high would be visible, as will the 3.5 metre high acoustic fencing along the southern and eastern elevations, although Officers note that the majority of this will be set away from the street scene and is finished in a powder coated RAL6005 Moss Green colour. In addition, Officers note an existing 1.8 metre high metal fence as well as the proposal also including a 1.1 metre high landscape bund between the existing fencing and the proposed fencing/pitch. The combination of these factors, as well as the fencing aiding in reducing noise and the frequency of balls having to be retrieved from the surrounding grassed playing field whenever kicked over the fenced enclosure, ensure that this element would not appear overly prominent and would not appear incongruous within the wider complex.
- 8.23 The proposed floodlighting (six in total) would be the most prominent of that being proposed from wider views, however this is a typical addition to a 3G pitch and will consist of slim line poles. Officers acknowledge that these floodlights, by nature of their height, will naturally be visible from certain views via the surrounding roads. However, in relation to the existing built form in the immediate surrounding area, these views would not be so significantly harmful that Officers consider it would be reasonable to recommend a reason for refusal.

Impact to Neighbouring Amenities

- 8.24 Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.25 Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 8.26 There are a number of residential properties located further out to all sides, and a key consideration is understanding whether the noise and light disturbances generated from the proposal would be to a significant level. It is noted at this stage that a significant number of objection letters/petition have been received, with concerns relating to these matters being a prominent issue raised.
- 8.27 During the determination of the application Officers raised some concerns with the initial set of drawings that the level of harm to neighbouring amenities was to an unacceptable level, and accordingly revisions to the development have been made. Notably the operating hours have been reduced to 9pm on Mondays to Fridays and 5pm on Saturdays, Sundays and Bank Holidays (**previously 10pm**), the AGP has been relocated approximately 3.2 metres north away from the

nearest residential properties, and a landscaping strategy has been provided to provide planting on top of the proposed bund.

Noise Impacts:

- 8.28 With respect to the associated noise levels, a Noise Impact Assessment has been provided as part of the application submission. Within this it confirms the nearest noise sensitive residential receivers are the dwellings to the south and west of the proposed AGP. The highest predicted noise level from the proposed AGP when in use is 46 dB at the façade of the residential houses to the south, and 46 dB at the façade of the residential houses to the west, which is below the 50 dB threshold for the onset of moderate community annoyance, as clarified by the World Health Organisation (WHO).
- 8.29 Furthermore, in terms of transient noise levels, noise from voices is predicted to be a maximum of 48dB (56dB without the acoustic fencing), a maximum noise from whistles of 65dB (71dB without the acoustic fencing), and noise from ball impact is a maximum of 64dB (71dB without the acoustic fencing), all falling within the WHO 65dB criteria, although Officers acknowledge some figures are on the cusp of the WHO criteria. To counter the impacts of the development, the proposal includes 3.5 metre high acoustic fencing to the southern and western elevations, as well as a 1.1 metre high landscaping bund.
- 8.30 In addition, the Noise Impact Assessment refers to the need for a Noise Management Plan, which would include the facility for neighbours to report excessive noise and/or anti-social behaviour, the preparation of a written action plan for staff to utilise to deal with complaints, and that all perimeter fencing is fixed to support posts with a neoprene isolator installed to fully isolate the panels from the posts, which reduces the 'rattling' effect when a ball impacts on the fencing. The supporting Design and Access Statement adds that the maximum user capacity will not be exceeded and only pre-booked lettings will be permitted to use the site.
- 8.31 The Council's Environmental Protection team have been consulted, and have confirmed they agree with the conclusions of the Noise Impact Assessment, and recommend that all recommendations contained within the Assessment, notably the installation of acoustic fencing and the submission of a Noise Management Plan, are implemented.
- 8.32 Following this, local residents have provided an independent review of the potential noise impacts of the proposal. In summary this review outlines there is likely to be low level background noises as the current baseline position, and therefore even with proposed mitigation measures noise from the AGP will be clearly audible, particularly during evening hours. This harm is exacerbated by the all year round use of the site, which offers little respite for neighbouring properties. It concludes that alternative locations within the college grounds further away from residential properties should be considered. It is important to note that this assessment was initially reviewed by the Council's Environmental Protection team, who noted its contents but maintained their earlier comments given that the Noise Impact Assessment was undertaken in line with relevant guidance and standards. They do, however, accept there will be a Low Observed Effect Level, of which the perception is nuanced and can be varied for each person.
- 8.33 Following the previous resolution by the Planning Committee in May 2024, Officers have requested additional views of the Council's Environmental Protection team in relation to the Noise Impact Assessment that was provided by local residents. They have confirmed that they have considered both Noise Impact Assessment's fully, however their earlier no objection comments remain unchanged.**
- 8.34 The above notwithstanding they have suggested that the applicants Noise Impact Assessment be updated to include the existing noise environment, and calculations evidencing the predicted noise values from the proposal and the subsequent observed impact level. In addition, they suggested the applicant included an assessment of noise**

within a revised site layout to include a larger buffer zone, and therefore reduce the potential adverse impact to existing residential premises.

- 8.35** The agent for the application has, in response to this, provided a revised Noise Impact Assessment that now includes details of a site noise survey undertaken in October 2024 which sought to determine the existing ambient noise climate at a location that is representative of the nearest noise sensitive residential properties. The noise measurements were undertaken between 18:00 hours and 22:00 hours, with the equivalent noise level across each hour ranging between 42dB and 47dB.
- 8.36** The Council's Environmental Protection team were again consulted following this revised Noise Impact Assessment, and they have confirmed they are satisfied with the predicted noise levels and the evidence of compliance with relevant guidance, and therefore have no adverse comments subject to the measures outlined within the Assessment being implemented.
- 8.37 Therefore, in conclusion, from a purely technical perspective the change in noise level is considered to be acceptable due to the absolute noise levels being within the WHO guidelines with the suggested mitigation measures. However, that said, Officers acknowledge that there is inevitably a degree of noise disturbances given the relatively close proximity of the development to neighbouring properties. The amendments to the scheme to reduce operating hours and re-locate the AGP away from neighbouring properties aids in reducing this harm, but Officers do afford a level of weight to this harm in the overall planning balance.

Lighting:

- 8.38 Having regard to the impact of the floodlighting columns, there are to be six in total located across the perimeter of the pitches. A lighting plan has been provided which shows the luminance calculations to the closest residential properties to the west along Heronsgate and to the south along Walton Road. The calculations demonstrate that the luminaire intensity (glare) created whilst floodlights are operated is below the threshold for an Environmental Zone E3 location and as such does not create an unacceptable impact by way of artificial lighting. More specifically, the lighting plan demonstrates that all lighting glare from the proposal will be inward facing towards the AGP and would, in this respect at least, have a negligible impact to neighbouring amenities.
- 8.39 The Council's Environmental Protection Department have raised no objections but requested the external lighting be located, designed and directed so to avoid intrusion into neighbouring residential properties. Officers are content that the submitted plans demonstrate this.
- 8.40 It is acknowledged that many of the local residents objection letters/petition raise concerns with the impacts of the floodlights to existing amenities. Notwithstanding what is stated above, Officers are appreciative of the fact that by being in such close proximity to the development, there will naturally be some level of visual disturbance via the floodlights, if not from the glare of them specifically but via the light spillage naturally generated. As stated above, there have been amendments to the scheme which Officers consider reduce this level of impact, however that is not to say there would be no impact. Accordingly, a low level of weight is given to these impacts in the overall planning balance.
- 8.41** Following the resolution of the Planning Committee in May 2024, the applicant has since explored the potential of amending the wider site layout in order to find a solution that might be less harmful to neighbouring residents. The submitted drawing includes three alternative layouts, with two showing that it would not be possible without overlapping with the running track (which Officers consider would likely generate an objection from Sport England if put forward, due to the loss of existing sports provision), with the third option being sited along the north-eastern boundary which in turn would be closer to a greater number of local residential properties, thereby generating a higher level of harm than the currently proposed

siting. Following this, Officers consider that it has been sufficiently demonstrated that there are no alternative locations across the wider site that could accommodate the proposal.

- 8.42 Some concerns from local residents have also been raised that the proposed running trail along the bunding will result in a level of overlooking into neighbouring rear garden areas. However, Officers note that the entrance to the bunding areas are secured by maintenance gates, and would therefore not be accessible to students or other users unless there are school related events. In addition, the running trail shown only goes along the bunding to the south-west of the site; the area of bunding closest to neighbouring garden areas along the south-eastern boundary does not include the running trail, with this instead being sited to the north of the bunding. Given this, and that there would not be significant and sustained noise as a result of the running trail, Officers conclude that this element would not result in significant levels of overlooking and result in significant harm to amenities.

Highway Safety

- 8.43 Paragraph 115 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 8.44 Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.
- 8.45 Essex Highways Authority have been consulted, and note that no changes are proposed to the established vehicular access off Rochford Way and that the site is within an accessible and sustainable location close to bus stops. Given that the maximum parking demands will occur either during weekends or outside of peak travel times, any off-site highway impact is unlikely to be significant and therefore from a highway and transportation perspective the impact of the proposal is considered acceptable. However, conditions are recommended in relation to a Construction Management Plan and the submission of a Travel Plan, however ECC Highways have since confirmed that the Construction Management Plan is covered within the submission already and is therefore not required to be included as a condition. A further condition relating to floodlights is recommended, however full details have been provided and it would therefore not be reasonable or necessary to impose on this occasion.
- 8.46 The Essex Car Parking Standards (2009) state that for such a use there should be parking provision for 20 spaces per pitch plus one space per 10 spectator seats. However, these standards relate to a full size outdoor playing pitch, so while the current proposal is technically for four pitches, this is the equivalent to one full playing pitch. Given this, and there being no spectator seats, there should therefore be provision for 20 parking spaces. On this occasion, there is provision for 110 vehicular spaces, and therefore this need is met.

Tree and Landscaping Impacts

- 8.47 The Council's Tree and Landscaping Officer has been consulted on the application, and in response to the initial set of drawings, provided the following comments:

"The application site is set to grass and does not contain any trees or other significant vegetation.

The position of the proposed development is such that it will be seen from the rear gardens of adjacent properties on Walton Road and to a lesser extent from properties in Heronsgate. The

development will also be visible from Frinton Park Playing Field and from the footpath running from Heronsgate to the Walton Road.

It is noted that acoustic fencing and floodlighting form part of the development proposal. In this regard it would appear desirable for new soft landscaping to be carried out on the proposed bund on the south-western and south-eastern boundaries of the site for the screening benefit that it would provide

Soft landscaping would soften and screen the appearance of the proposed new fencing and, in time will, reduce light spillage from the floodlights.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition. Soft landscaping should aim to soften, and screen appearance of the development."

- 8.48 Following these comments, the agent for the application has provided amendments to the overall scheme, including the submission of a Landscape Strategy. Upon re-consultation, the Tree and Landscaping Officer stated the following:

"The additional information provided shows a good level of soft landscaping that will soften and screen the proposed development.

Regarding plant species and specification, the information provided is acceptable and the proposed planting will, in time, grow to be a good buffer between the proposed development and dwellings on adjacent land.

In terms of the consistency of information provided it appears that the position of the proposed new bund, as shown on the Proposed Site Plan drawing referenced 03 Rev 05 (and other drawings such as: ref 04.04 and 06.02) does not strictly accord with that provided on the Landscape Strategy drawing ref; 5085_500.

The Proposed Site Plan drawings and others show a linear and formal 'L shaped bund' on the south-eastern and south-western boundaries of the new facility whereas the Landscape Strategy drawing shows a bund along the same boundaries, but in a less formal way, and in a slightly different position to that shown on the other drawings.

Notwithstanding the slight variation in the position of the bund the information provided in terms of soft landscaping is satisfactory. Although the position of the bund does not appear to be consistent on all drawings the slight variation in its position, as described above, is not likely to affect its overall purpose or functionality."

- 8.49 Given the above comments, the agent for the application has since provided updated drawings to align all drawings. No objections are therefore raised in this regard, although a condition is recommended to ensure the landscaping shown on the plans is undertaken.

Drainage

- 8.50 Policy PPL5 states that proposals for development must demonstrate that adequate provision exists, or can be provided in time, for sewage disposal to a public sewer and water recycling centre (sewage treatment works).
- 8.51 The application is supported by a Drainage Strategy, which confirms the site falls within Flood Zone 1, there is currently no existing site drainage for the area, and that a drainage scheme shall be installed beneath the AGP area to ensure that the rate of surface water run-off from the site does not increase as a result of the proposed development. There will also be no foul water associated with the proposals.

8.52 Essex SuDS have been consulted and initially raised a holding objection due to issues with the discharge rate restriction and climate change allowances. However, following the submission of a revised assessment to address these technical points, Essex SuDS have confirmed they do not raise any objections subject to conditions relating to the submission of a detailed surface water drainage scheme for the site, the submission of a maintenance plan, the maintenance of yearly logs, and the clearance of existing pipes within the site.

Renewable and Energy Conservation Measures

8.53 Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

8.54 Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

8.55 The proposal includes for a development that has the potential to incorporate ULEV charging points for electric cars, and potentially additional renewable features. No details, however, are provided within the application submission. Therefore, it is considered reasonable and necessary to include a planning condition requiring a scheme, together with a timetable to be submitted for the consideration and installation of these measures, as such a condition is capable of addressing these policy requirements.

Impact to Protected Species

8.56 Paragraph 180(d) of the National Planning Policy Framework (2023) states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 186(a) of the NPPF adds that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

8.57 Adopted Policy PPL4 (Biodiversity and Geodiversity) states that as a minimum, there should be no significant impacts upon any protected species, including European Protected Species and schemes should consider the preservation, restoration or re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations.

8.58 The application is supported by a Preliminary Ecological Appraisal and Preliminary Roost Assessment to assess the ecological value of the proposed development. It concludes that the development site has a broadly low ecological value due to the absence of notable areas of habitat, however recommends a series of ecological mitigation and enhancement measures relating to Great Crested Newts, reptiles, bats, nesting birds, badgers and hedgehogs.

8.59 ECC Place Services Ecology were consulted on the application, and previously confirmed that they are satisfied there is sufficient ecological information available for determination of this application. They add that the floodlighting scheme represents a sensitive lighting scheme for foraging and commuting bats, with little to no spill onto adjacent suitable habitat or building. Given this, they raise no objections subject to conditions relating to securing mitigation/enhancement measures, a biodiversity enhancement strategy and a wildlife sensitive lighting scheme.

8.60 During the determination of the application, comments have been received stating that bats will be affected by the proposal and that the data contained within the reports demonstrates that bats

exhibiting light adverse behaviour would be affected by very low levels of light. It has therefore been requested that the applicant provide data contained within its lighting scheme 3.4 Horizontal 1.8m Filled ISO Contour, to include the contours for 0.21 and 0.5 not currently shown in the report.

- 8.61 ECC Place Services Ecology have been re-consulted following these comments and have confirmed they are satisfied that no additional information is required to be submitted by the applicant prior to determination of the application. Furthermore, they confirm they are satisfied that the inclusion of a bund around the 3G pitch would adequately prevent light spill to the treeline to the west of the proposed pitch.
- 8.62 Following the resolution at the previous Planning Committee, the applicant has now provided a Bat Survey Report, which confirms that overall bat activity was low and predominantly along the periphery of the site, with the highest area of activity being along the south-western boundary. One bat species was found to be utilising the site, common pipistrelle bat. The proposed development is due to retain the value of the site for foraging and commuting bats.**
- 8.63 The report further outlines that provided the lighting levels along the periphery of the site do not exceed those specified in the Floodlighting Scheme and Flood Lighting Performance Report, then the implementation of these plans would reduce the potential indirect impacts on foraging and commuting habitats used by the local bat population to a negligible level.**
- 8.64 Therefore subject to mitigation measures including the current temporary flood lighting being removed or altered, the report considers the impacts to bats to be to an acceptable level.**
- 8.65 ECC Place Services (Ecology) have been consulted following the submission of this report, and have confirmed they are still satisfied that there is sufficient ecological information available for determination of this application, and raise no objections subject to securing biodiversity mitigation and enhancement measures. In addition, concerns have been raised with the validity of the report, and ECC Ecology confirm that whilst a night-time Bat Walkover Survey was carried out, there is no submission provided to confirm if a Potential Roost Feature (PRF) inspection survey was undertaken for the Oak tree on site and also if an endoscope was used to assess this and any other PRFs. However, they consider that, as long as all PRFs are retained as part of the local roost resource, they will continue to be available for roosting bats, and therefore the PRF inspection survey is not necessarily required to make this acceptable and would not alter their view so long as the lighting scheme is secured by any consent.**
- 8.66 In line with the comments from ECC Ecology, Officers recommend conditions be included relating to mitigation measures, a Biodiversity Enhancement Strategy, and a wildlife sensitive lighting design.**

Biodiversity and Geodiversity

- 8.67 Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.
- 8.68 This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

General duty on all authorities

- 8.69 The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.
- 8.70 This development is subject to the general duty outlined above. The proposal is for a 3G football pitch on a site currently utilised as part of a wider school playing field. On this occasion, full landscaping details have been provided and conditions are recommended to secure the planting . Moreover, an informative recommending the applicant is strongly encouraged to improve the biodiversity of the site through appropriate additional planting and wildlife friendly features is included.
- 8.71 Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

Biodiversity net gain

- 8.72 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals. The application was submitted prior to the introduction of this requirement and this can not be imposed in law on this basis.

Protected Species

- 8.73 In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The proposal includes for a 3G football pitch on part of the wider school playing field. The impacts to protected species have been carefully addressed within the report above, and it is considered that the proposal is unlikely to adversely impact upon protected species or habitats.
- 8.74 In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Planning Balance and Conclusion

- 8.75 The proposal is for the erection of an Artificial Grass Pitch on land that forms part of the existing playing pitch within the grounds of Tendring Technology College. On this occasion the proposal would generate a high level of public benefits, notably through the inclusion of modern fit for purpose facilities that can be utilised all year round. Sport England offer strong support despite the part loss of an existing playing pitch, and Officers are not aware of an alternative location better suited for the proposed development, whilst equally noting that the Playing Pitch Strategy highlights there is both a current and future shortfall of youth 11v11 and 9v9 football pitches. A strong level of weight in the overall balance is therefore given to the public benefits the scheme would provide.
- 8.76 Furthermore, the proposed development is not considered to result in significant harm to the character and appearance of the wider area, there is sufficient parking provision and ECC Highways offer no objections subject to conditions. Similarly, ECC Ecology do not object to the proposal subject to conditions, and whilst ECC SuDS initially objected, this was on more technical matters which have since been addressed.

- 8.77 The above notwithstanding, a key consideration of this application is the impact to neighbouring amenities. Whilst from a purely technical perspective the change in noise level is considered to be acceptable due to the absolute noise levels being within the WHO guidelines and the suggested mitigation measures proposed, Officers do equally acknowledge that there is inevitably a degree of noise disturbances given the relatively close proximity of the development to neighbouring properties. Amendments to reduce the operating hours and re-locate the AGP away from neighbouring properties have helped reduce the level of harm, but Officers do still afford weight to this harm in the overall planning balance.
- 8.78 Similarly, with regards to the impacts of the proposed floodlights to neighbouring properties, the lighting plan provided demonstrates that the glare created would not be to an unacceptable level, with all lighting facing inwards towards the pitch. That said, given the close proximity of the development, there will be a degree of visual impact to neighbours, if not from the glare of the floodlights but from the light spillage generated. Officers afford this level of harm a low level of weight in the overall planning balance.
- 8.79 Since the application was deferred by the Planning Committee in May 2024, a Bat Survey has been provided and considered acceptable subject to conditions by ECC Place Services (Ecology), and the Council's Environmental Protection team have commented on the local residents Noise Impact Assessment to confirm they have considered both Noise Impact Assessment's fully, however their earlier no objection comments remain unchanged. They did, however, suggest that the applicants Noise Impact Assessment be updated to include additional information which has since been undertaken. The Council's Environmental Protection team have now confirmed they are satisfied with the predicted noise levels and the evidence of compliance with relevant guidance, and therefore have no adverse comments subject to the measures outlined within the Assessment being implemented.**
- 8.80 In addition, the agent for the application has clarified that a Construction Method Statement was submitted alongside the original application submission, and the Council's Environmental Protection team have previously confirmed they are satisfied with the contents and had no adverse comments to make. An additional drawing has also been provided to outline alternative layouts for the 3G pitch alongside the wider site. Three options are shown, with two showing that it would not be possible without overlapping with the running track (which would likely generate an objection from Sport England if put forward, so would not be feasible), with the third option being sited along the north-eastern boundary which in turn would be closer to a greater number of local residential properties, thereby generating a higher level of harm than the currently proposed siting.**
- 8.81 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 – these provisions also apply to appeals). The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at paragraphs 11 - 14 of the Framework (for decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed. Furthermore, the NPPF confirms local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition**
- 8.82 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is**

material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

8.83 There is clear support for the economic and social benefits that would result due to this proposal, and this is in line with both national and local policy. There is also clear planning harm to the environment and residential amenity in the balance to consider that some planning conditions will counter, but not entirely remove as harm. It is rare that any proposal has no benefit or no harm in absolute terms. Instead, all these material considerations, both positive and negative, are considered and in the planning balance the proposal is considered to be of sufficient merit to recommend as approval. Members need to decide if that weight is agreed or not, but if the benefit of the facility is not given significant weight, it may be viewed that the floodlight and noise impacts on neighbouring amenity does outweigh the benefits. Alternatively, without reducing the weight given to the benefits, more weight to residential amenity may be given in reasonable terms that alters the concluding balance.

8.84 Taking all of the detailed matters above into consideration, in the planning balance Officers consider that the wider public benefits of the proposed development outweigh the overall identified areas of harm and with careful assessment the planning application is recommended for approval.

9. Recommendation

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

9.2 Conditions and Reasons

1 **CONDITION:** The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 **CONDITION:** The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers 01 Revision 00, 02 Revision 01, **03 Revision 07**, 04 Revision 04, 05 Revision 00, **06 Revision 04**, 07 Revision 02, **08 Revision 04**, 09 Revision 02 (titled 'Playing Field Layout'), 10 Revision 00, **11 Revision 00**, 5085_500 Revision A, 5085_501 Revision A, and the documents titled

'Noise Impact Assessment' received 31st October 2024, 'Design and Access with Planning Statement' received 15th March 2024, 'Tendring Community Sports Pitch', 'Landscape & Ecology Enhancements Statement', 'Greenfield runoff rate estimation for sites', **'Proposed Lighting Scheme REV02'**, 'OptiVision LED gen3.5 –Smart area and recreational sports lighting', 'Sports Lighting Statement', 'Appendix E – Proposed Materials and Appearance', 'Construction & Environmental Management Plan (CEMP)', 'Noise Management Plan', 'Preliminary Ecological Appraisal' and **'Bat Survey Report'**.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- Electric car charging points;
- Agreement of a scheme for water and energy conservation
- Agreement of scheme for waste reduction.

The scheme shall be fully implemented prior to the first use of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through reduce need, better use or savings in the use of water, energy and resources; reduce harm to the environment; and result in wider public benefit in accordance with the NPPF.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab

level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

- 4 **CONDITION:** All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

- 5 **CONDITION:** Prior to commencement of any development on the playing field, a contractor's specification for the works to convert the hard porous sports pitch to a natural turf playing field area which includes an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The playing field enhancement works shall be implemented in accordance with the approved specification and implementation programme.

REASON: To ensure the satisfactory quantity, quality and accessibility of compensatory provision, to ensure that the playing field is reinstated to an adequate standard and is fit for purpose.

- 6 **CONDITION:** Use of the artificial grass pitch hereby permitted shall not commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches; have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is fit for purpose and sustainable, provides sporting benefits.

- 7 **CONDITION:** Prior to first use of the artificial grass pitch hereby permitted a community use agreement prepared in consultation with Sport England shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used at any time other than in strict compliance with the approved agreement.

REASON: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport, including use of the site from external football clubs.

NOTES: The agreement shall apply to the artificial grass pitch and supporting ancillary changing and parking facilities and include details of pricing policy, hours of use, access by noneducational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities.

- 8 **CONDITION:** No development shall commence (except demolition) until details of a surface water management scheme/plan, detailing how surface water and storm water will be managed on the site during construction and during the lifetime of the development, is submitted to and agreed in writing by the local planning authority. The scheme shall include but not be limited to:

- Details and verification of the suitability of infiltration of surface water for the development.

- Details of all discharge rates for all flood and storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide details of sufficient on site storage to be installed and demonstrate if 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 is likely to occur.
- Provide details to demonstrate if all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Provide details that demonstrate if features proposed are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Provide final modelling and calculations for all areas of the drainage system.
- Provide 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.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Unless a timetable is agreed as part of the surface water management scheme submitted, no part of the development shall be first occupied or brought into use until the scheme is fully installed and is functionally available for use, unless alternative timing for installation is otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment and minimise the risk of flooding. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm by reason of flood risk.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of development. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment.

- 9 CONDITION: Prior to first use of the hereby permitted development 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, has been submitted to, and agreed in writing by, the Local Planning Authority. Maintenance shall be carried out as approved in accordance with the details and timescales in the plan.

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

NOTES: Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

- 10 CONDITION: The applicant or any successor in title must maintain yearly logs of maintenance for the hereby approved SuDs which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

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

- 11 CONDITION: The development hereby permitted shall not be commenced until details have been provided to, and agreed in writing by, the Local Planning Authority to demonstrate that the existing

pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

REASON: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

12 CONDITION: The hereby permitted development/use, including the use of the floodlights, shall only operate between the following hours:

- Monday to Friday: 8am to 9pm; and
- Saturdays, Sundays and Bank Holidays: 9am to 5pm.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

13 CONDITION: Prior to the first occupation of the hereby approved development, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenwood, August 2023) **and the Bat Survey Report (Greenwood, August 2024)**, and thereafter maintained.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations.

14 CONDITION: Prior to first occupation of the hereby approved development, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species and habitats.

- 15 **CONDITION:** Prior to the erection/installation of any floodlighting or other means of external lighting at the site, a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) shall be submitted to and approved in writing by the local planning authority. The lighting shall be carried out and retained in accordance with the details as approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations.

- 16 **CONDITION:** Prior to the first use of the hereby approved development, the acoustic fencing as shown on **Drawing Numbers 03 Revision 07 and 04 Revision 04**, shall be fully erected and retained in this form in perpetuity.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

9.3 Informatives

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

4: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals

and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Biodiversity Enhancements Informative:

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

10. **Additional Considerations**

Equality Impact Assessment

- 10.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.
- 10.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.
- 10.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Human Rights

- 10.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 10.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 10.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 10.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application. There are none for consideration with this application.

11. Background Papers

- 11.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.