



**Rochford District
Council**

APPLICATION NO.	22/00006/FUL
ADDRESS	Grove Wood Primary School, Grove Road, Rayleigh, SS6 8UA
APPLICATION DETAILS	Construction Of an Artificial Grass Pitch With Enclosing Boundary Fencing and Formation Of A Bund (From Removed Topsoil).
APPLICANT	Mr Kevin Tuck
ZONING	Education/Metropolitan Green Belt
PARISH	Rayleigh
WARD	Lodge

REPORT SUMMARY

This application was considered under item 6 at the council's Development Management Committee on January 24th 2023 and deferred pending further information regarding the following matters as confirmed by the minutes of the meeting:

1. The proposed drainage system including water attenuation/storage, including details required by conditions 7, 8 and 9, to be provided prior to the determination of the application.
2. The chemical composition of the pitch and health and safety impacts relating to its use.
3. The necessity of the proposed fencing.
4. A full noise assessment (to include the impacts of the proposed perimeter fence) Note: Full noise assessment taking into account the times of use, the sports to be played on the surface (e.g., football, netball, hockey) and the potential impact upon residential amenity from use, including the impacts of ball strike against the perimeter fencing.
5. The submission of a Biodiversity Report.
6. Clarification of days/times of use relating to condition 3.

Overview

The purpose of this report is twofold, as it not only speaks to all material planning considerations previously considered when the application came before committee in

January 2023 but also summarises the additional information submitted by the applicant in address of the deferred matters within relevant sections of the report. Where necessary further conditions have now also been added to account for any further formal consultation responses and advice received.

Fundamentally the development is now being considered in the light of the updated information submitted and the acceptability of the development given the updated recommendation.

On the basis of the additional information submitted and the consultation responses received there is no fundamental change in the recommendation. The development subject to the recommended conditions is acceptable.

RECOMMENDATION

It is proposed that the Committee **RESOLVES**

that planning permission be **APPROVED** subject to the following conditions:

Time Limit

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Development in Accordance with Approved Plans

- (2) The development shall be undertaken in strict accordance with the details of the approved plans referenced: 001 Site Location Plan, 002 (Block Plan), 003 (Pitch Layout Plan), 005 (Elevations), 006 (Landscape and Drainage Plan), 007 (Existing and Proposed Levels), 008 (Bund Section), 012 (MUGA Position), 013 (Pitch Build up Detail) and the details of the Technical Note entitled Surface Water Drainage Strategy for Proposed Artificial Grass Sports Pitch at Grove Wood School Additional Technical Note (Reference 332511345/100 TN002 (May 2023)

REASON: To ensure that the development is undertaken in accordance with the approved plans as considered.

Limitations of Use

- (3) With the exception of the existing arrangement for use on a Saturday morning by a local soccer team, the use of the Sports Pitch shall be limited to sole use

by Grove School and shall remain at all times ancillary to the functional requirements and activities of the school and shall at no time be made available for commercial hire or sub-let to any other organisation or entity.

REASON: To clarify the scope and limitations of this planning permission and the permitted use in the interest of safeguarding the amenity of residential properties located in close proximity to the site in compliance with policy DM1 of the Local Development Framework's Development Management Plan (Landscape and Drainage Plan).

Prohibition of Artificial Lighting

- (4) No artificial lighting of any description whether for a temporary period or otherwise (including portable lighting, lighting columns or lighting mounted or attached to any walls or fencing or any other movable object) shall at any time be used in connection with the use of the development hereby permitted without the prior written approval (planning permission) from the Local Planning Authority.

REASON: To safeguard against potential detrimental impacts to residential amenity in compliance with Policy DM1 of the Council's Local Development Framework's Development Management Plan.

Colour of Fence Enclosure

- (5) Notwithstanding the details submitted in relation to the colour finish of the metal fence enclosure, this enclosure in its entirety including any gates shall be finished in a Forest Green colour.

REASON: To ensure a satisfactory appearance in the interest of visual amenity in compliance with Policy DM1 of the Local Development Framework's Development Management Plan.

Details and Implementation of Soft Landscaping Works

- (6) Notwithstanding the details of the submitted plan reference 006, further details shall be submitted detailing the tree planting to be undertaken including species type, species mix, the height of all specimens at their time of planting, and planting density. The planting works shall be implemented in its entirety in accordance with the submitted and approved details within the first planting season from the date of first use of the sports pitch. Any tree, shrub, or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in an agreed location, in the first available planting season following removal.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance and Biodiversity Enhancements in the interests of visual amenity and biodiversity in compliance with policy DM1 and DM27 of

Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014).

Drainage Strategy, Works, and Implementation

- (7) No works 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 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 in compliance with policy ENV 4 of the Local Development Framework Core Strategy.

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

REASON: Paragraph 103 to The National Planning Policy Framework states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If 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.

- (9) No works shall take place until 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.

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.

Ecology: Mitigation and Enhancements

- (10) The development shall be carried out implementing all mitigation measures as detailed within the Preliminary Ecological Appraisal (arbtech Ltd, March 2023). These enhancement works should be complete within 12 months of the first use of the MUGA.

REASON: To conserve Protected and Priority species and allow the Local Planning Authority 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).

Noise Control and Mitigation

- (11) The development shall be undertaken in accordance with the recommendations set out at points 7.7-7.15 of the updated Noise Assessment (dated July 13 2023). Furthermore, the perimeter fencing shall be constructed so it is securely clamped using weather-resistant rubber Ethylene Propylene Diene Monomer (EPDM) fixings so as to prevent structure borne noise. The structure will thereafter be maintained in the approved form in perpetuity and any replacement fixings shall be of the same type as that specified.

REASON: To ensure a standard of construction which minimises noise generation and the acoustic performance of the fencing thereby mitigating noise impacts in the interest of amenity in compliance with policy DM1 of the council's Local Development Framework's Development Management Plan.

- (12) No signage or other hard surfaces, such as back boards (other than a Basketball backboard) but excluding goalframes are permitted to be attached to the fencing or otherwise used within the MUGA hereby approved

REASON: To minimise noise generation as would be created by balls striking hard boarded surfaces thereby mitigating noise impacts in the interest of amenity in compliance with policy DM1 of the council's Local Development Framework's Development Management Plan

SUPPORT ING INFORMATION

1.0 PLANNING APPLICATION DETAILS

DRAWING NOS.	001 Site Location Plan, 002 (Block Plan), 003 (Pitch Layout Plan), 005 (Elevations), 006 (Landscape and Drainage Plan), 007 (Existing and Proposed Levels), 008 (Bund Section), 012 (MUGA Position), 013 (Pitch Build up Detail),
SUBMITTED DOCUMENTS	Details of the Technical Note entitled Surface Water Drainage Strategy for Proposed Artificial Grass Sports Pitch at Grove Wood School (November 2022).

	<p>Additional Information Submitted</p> <p>Agents Covering Letter 26 May 2023 clarifying matters and enclosing further information including the following documents:</p> <p>Additional Technical Note (Reference 332511345/100 TN002 (Surface Water Drainage Details for Proposed Artificial Grass Sports Pitch at Grove Wood School),</p> <p>Tencate Grass: Statement of Compliance with Regulation 1907/2006/EC (REACH)</p> <p>Exerpt from the ESTC website (estc.info)</p> <p>Noise Impact Assessment (dBC 10648 25 May 2023</p> <p>Noise Impact Assessment (dBC 10648 Updated 13.07.2023)</p> <p>Preliminary Ecological Appraisal (arbtech : 10.03.2023)</p>
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- 1.1 The application following deferral is supported by additional information as referred to at points 1-6 cited within the report summary. The relevant information is highlighted within the appropriate sections of the report. Supporting information was submitted on May 26th which included the following information and documents in response:
- 1.2 A covering letter which makes reference to the matters deferred including further details relating to surface water drainage.
- 1.3 Clarification within the submitted letter that the carpet and shock pad are porous. It is indicated that the macadam base is porous and the stone beneath macadam is porous. Water will therefore drain through the entire pitch construction into the under pitch drainage system and discharge into the existing drainage system.
- 1.4 Reference is made within the letter to an attached excerpt from the ESTC website which indicates that All EU and UK carpet manufacturers, will follow EU and UK directives regarding carpet manufacture. As far as sand dressed carpets are concerned (as proposed for Grovewood School), the sports governing bodies, Sport England, and the relevant Trade body SAPCA have not imposed any restriction on using them. A statement is also attached from the carpet yarn manufacturer.
- 1.5 The covering letter indicates that there are a number of reasons to erect a fence around a sports pitch including retention of footballs and other types of balls. Reasons include security to prevent unauthorised use and to protect the surface against vandals and fouling by animals. It is indicated that if there were no fence, balls would continuously need to be retrieved and mud from the surrounding field would be carried onto the artificial grass surface.

- 1.6 An 'Acoustic' report (Noise Assessment) : Reference dBC 10648 (Date of issue 25 May 2023) and as further updated 13.07.2023) report).
- 1.7 A Preliminary Ecological Appraisal (Arbtech 10.03.2023)

2.0 MATERIAL PLANNING CONSIDERATIONS

Site and Context

- 2.1 The application site is located on the south side of Grove Road. The site is occupied by Grove Wood Primary School, the street is otherwise residential in character. The primary school encompasses a large main building with several ancillary buildings and a playing field to the south. The site is located within the Metropolitan Green Belt, adjoining existing residential development on three sides (north, west, and south). It is also allocated as Educational Land in the Councils Allocations Plan 2014. The whole complex is set within a substantial plot with large playing fields to the rear and a small, wooded area to the east that fronts Grove Road. In addition to the main school building, there are a number of smaller single storey detached buildings. East of the main site is an area of woodland functioning as a local nature reserve.
- 2.2 The red line depicting the extent of the planning application site extends further than the dimensions of the sports pitch in that it includes an area of land to the south which is open land which in terms of its level relative the properties further south at Warwick Green is on a lower land level. The application site extends a distance approximately 105 metres from north to south and which includes an area of 43 metres between the mesh enclosure fence and the boundary of properties at Warwick Green. The width of the red lines area is approximately 46 metres.
- 2.3 There is a slight incline in the land such that there is a land level drop across the site from southwest to northeast in the direction of the school buildings. The land sits in a slight hollow relative to those properties located to the south at Warwick Green which to their rear boundaries with the school grounds, have concrete and timber shuttering supporting the ground at their boundaries. The land is slightly set below the level of the site boundary to the west also. The submitted Location Plan (Drawing Reference 002) indicates that the pitch will be located to the west aspect of the open land to the rear.

The Proposed Development

- 2.4 The application relates to material operations on land in terms of the definition of development as defined by Section 55 of the Town and Country Planning 'Act' 1990. The operations entail the construction of a Multi-Use Games Area (MUGA) synthetic grass sports pitch within an area currently occupied by grass, located to the rear of Grove Wood School where there is an expanse of open land. The only other material operations relate to the erection of the enclosure fence around the MUGA and subtle landform change utilising the soil scrape excavated from the area to be developed. The soil is to be mainly placed within a crescent shaped area of land to the south of the existing cycle track deposited in a shallow layer over an area of approximately 22 metres by 47 metres diminishing in depth towards the extremities of the area of

deposition such that when profiled and seeded over the change in levels will appear indiscernible as the maximum height differential of the new land level relative to existing land level will be 420mm reducing to 300mm and current land levels at the boundary with properties to the south and west as depicted clearly by plan reference 007 (Existing and Proposed Levels).

- 2.5 As previously indicated the application does not propose a material change of use (which the development would constitute as a matter of fact and degree if hiring the site out as a commercial enterprise) as despite the inference of such within the application as originally submitted no express reference was made in the application form or supporting information to a material change of use such that the site subject of this application is NOT being considered for any standalone use distinct and separate from its primary function of serving the operational and statutory functions of the school as an educational establishment. This position is clearly stated in the revised Design and Access Statement coinciding with a letter which was circulated by the Head of the School to the community and as forwarded also to the planning case officer. Activities may include extra-curricular sporting activities organised by the school for its pupils outside normal school hours, which is no different to arrangements which exist in many schools throughout the United Kingdom.
- 2.6 The submitted plans as revised following the initial consultation response from Sports England indicate the provision of a sports pitch 61 metres in length (running north to south) by 43 metres in width (running west to east) enclosed by 3 metre high mesh fence capable of being used for a variety of sports. Plan reference 003 (Pitch Layout Plan) depicts how the space will be marked out to suit respective sports including Football (55m x 37m), 2 x Football (37m x 26m), 2 x Netball (30.5m x 15.25m), 2 x Tennis (23.77m x 10.97m). The actual construction of the surface is shown by a section drawing as comprising a carpet (18mm depth) which will rest on a 15mm pad which itself will rest on top of a 40mm Macadam layer. Beneath this layer there will be 250mm of Type 3 hardcore atop perforated pipes which will drain rainwater into the drainage system. The proposal will also involve the planting of trees within an open area to the south of the cycle track close to the boundary of the school field with Warwick Green and the provision of a perimeter French Drain to convey any surface water away from that area utilising the slight run in the land from south to north to convey any surface water to the existing drainage network located near to the school buildings.
- 2.7 Despite inconsistencies in the application details as were identified at an early stage by the case officer and which were raised with the planning agent, the letter circulated by the head of Grove Wood School on 7th March clarifies the intended use. The letter states as follows:

‘As you will be aware, the ground in this area is of a heavy clay composition which inhibits drainage and leads to waterlogging. For much of the winter, the field is unusable, and we are forced to use our playgrounds and indoor halls which restricts our ability to teach winter sports such as hockey and football effectively. There are no plans to install floodlights and the intended use is that the resource will be used by the school during PE lessons and for before and after school clubs as is currently the case. The only other use would be for the one external club on a Saturday morning

as has been the case for the past fifteen years. There will be no evening use of the facility.'

- 2.8 The letter goes onto say; 'The current intention is that the pitch use will remain as it is now. This includes a Saturday morning football letting. This is for children but NOT school related. In the past this has also been the case on a Sunday and maybe again. Time wise Monday to Friday use will be within 7:15am and 6pm which is the operating hours of the school, including wrap around childcare. Again, no change to the current use. The bottom line is that currently the school has no intention to extend its hours of use, nor its lettings. If the School were to let the pitch out of these hours, it would be the natural grass pitches not the MUGA to extend its life for our pupil's advantage.'
- 2.9 Following consultation feedback from Sport England the pitch dimensions were subsequently altered to take account of the advice to meet the enclosure size requirement recommended by Sport England of 61m x 43m to meet FA recommendations. The 1m increase in length will be to the south and the 1m increase in width to the east. The additional topsoil scrape will amount to approximately 21m³ which when spread out of the area in question will not increase the bund height.
- 2.10 Following written feedback by the case officer to the planning agent, revisions were made to the application on 26th April to reflect the requirements set out by Sports England and also to provide greater clarity regarding specific aspects of the application. As part of this process revisions were made to the landscaping and land level details, and a Technical Document Statement (TECHNICAL REPORT 9967 /D&A/Rev B) (Supplementary Information and Design and Access Statement) was also submitted whilst providing further information on the surface water drainage arrangements to address earlier comments raised by the planning case officer.
- 2.11 Following deferral of the application the information cited within the report summary has been submitted whilst reference to this information is made within the relevant sections of this updated report.

Relevant Planning History

- 2.12 Application No. 88/00121/CPO: Continued Use of relocatable classroom and toilet block. Planning Permission Granted 09.05.1988.
- 2.13 Application No. 88/00539/CPO: Replacement School: Planning Permission Granted 14.12.1988.
- 2.14 Application No. 89/00669/CPO: REPLACEMENT JUNIOR SCHOOL PHASE 2 Planning Permission Granted 20.10.1989.
- 2.15 Application No. 90/00499/CPO: Resiting of Relocatable Classrooms: County Matter no objection 27.09.1990
- 2.16 Application No. 91/00700/CPO: Relocatable Classrooms as a Pre-School Nursery PRCP 17.12.1991.

- 2.17 Application No. 93/00372/CPO: Continue Use of Two Relocatable Classrooms PRCP 23.08.1993.
- 2.18 Application No. 94/00290/FUL: Detached Double Garage for Storage Purposes: Planning Permission Granted 25.07.1994
- 2.19 Application No. 94/00335/FUL: Enclose Land With 1.5m High Chain Link Fence to Enable Effective Continued Use of Land as School Nature Area: Planning Permission Granted 28.11.1996.
- 2.20 Application No. 94/00645/FUL: Proposed Covered Swimming Pool with Changing and Ancillary Storage Facilities for School and Limited Local Use: Planning Permission Granted 19.01.1995.
- 2.21 Application No. 00/00230/FUL: Two Relocatable Buildings: Application Withdrawn 6.04.2000.
- 2.22 Application No. 01/00058/FUL: Single Storey Front Extension: Planning Permission Granted 17.04.2001.
- 2.23 Application No. 03/00485/FUL: Single Storey Extension to Enlarge Reception and Office Areas: Planning Permission Granted 7.08.2003.
- 2.24 Application No. 03/00748/FUL: Erection of Building Comprising Sports Hall, Changing Rooms, Kitchen, Store and Office: Planning Permission Granted 16.10.2008
- 2.25 Application No. 07/00008/FUL: Extension to School Car Park Including Erection of New Fencing and CCTV 5 Metre Post: Planning Permission Granted 22.03.2007
- 2.26 Application No. 07/00221/FUL: Proposed Storage Out-building at Rear of Site Planning Permission Granted 25.04.2007.
- 2.27 Application No. 07/00363/FUL: Proposed 2no. External Canopies and Perimeter Fencing Around New External Play Area: Planning Permission Granted 27.06.2007
- 2.28 Application No. 09/00468/FUL: Single Storey Extension to Existing Reception Building Planning Permission Granted 28.10.2009
- 2.29 Application No. 09/00675/FUL: Construct Flat Roofed Single Storey Building for use as Pre-School Nursery (Replacement Building): Application Withdrawn 12.01.2010.
- 2.30 Application No. 09/00690/CPO: New Build Single Storey Children's Centre Located Within Existing Primary School Site with Content Including Enclosed External Play Area, Landscaping, Provision of Marked Disabled Parking Bay, and Relocation of Existing External Bin Store Area: County Matter no objection 7.01.2010.

- 2.31 Application No. 10/00151/FUL: Construct Flat Roofed Single Storey Building for use as Pre-School Nursery (Replacement Building) Planning Permission Granted 30.04.2010.
- 2.32 Application No. 12/00606/FUL: Part Two-Storey, Part Single Storey Side Extension to Existing Sports Hall: Planning Permission Granted 12.12.2012.
- 2.33 Application No. 14/00351/FUL: Retrospective Application for Planning Permission to Erect a 14.3m Long Section of Metal Palisade Boundary Fence, 2.6m in Height (maximum) Adjacent Western Boundary of No. 4 Warwick Green: Application Refused 25.07.2014
- 2.34 Application No. 16/01032/FUL: Single Storey Building for Educational Use: Planning Permission Granted 4.01.2017.
- 2.35 Application No. 17/00062/FUL: Single Storey Building for Educational Use: Planning Permission Granted 15.03.2017.
- 2.36 Application No. 21/00580/TPO: The Oak tree concerned is located in a property at 122 Clarence Road, Rayleigh at the rear/end of the garden adjacent to Grove Wood Primary School.
- 2.37 Branches from the tree are overhanging our school playground and some look dead and we have concerns that branches could break off causing a risk to users. We would seek to remove only the branches that may pose a risk.
- 2.38 Works to a tree subject of a Tree Preservation Order (TPO) granted 16.06.2021.
- 2.39 Application No. 21/01023/FUL: Erection of 2 No. Temporary Classrooms: Planning Permission Granted 17.11.2021.
- 2.40 Application No. 22/00963/FUL: Retrospective application for the siting of 4 no. containers for storage of sports equipment for school use: Planning Permission granted 18.01.2023.

Principal of Development:

Green Belt Considerations

- 2.41 This matter was covered at 3.32-3.37 of the officers report previously considered under item 6 of Development Management Committee in January 2023. No matter has changed in relation to this consideration such that the basis of consideration in this respect remain the same.
- 2.42 For clarity the consideration is re iterated as follows:

The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory

Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

- 2.43 The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
- 2.44 The site is located within the Metropolitan Green Belt as defined by the Council's adopted Allocations Plan (2014). The key issues for consideration are:
- (i) Whether the proposal is inappropriate development in the Green Belt
 - (ii) (ii) The effect on the openness of the Green Belt
 - (iii) (iii) Other considerations and;
 - (iv) (iv) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. (Officer Note: Due to the fact that the development is not inappropriate by definition nor harmful under consideration ii no consideration of very special circumstances need to be made in this instance).

(i) Whether inappropriate development by definition

- 2.45 Considering firstly the issue of whether the development constitutes inappropriate development, Paragraph 147 of The National Planning Policy Framework (NPPF) indicates that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The essential characteristics of Green Belts are their openness and their permanence. Significant weight must be given within the decision-making process to this harm by reason of inappropriateness and any other harm whilst very special circumstances will not exist unless the harm in every meaning is sufficiently outweighed by other material planning considerations. The development is not a building which is the focus of consideration at paragraph 149 as buildings have the potential to cause a greater degree of harm to Green Belt openness, however the proposal would equate to an appropriate facility for outdoor sport and recreation which is one of the exceptions listed at paragraph 149 b). At paragraph 150 the 'Framework' indicates that certain other forms of development are also not inappropriate development provided that they preserve its openness and do not conflict with of including land within it. This includes at criteria (b) engineering operations which would relate to the slight alteration in land profile of the land as described by paragraph 2.1 of this report.
- 2.46 The development must be assessed also taking into account the underlying objectives of Green Belt policy in that it seeks to preserve openness. For this reason, 'The Framework' does not list all the types of development which may or may not be acceptable within the Green Belt. The absence of express reference to a development proposal of a specific nature which is not a building operation for example (which is the main focus of paragraph 149) does not however entail that a definitional harm would arise – in other words that a development is inappropriate by definition. This development is not inappropriate by definition and therefore is in no conflict with Green Belt policy.

ii) The effect on the openness of the Green Belt

- 2.47 The second consideration is that of the other harm which may arise purely by reason of the presence of a development. Harm can arise by reason of spatial and visual harm which have to be considered on the basis and merit of each individual application. For example, the visual harm of a development proposal would be dependent upon on its scale (such as the massing and height of buildings) and importantly the location of the development in relation to public visual receptor points at a given location. An example of this may be a new supermarket located within the Metropolitan Green Belt being directly viewed from a highway or public right of way such as a National Trail. It is an established principle that the greater the site is exposed the greater the visual sensitivity. The site is enclosed and can only be viewed from the rear of private residences which are not public receptor points.
- 2.48 The school building screens the site from the north whilst Grove Woods is located to the East. The material operation which is that of the erection of the 3 metre high fence will of course enclose the MUGA, however it constitutes a slim structure which does not appear as a solid building such that when combined with the fact that the visual sensitivity (the receptor point) of the site low and the proximity of the development to the school complex ,it is concluded that there is no demonstrable visual impact in Green Belt terms. The erection of a boundary mesh fence in itself at an enclosed location such as this is not sufficient to break or affect the visual continuum of openness such as to constitute a visual harm.
- 2.49 From a spatial perspective the development despite proposing a different surface maintains the openness in that there will be no building for example where once there was open land. Spatially the location of the fence is close to the existing infrastructure such that its context is understood whilst physically it is not considered that the development by its presence will cause harm to Green Belt openness. The reprofiling of land which is not significant in terms of any height differential relative to current land levels will be indiscernible and will have no significant physical impact such as to demonstrably affect Green Belt openness. The development therefore is not in conflict with the second consideration.

(iii) Other considerations

Procedural points and clarification around use

- 2.50 As indicated in the previous report this current application is limited to the construction of the synthetic pitch, the erection of the fence and the minor regrading of soil (regarded as minor engineering operations) and associated landscaping works. The initially submitted Design and Access Statement was not helpful to the application as the inconsistencies in some of the information submitted which were highlighted by the planning case officer to the agent, had to be addressed such that as of the time many of the representations of objection were made many of the points made had validity particularly in term of the perceived impacts of a use which it was inferred was to be a commercial operation.

- 2.51 The information as originally submitted did set out a clear intention for making the sports pitches available for wider use than just that of the school. On the basis of the statement setting out the intent the points raised by third parties as originally submitted are understood. However, the revised particulars do make it clear that the development is to serve the school and a Saturday morning football session, therefore it is difficult to understand the maintained position within further objections including the petition to the use as clearly the application is not dealing with a material change of use as the prevailing circumstances of use will remain. It is also a significant point that the wording of the planning application as set out by the planning application form in the way the character and nature of the development is described, does not expressly set out that planning permission is sought for a material change of use. Furthermore, in granting a planning permission the description at the head of the decision clearly sets out the development for which permission is being granted and in this case a material change of use is not what is being requested or considered.
- 2.52 Officers understand the concerns relating to how the use may become ‘something else’ over a period of time without mechanism to control such use and without assessment of the impacts of such use in its widest sense. However, planning controls and limitations exist to require a planning application when certain triggers are reached; and in this case it would be around the materiality of the use and the consideration on the basis of fact and degree of whether a use would constitute a material change of use as defined by Section 55 of the ‘Act’ and would be subject to planning permission fundamentally aside from the rights to use land for a certain purpose for a period of up to 28 days in any one calendar year (reduced 14 for motorised sports) as set out by Part 4 (Temporary Buildings and Uses) of The Town and Country Planning (General Permitted Development) Order 2015 as amended.
- 2.53 Planning permission would be required to use the sports pitch for any purpose other than for purposes aligning with the current use. The use of the pitch one Saturday morning by an outside organisation as a matter of fact and degree would not however constitute a material change of use given the duration and regularity of the use when compared to the number of hours which exist in one calendar year.
- 2.54 However, despite that stated regarding the rights conferred by Part 4 of the GPDO, condition 3 of the officer recommendation in the way it is worded, removes this right and makes clear the limitations of the use coinciding with the current use arrangements.
- 2.55 Although officers and members cannot pre - empt what may follow, this application in terms of a planning application to open up the use to a wider ‘client base’, clearly if such an application were to be submitted in future, an assessment of highway and parking issues and impacts upon amenity by way of noise would be key material considerations which the application would need to demonstrate to be acceptable. The consideration of this application is made therefore without prejudice to the future acceptability of further infrastructure and wider use, which would need to be considered on its merits at a future time.

Limiting Hours of Use

- 2.56 Given that no change of use is being applied for and the fact that condition 3 emphasises the limitations of use, officers are of the opinion that placing any limitation on a current use in terms of operating hours (when the development in question relates to material operations on land only) would fail the 6 key tests of planning conditions as set out by current planning practice which replaces former Government circular 11/95 (use of Planning Conditions) . Conditions amongst other things, need to directly relate to ‘planning,’ are necessary to achieve a planning outcome, reasonable, precise, and enforceable. To place a condition seeking to control the times the school use the sports pitch for its purposes would amount to a position where the condition if placed to seek to restrict hours of use by the same user would be ‘Ultra Vires’ (in Latin meaning exceeding the scope of one’s legal powers). To apply such a condition would not be reasonable, it would serve no planning purpose and would also be unenforceable on the basis that the local planning authority seek to dictate to the school when it uses its own facility.

Floodlighting

- 2.57 The application does not propose floodlighting. The submitted plans do not show or annotate any features which could be construed as floodlighting. Neither is floodlighting cited on the planning application form. Fundamentally whether for the use of the school or otherwise, floodlighting (if it were to be proposed in future) typically affixed to galvanised steel columns fixed into the ground would constitute a building operation by definition of Section 55 of the ‘Act’ and would not be deemed as permitted development as conferred by the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Such would require planning permission (under current legislation) in any event and would fall under planning control. In assessing such an application, the local planning authority would require and expect an application to consider the impacts of such lighting in visual and residential amenity terms considering matters such as light spread, flicker, and lux (intensity of light) and any effects on living conditions.
- 2.58 There are circumstances in which portable lights not captured under the definition of development could be used, although such light would prove to be ineffective unless the columns supporting the light were of a certain height to achieve the necessary coverage of the whole pitch. Planning condition 4 addresses this matter and prevents the use of portable lighting or any form of artificial lighting in the interest of preserving the amenity of residential properties located to the west and south perimeter of the school grounds.

Impact on character and amenity

- 2.59 Other than the Green Belt consideration which has been considered as part of this assessment the site is not within a designated area such as a coastal protection belt or within a sensitive area such as an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest. The site is not subject to local restrictions such as an Article 4 direction. Given the setting of the school and its relationship with its wider landscape it is not considered that the development will have any significant impacts

upon the character or amenity of the area and the proposal would align with policy DM1 of the Development Management Plan and the NPPF.

Impact on Residential Amenity

- 2.60 The application site is located east of those properties which front Clarence Road which have rear gardens adjoining the school grounds. The properties at Warwick Green and Warwick Road to the south are located further in distance from the actual MUGA area. Given what has been discussed and explained within an earlier section of this report in relation to the use, it is clear that there will be no material change in the nature and character of the use as compared to the existing to trigger any difference in noise levels which would be a consideration should there be an intensification in the use which is a concept associated with a material change of use.
- 2.61 The maintained position and objection of residents on the ground of noise, appears to be on the basis of the information originally submitted which implied a commercial use which is not now the case. It is appreciated that residents are entitled to a view, however there is no logic in maintaining an objection when the revised information clearly indicates that the use will be as of present. The maintained objection in part is based on what may transpire in the fullness of time which has however been addressed through the planning conditions which have been explained.
- 2.62 Members of the Development Committee cited concern that the use of an enclosed area would give rise to potential noise impacts which needed to be considered prior to determination to inform the decision making process. Subsequent to deferral following the advice of the case officer the applicant's consultant in conjunction with the councils consultant discussed and agreed the scope and methodology of the required Noise Assessment based on the usage and the circumstances of the site in terms of residential receptors.
- 2.63 As has been explained to a number of parties during the course of the application, the grant of planning permission if such should be granted in line with what has been applied for, sets out the express terms of the planning permission including its limitations and scope by reason of the description of the development at the head of the decision notice together with the conditions deemed reasonably necessary. The planning permission itself therefore is self-regulating as are the statutes such that in future should any aspect in terms of the use change or any physical aspects introduced that are captured under the description of development (by Section 55 of the 'Act') – clearly control can be applied requiring the submission of a planning application which would be considered on its merits.

The Fence

- 2.64 The application indicates that the fencing around any sports facility has to perform two functions, those of being able to stop balls and afford the required security. The proposed new fencing will be 3m high weldmesh surrounding the pitch with goal recesses. The mesh infill is to be of black 50mm x 200mm aperture size weldmesh (twin wire) with an 8mm gauge wire. The lower 1.2m of the fence is to be of twin wire super sport rebound construction with approximately 50mm x 50mm apertures to provide good football rebound properties. There will be a double gate access and a

single gate access into the pitch. Maintenance vehicles will access through the double gate. A 3m high pitch divider (curtain) net will be installed so that the pitch can be temporarily divided into two for cross pitch five-a-side football play.

- 2.65 Further information is submitted following deferral indicating as follows: 'There are a number of reasons to erect a fence around a sports pitch including retention of footballs and other types of ball. Security to prevent unauthorised use and to protect the surface against vandals and fouling by animals. If there were no fence, ball would continuously need to be retrieved and mud from the surrounding field would be carried onto the artificial grass surface'.
- 2.66 In terms of the impact of physical infrastructure upon the amenity of neighbouring properties, it is considered that it is only the perception of enclosure at the rear of those properties at Clarence Road which requires assessment. This is on the basis that the nearest part of the enclosure fence is a considerable distance (over 40 metres) from the rear of properties at Warwick Green such that to have any impact upon amenity a fence would need to be found to having a direct and overbearing impact upon the living conditions of a residential property. Amenity impacts in this sense are not to be mistaken for visual impacts which relate to the wider impacts of a development within a landscape setting nor indeed the right to a view or an outlook, the latter of which the courts have determined is not a material planning consideration.
- 2.67 It must be noted that these properties which front onto Clarence Road are set further back from their respective site boundaries with the school grounds and are contained by timber boundary fencing. Given relative levels of the land at the rear of these properties relative to land within the school grounds which are comparatively equal it is considered that the impact of a fence set back 8.5 metres in distance from the boundary in terms of creating a perception of overwhelming enclosure is negligible. Despite being of a greater height than the boundary fencing serving these dwellings, the fence will not be set right against the existing boundary fencing such that with the degree of set back the relative 1 metre height differential in fence height will not be as pronounced. The fence considering its degree of set back and height therefore will not have any significant overbearing impact (in terms of creating an overwhelming sense of enclosure) upon any residential property. Neither will the quality of light enjoyed at the rear of these properties be affected. The fence in planning terms is therefore acceptable. It is considered in the interest of visual amenity more than for reason of residential amenity that the fence should be a powder coated Forest Green fence which is recommended by condition 5.

Sport England Position

- 2.68 The Initial consultation received cited that insufficient information had been submitted in support of the application, setting out that greater clarity was required as to how the proposed sports pitch would affect areas of existing grass including impacts on the area occupied by the marked out running track. Details of any existing community use was also required as were further details of the specific measurements of the pitches which Sports England stated were undersized. It set out that the Football Association's (FA) dimensions for a 7v7 mini football pitch are 55x37 metres but a

54x36 metre pitch is proposed and the FA's dimensions for a mini 5v5 pitch are 37x27 metres but two 36x25.5 metre pitches are proposed.

- 2.69 Sport England also requested clarity regarding potential Hockey use in terms of clarification whether the school had given consideration to the artificial grass pitch being marked out for hockey as the facility would be large enough to accommodate hockey 5s markings of 48x31.76m.
- 2.70 Sport England also asked whether the applicant could confirm whether the school would be willing to complete a community use agreement to secure community access to the facility over a long-term period. This information it was stated was requested to allow an informed assessment to be made of the sport related benefits of the proposal.
- 2.71 Within its full consultation response received on 14th July Sport England stated that '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.
- 2.72 Sport England has considered the application in light of the National Planning Policy Framework (in particular Paragraph 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.'
- 2.73 The consultation then sets out its assessment in the light of these considerations under the heading 'Assessment against Sport England Policy/NPPF':

In summary, the proposals involves the installation of a fenced multi-use games area (MUGA) with a sand based synthetic surface on a substantial part of the playing field on Grove Wood Primary School's site. This proposal includes 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 at 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.

- 2.74 Sports Development Benefits

The proposed MUGA would widen the range of all-weather outdoor sports facilities on the school site and provide a facility that could be used for a range of sports and physical activities suitable for primary school use. The MUGA would be provided with

line markings for mini football, netball and tennis but could also be used for mini hockey and the proposed surface would be suitable for a range of sports for primary school use. I have consulted the Essex County FA, LTA and England Hockey who have advised that surface would be suitable for football training, recreational tennis, and hockey. It could also be used on a range of informal sports and physical activities. It is understood that the surface conditions of the playing field restrict use of the playing field for formal sport in the winter which affects the delivery of the PE curriculum. The MUGA would allow the school's pupils to play outdoor sport throughout the year and would assist with the delivery of PE lessons and extra-curricular sport. The proposed perimeter fencing would help support formal and informal sports use of the MUGAs by providing a ball stop solution as well as offering maintenance and security benefits.

2.75 While it is not proposed that there will be community use of the proposed MUGA, the local youth football club that currently use the playing field for training on Saturday mornings (Rayleigh Boys FC) would be allowed to use the MUGA if the natural turf playing field was not available for them to use due to the surface conditions. This would offer the benefit of reducing the potential for training sessions being cancelled during the winter.

2.76 Impact on Playing Field

In terms of the impact on the playing field, the siting of the MUGA would have a major encroachment onto the western part of the playing field. As shown by the existing playing pitch layouts, the MUGA would encroach onto an area where a mini 7v7 football pitch is currently marked out in the winter and where an oval and linear running tracks are marked out in the summer. However, this would be mitigated by the following measures: The MUGA would be designed to accommodate a 7v7 mini football pitch as well as two 5v5 mini football pitches. As set out above, the synthetic surface would provide a consistent surface that could be used throughout the year in all weathers and therefore would be superior in quality to the displaced mini 7v7 pitch.

2.77 As shown by the proposed winter playing pitch layouts, two mini 7v7 football pitches could be retained on the remaining natural turf playing field by reorientating the pitches. While the pitches would be undersized (51m x 35m), when compared to the FA's recommended dimensions (55m x 37m) and smaller than the displaced pitch which meets the FA recommended dimensions, as the pitches are only used for informal primary school use this will not have an impact on their use. Rayleigh Boys FC only use the playing field for training use and therefore the reduction in size of the 7v7 mini football pitches would not have an impact. The school would still be able to mark out a 7v7 mini football pitch that met the FA's recommended dimensions on an east-west orientation if needed; The oval and linear running tracks could be relocated to the eastern part of the playing field in the summer.

2.78 As set out above, existing community use of the playing fields by Rayleigh Boys FC on Saturdays during the football season could be transferred to the MUGA if required which would reduce the potential for training sessions to be cancelled during the winter.

2.79 Sports England's conclusions and recommendation were as follows:

'On the basis of the above assessment, I consider that the sports development benefits that the proposed MUGA would offer would clearly outweigh any detriment caused by the impact on the playing field and would therefore meet exception 5 of the above policy and paragraph 99 of the NPPF. This being the case, Sport England does not wish to raise an objection to this application, nor do we wish to recommend any conditions should planning consent be granted.'

Surface Water Drainage and Flooding

- 2.80 The site sits in what if effectively a hollow and from the evidence which has come to light and from site observation it is clear that this site is prone to potential surface water flooding caused by water coming through other property such as that from higher land at Warwick Green. Pictures submitted as part of a representation clearly demonstrate what happens to this site in an event of storm and heavy rain. Water comes from higher ground to the south through the gardens of properties to the south and finds the lowest point of the field more so to the north east corner of the school grounds where unless it can be accommodated by the drains, will sit there until the soil and drains are able to take the volume of water the site has been exposed to. Interestingly, it is unlikely that this flooding happens on a regular basis as some parties convey in their objections letters as one representation submitted was from a resident who had lived near the site for 25 years and had only seen water standing on the site once in all that time.
- 2.81 Whilst this picture demonstrates that the excess water which gathers on site does not go anywhere else or dissipate in any other direction until the drains take the water away or the soil becomes less waterlogged to allow percolation. Logic indicates that water falling on this site has no wider impacts in that it floods other properties. The site is a victim of surface water flooding by virtue of its position and spot height relative to the prevailing land topography.
- 2.82 The site is within what is classified as a Critical Drainage Area which is an area that has critical drainage problems, and which has been notified by the local planning authority as such by the Environment Agency in line with the National Planning Policy Framework (July 2021).
- 2.83 Paragraph 163 to The National Planning Policy Framework indicates that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. There is a policy requirement for development proposals to demonstrate that it is appropriately flood resistant and resilient, that it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate, that any residual risk can be managed whilst providing safe access and escape routes where appropriate as part of an agreed emergency plan. Officers advise that a Flood Risk Assessment would not be required in this instance since the development does not exceed 1 hectare in site area and is not classed either as a major development by the Town and Country Planning (Development Management Procedure) (England) Order 2015 and therefore the triggers for requiring a Flood Risk Assessment are not met. As such the

provisions of paragraph 169 of the 'Framework' do not apply as this requirement relates to major development.

- 2.84 In assessing any development proposals, the key issue for consideration is that of whether a particular development proposal would make matters demonstrably worse. Pictures as have been submitted as part of third-party representation, show surface water on the school grounds although the precise circumstances of the flood events and its duration are not known. The fact that a site is prone to waterlogging and saturation does not demonstrate one way or the other that a development including use of land will render the site or its environs more susceptible as compared to the baseline conditions.
- 2.85 As the site has been identified as being within a Critical Drainage Area as a result of which although not normally triggering consultation with Essex Lead Local Flood Authority, the local planning authority has in this case has issued a consultation. The councils own Core Strategy document at policy ENV4 requires developments of 10 dwellings or more to incorporate SUDS and therefore a non - residential development such as this would not trigger an automatic requirement for SuDS compliance. However, there may still be occasions where smaller developments (generally residential and development proposing built form) have the potential to give rise to concerns in respect of surface water flooding. Other instances where there may be a perceived risk of surface water flooding include where historical instances of such flooding have been documented.
- 2.86 The applicant's drainage consultant had previously provided information in the form of a technical document which indicates that the area in which the MUGA is proposed has an existing herringbone land drainage system draining to a tank close to the school. The information received also confirms that the school has experienced occasional flooding problems from overland flows from the residential area to the south that cross the playing fields and reach the buildings and that the herringbone drains were put in to alleviate this.
- 2.87 The drainage strategy for the MUGA involves a design based on the 1 in 30- year event plus Climate Change. It is indicated that the three-layer surface build up is fully permeable. The slightly raised landscaped area will have a perimeter filter drain capturing any water seepage to take run-off into the pitch drainage system.
- 2.88 The overall school site drains north into the public sewer system in Grove Road. The key point made is that the intention is to connect to the existing 150mm diameter system that the storage tank in the field discharges into the far upstream end (as far as recorded) of the overall system. It is proposed that a flow control is provided on the new MUGA system to restrict flow into this and attenuating upstream under the pitch.
- 2.89 Essex Lead Local Flood Authority subsequently indicated in correspondence that it would support the provision of some geo-cellular storage in the subbase and the run-off rate at 1l/s making the point that the French drain underneath the trees will require regular maintenance to ensure it can flow clear.

- 2.90 The originally submitted drainage plans show that the building roofs and car parks/external hardstanding at the school drain to an extensive network of pipes which outfall to public surface water sewers beneath Grove Road to the north. A Herringbone land drainage system is incorporated beneath the field which connects to the wider school drainage system via a 150mm diameter pipe. A Flood Risk review of the Environment Agency (EA) flood mapping indicates that the application site is located within Flood Zone 1 with the 'Lowest Probability' and within an area of 'Very Low' surface water flood risk. There are known issues with historic flooding at the school with surface water runoff flowing from the housing estate to the south towards the school buildings and through the site to Grove Road.
- 2.91 The surface water drainage strategy outlined aims to provide a solution that reduces the risk of flooding to the school buildings during extreme rainfall events. The preferred option for surface water disposal in accordance with the Building Regulations H3 hierarchy and the Essex County Council (ECC) online 'Sustainable Drainage Systems Design Guide for Essex 2020' is to dispose of surface water runoff via infiltration. Based on the geology of the site indicating clay soils it is concluded that infiltration drainage is unlikely to be feasible at the site. It is therefore proposed to connect into the existing school drainage system which outfalls to the public sewer network, which discharges to the River Roach approximately 250 metres to the north of the site. The pitch build up is noted to be as follows:
- 73mm of surface/upper permeable layers;
 - A 290mm layer of Type 3 sub-base (assumed 30% porosity) and Terram geotextile layer;
 - Lateral gravel trenches with 150mm perforated carrier pipes at 10m intervals 300mm wide and 450mm deep are located below the sub-base to convey runoff to the perimeter carrier filter drain system;
- 2.92 The carrier drain will discharge via a flow control into the existing school drainage system. The proposals also include a bund to the south of the proposed pitch which is formed from topsoil excavated as part of the earthworks for the pitch construction. The bund will be bordered by a filter drain system which will receive nominal flows from the bund itself and also any flows entering the site.
- 2.93 The ECC 'SuDS Design Guidance for Essex' states that the preference is for surface water runoff from proposed development be restricted to the 1 in 1- year greenfield runoff rate during all events up to and including the 1 in 100 (1.0%) annual probability plus allowance for the climate change rainfall event. The 1 in 1-year greenfield runoff rate for the pitch area of 0.262ha has been calculated as 0.9 l/s . This is considered to be just below the limit of 1 l/s referred to in the 'SuDS Design Guidance for Essex' and therefore the proposed runoff rate from the pitch drainage system will be 1 l/s using an orifice or vortex flow control in a chamber. The EA 'Flood risk assessments: climate change allowances' guidance, released in February 2016 and updated in May 2022, provides allowances for peak rainfall intensity based on development lifetime and management catchment/river basin. The proposed pitch is assumed to have a development lifetime of approximately 40 years (2050s epoch).

- 2.94 As the facility is to be used for outdoor sports, it is not anticipated that it will be in use in very heavy rainfall. Therefore, the design event, defined by surface flooding rendering the courts unplayable is determined by the 1 in 30 (3.3%) annual probability rainfall event. This is in line with general SuDS guidance for development whereby short-term surface flooding is permitted where it does not cause an increase in flood risk to others. The site is located within the Combined Essex management catchment. The appropriate climate change allowances are therefore +35% for the 1 in 30 (3.3%) annual probability event. The proposed grass pitch has been modelled within Micro Drainage Source Control as a permeable pavement across the pitch area with a 300mm depth of stone sub-base (this includes a nominal depth for the storage within the lateral filter drain system). The Micro Drainage results show that the stone underlying the proposed courts can accommodate surface water runoff up to and including the 1 in 30 annual probability plus 35% allowance for climate change rainfall event. Small bunds will also be located to the south of the existing footpath so that any overland/exceedance flows will pond on the field and not be directed towards the school buildings.
- 2.95 For events exceeding the 30-year event, up to the 1 in 100 year plus 45% Climate change allowance, all flooding would be contained on the surface of the pitch and adjacent area confined with a raised landscape bund/path. This then drains down through the surface, into the lateral drains and carrier drain and then via the flow control into the existing drainage system in the school.
- 2.96 Essex County Council Lead Local Flood Authority has confirmed that it is satisfied with the drainage arrangements in its letter of 30th December 2022 subject to three conditions which are attached to the officer recommendation.
- 2.97 As noted within the minutes, members considered it appropriate to require further details prior to determination relating to those matters covered by the recommended conditions 7,8 and 9. The conditions it was explained were standard conditions having first established with the advice of the Lead Local Flood Authority that there was no principled objection to the details which had been set out beforehand.

Further Surface Water Drainage Information (following deferral)

- 2.98 Stantec prepared a detailed Technical Note setting out the proposed drainage strategy (TN001 dated November 2022) and then submitted further details including calculations regarding the magnitude of the design event and exceedance flows. Following these submissions, on 30th December 2022 the Lead Local Flood Authority (LLFA) removed their objection and recommended three planning conditions be imposed and these were the conditions set out at recommended conditions 7,8 and 9 of the original recommendation.
- 2.99 The applicant also submitted an updated TECHNICAL NOTE (Reference 332511345/100/TN002) dated May 2023 which provides the additional information required for the LLFA to review and confirm that their requirements for further details set out in previously proposed planning conditions are satisfied and allow consent to be granted without any further pre-commencement conditions.

2.100 The applicant sets out that the updated Technical Note (2) provides the information required by these conditions in order that the Lead Local Flood Authority and the Local Planning Authority can consider this information now (as members requested) thereby bringing forward the process previously proposed by the recommendation to enable a consent in effect to condition the works on site to the known and approved details rather than for these details to remain to be discharged at a future point post commencement.

2.101 In respect of condition 7 the submitted information sets out the following:

The hydrological and hydrogeological context for the development was set out in TN001. The proposed pitch build up consists of permeable materials (18mm carpet, 15mm cushion pad and 40mm porous macadam) draining into a high void ratio sub-base 250mm thick with a perforated pipe underdrainage system to collect water from the sub-base. The pitch will have a cross fall and a long fall so that the underdrainage can be discharged to a 150mm diameter carrier drain on the eastern side of the pitch that in turn discharges to the existing school drainage system via a flow control limiting flow to 1 l/s.

2.102 In addition, a landscape mound formed from excavated materials is proposed on the southern side of the pitch. This will have a filter drain with root barrier on the upslope side to intercept run-off from the mound and any overland flow from off-site to the south and direct it into the new pitch carrier drain. There will also be a filter drain on the downslope (northern) side of the mound also discharging into pitch carrier drain. The design event is considered to be the 1 in 30 year event with an allowance for climate change appropriate to the design life. Above this some short-term surface ponding is assumed on the basis that outdoor activities would not be taking place in rainfall of this magnitude. To ensure that extreme events above the 1 in 30 year are contained with pitch area, a raised landscape mound incorporating a path will surround the pitch. Water will then drain down through the permeable pitch when the rainfall ceases.

2.103 The updated Technical Note indicates that Condition 8 is concerned with the flood risk impacts during the construction phase. It is indicated that once the topsoil is stripped and the formation cut, trimmed, and graded, the new pitch drainage system will be installed within the formation at the earliest opportunity to keep the formation dry in the event of rain at this point. The high voids ratio stone base to the pitch will then be installed so that vehicles can drive across the works without damage to the formation. The stone base will act as a permeable layer in the event of heavy rain during construction allowing water to percolate into the drainage system beneath.

2.104 As the build up to the top of the sub-base at this point will be lower than the adjacent ground, there is negligible risk of run-off occurring beyond the works. Once the main landscaping bund to the south and the raised mound to the other three sides are formed and shaped, the new filter drains will be installed to intercept any run off.

2.105 Condition 9 requires details of the management and maintenance of the facility to be set out. Upon completion the artificial grass pitch is handed over to the school. The maintenance of the surface is the responsibility of the school for its design life. One of the advantages of the artificial pitch is that it is low maintenance and available all

year round. The recommended maintenance of the surface consists of regular brushing to keep the sand infill regularly distributed and the carpet pile upright and annual power brushing to agitate the upper layer of sand to prevent compaction. The pitch drainage system will be fitted with rodding eyes and inspection chambers so that the school can employ a specialist drainage contractor to inspect the system annually and clean out any accumulated debris and silt, particularly the flow control manhole.

- 2.106 The updated Technical Note speaking to conditions 7,8 and 9 is detailed, however The Lead Local Flood Authority has been consulted and its position is unchanged as reflected in its most recent consultation response in which it is stated 'At this point our response will remain the same and we would expect to see a final version of the drainage plan at the discharge of condition phase along with details of a maintenance plan and also a plan that ensure there will be no off-site flooding during construction'. The conditions previously highlighted have been included within the officers recommendation and are unchanged, and it is the case that the principled acceptance is adequate to enable the Local Planning Authority to grant planning permission as the provision of further design details required to be discharged is an accepted position in planning conditions terms.
- 2.107 In terms of the representation received (following deferral) questioning the presence of the sub surface culverted water course the officer raised this with the agent in written communication on 8th February highlighting that in view of the representation received – that the applicant's appointed consultant considered this aspect in conjunction with the further information being considered or clarification in connection with the drainage information. A response was subsequently received from the applicant's appointed Drainage Consultant which set out the following:
- 2.108 The SuDS drainage report we prepared included a plan (across several sheets) showing the outcome of a drainage survey undertaken by Anglian Water. This does not show a culvert along the line suggested. The school have no record of this culvert across the field either in physical or anecdotal form. Examination of aerial imagery does show the open ditch downstream described and there is a suggestion of a subtle difference in vegetation in a line on the school fields projected south from the ditch that could be inferred as a culvert or drain.
- 2.109 If this is indeed the culverted ditch within the school grounds it is located well away from the proposed MUGA. The Anglian Water sewer survey and asset records do show the 450mm diameter surface water sewer in the rear gardens of Clarence Road that presumably is the one referred to. This is not affected by the proposals as it is outside the school land and of no relevance to the application. There are manholes shown upstream at Warwick Green and downstream in Grove Road, so there is maintenance access for Anglian Water. In the unlikely event that there is an unmarked culvert across the field that passes below the proposed MUGA, there are no significant changes in ground levels proposed and therefore the culvert would not be impacted by the MUGA in terms of changes to imposed loadings. The lateral drainage under the MUGA may need to be adjusted to suit the culvert locally. In summary, a) there is no evidence to suggest that a culvert passes under the MUGA, b) if one was found, the MUGA would not have any adverse impact on the culvert

and c) the public surface water sewer in the rear gardens of Clarence Road is not affected by the proposals.

Noise Impacts: Acoustic Report

- 2.110 The application does not propose a material change of use as the use is to be by the school and by a club on a Saturday morning which has been an ongoing arrangement for the last 15 years - such that there will be no change in circumstances of use. This was set out within the officer's address to members in January 2023. However, members resolved that a noise assessment should be undertaken.
- 2.111 The Noise Assessment information submitted following deferral includes an Acoustic report. Informing the preparation and submission of the Acoustic report is the question regarding the perceived increase in noise due to the legitimate increase in use of the MUGA over the unusable pitches at present. The council's consultant's view is that there will be an inherent domination of voices and whistles over impact noises, except in cases of future hockey balls on low-level boarding. It was established between the council's advisor and the applicant's consultant that the proposed assessment methodology will enable a before-and-after comparison which can discuss the issue of what is already permitted but not (able to be realised) and then introduce applied research about future impact noises so that members appreciate that, although enabling intensification, the MUGA will only introduce limited additional noise.
- 2.112 The purpose of the report is to determine the impact of noise from use of the MUGA on the nearest noise sensitive receptors (NSR), houses on Clarence Road. The executive summary of the report states that the proposed use falls outside the scope of BS 4142:2014 and there is no applicable British Standard, therefore dBC Ltd who undertook the assessment have considered the World Health Organisation (WHO) Guidelines for Community Noise 1999, Sport England Design Guidance Note Artificial Grass Pitch (AGP) Acoustics – Planning Implications New Guidance for 2015 and existing noise levels from use of the field (free play) and PE lessons and measurements of specific activities such as kicking footballs, and staff blowing a whistle.
- 2.113 The information submitted in summary indicates that the acoustic environment at the site, during the monitoring period was dominated by children's voice, aircraft noise, distant power tools and bird song. Noise levels of a Yr5 PE lesson, Yr1 to 4 free play, Yr6 football kicks and teacher whistle blows were measured on the field on 27th April 2023. 1.5. The existing sound levels affecting the site were measured over 15-minute periods at monitoring location representative of the nearest noise sensitive receptor (NSR) over a two-day period between the 25th and 27th April 2023. Due to the wet conditions the field was not used for break or lunchtime play. The most representative activity noise measured was a Yr5 PE class.
- 2.114 The noise emission from this activity was 62dB(A) at 10m that would equate to 52dB(A) at the nearest receptor. This will be no different to the existing situation. Classes are a controlled activity substantially less noisy than children during free play, which was measured at 72dB(A) at 10m, that equated to 62dB(A) at the

receptor during break and lunchtime. The MUGA is to be used exclusively by Grove Wood Primary School between 07.15 and 18.00 Monday to Friday and by a football club on Saturday mornings, when the grass pitch is unusable due to adverse weather. The MUGA is not a public/commercial facility and will not be used into the evening and is essentially a continuation of existing school use. The MUGA is to be open to free play so the overall play area is not reduced however, lunchtime clubs will use the MUGA and during these times less children will occupy the area. Free play generates higher noise levels than controlled PE classes due to buoyant activity such as shouting, screaming, and screeching. This activity already exists on the field during break and lunchtime when the field is used.

- 2.115 The research undertaken by Sport England on the noise emission from Astro turf pitches found that voices were the loudest and most dominant source from a pitch not the activity or general movement around the pitch. During an activity such as football practice the centre of the pitch was louder than the extremities of the pitch. The activity noise from the proposed MUGA will be from children voices during play and participation in various school sports including football, netball, cricket, tennis, hockey skills and whistles. It should be noted that the use of the MUGA will not introduce a new or different noise source because when fit for use, this field is used by the school for break and lunchtime play and PE classes.
- 2.116 The report states that the MUGA may be used between 07.15 and 18.00 Monday to Friday and for one club football session on Saturday mornings, depending on the grass field conditions. The school timetable is for 2 hours of PE classes morning and afternoon, 15/20 min break time and one hour for lunch. The breakfast club starts at 07.15 and the after school club finishes at 18.00.
- 2.117 Outside of free play and a short duration whistle blow, PE Class noise was louder than football kicks, Rugby, and cycle club. The PE class noise highlighted that the physical activity was not the dominant source, it was the voices which are louder and mask the sound of footballs being kicked. The Yr6 football kicks were likely to be the loudest, worst case activity noise, because the children would be physically stronger. However, the activity (football kick) noise was quieter than the general PE class noise. The use of whistles varies, no whistles were used during the PE lesson but may be used during football matches or football practice. The use of whistles is a short lived activity.
- 2.118 Noise levels from free play exceeds the guidance level, however, with the reduction of numbers able to use the MUGA at one time this exceedance is likely to be reduced. The maximum number of children using the MUGA during free play would be two to three year groups at one time, approximately 250 children, in wet weather other playgrounds will be available and in dry conditions the rest of the field is available such that the number of children actually playing on the MUGA may be less than this. The noise level would be less than the measured 350 children playing.
- 2.119 Currently the field is used by the whole school population of 630 pupils, it is likely a similar number of children presently use the field where the MUGA will be located. If only 175 pupils currently used this area the noise level would be reduced from 72dB(A) to 69dB(A) at 10m from the perimeter and 62dB(A) to 59dB(A) at the receptor, the difference is unlikely to be distinguishable from the current use.

- 2.120 The school intends to use the (grass) field for PE classes depending on the activity, weather, and ground conditions. The intended use of the MUGA is to be able to offer a wider variety of sports, such as tennis, hockey skills and netball, in addition to the existing sports and have access to the area of the field which can be waterlogged and unsuitable for use. This means the area of the field where the MUGA is to be located will be used more often, especially in the winter months when the (Noise Sensitive Receptors (NSRs) are less likely to be spending extended time in the garden or have windows open. The noise levels produced by activities on the MUGA will not change notably from the existing use. The addition of the proposed MUGA will allow PE classes, which produce lower noise levels, 52dB(A) at the NSR façade, to occur more often and when the field is waterlogged the children will be able to play in this area. A PE class is also a controlled activity in terms of voices and so is actually a lower noise emission than free play where uncontrolled screaming, shouting, and screeching may occur.
- 2.121 Existing noise from PE lessons marginally exceeds the guidance and are the least impactful activity currently occurring in the area, the level of noise will not increase. The use of the area for PE classes and free play is not a change of character of the sound generated and is in keeping with the current use of the field. The installation of the MUGA is not a new noise source, the continuing dominant noise will be voice from children doing PE lessons or playing, it is just that the unusable part of the field can be brought back into use when the field is waterlogged. The MUGA is also to be used for lunchtime clubs, this will limit the number of children in the area therefore the dominant sound of voices will be less, when there are lunchtime clubs the noise levels experienced from this area at the NSRs will be lower than current levels when there is free play.
- 2.122 The report at section 7 discusses mitigation measures and states that the proposed use does not fall within the scope of BS 4142:2014. Existing ambient levels and noise levels of specific activities have been examined to assess the impact of a MUGA at the NSRs. The measured noised levels from the Yr5 PE class were considered suitably representative of all PE classes as one of the oldest year groups they are likely to be stronger and have louder voices. Sport England states “the most significant noise levels were found to be generally derived from the voices of players”. Measurements of year six boys kicking footballs on the field were 6dB less than a Yr5 PE class and 16dB less than free play, confirming this opinion. The Yr5 PE class marginally exceeds the Sport England advised level. However, this is no different to the existing situation with a PE class using this part of the field. The playing field, including the proposed location of the MUGA, is currently used for free play and PE lessons, ambient and maximum noise levels are the same character and similar levels. During lunch time free play total noise will remain the same and noise from play on the MUGA will not be discernible from the noise across the field.
- 2.123 The MUGA will be used for free play, as the field is now, which is louder than a structured PE lesson. However, the proposed MUGA will limit the number of children using the area for free play and therefore may reduce the noise levels at the NSRs during break and lunch times. The MUGA is also to be used for clubs some lunchtimes. The clubs are more structured than free play and more similar to PE classes as numbers are limited, again this may reduce the noise levels from this area

but total noise from the field will remain the same at the NSRs. Use of the proposed MUGA will be audible at the NSRs as is the current use of the field, the levels and character of the noise will not change and are in keeping with the current use of the playing field.

- 2.124 The report recommends that the perimeter fencing should be constructed so it is securely clamped using resilient fixings to prevent structure borne noise. This is the standard for MUGA fencing. The resilient fixings are weather resistant rubber Ethylene Propylene Diene Monomer (EPDM). The fencing will be similar design to that supplied by Zaun Fencing. Zaun have published noise reduction figures for this type of fencing. The test was a ball strike of a post from 2m with and without the EPDM fixings. The measurements were made 300mm from the post. The test was carried out 4 times. It is assumed that the measurements were of maximum noise levels. The average reduction was 26dB with a range between 33dB and 17dB. Despite the wide variation, 17dB is a considerable reduction with the use of EPDM fixings. This is an indicative reduction as the test is not referenced.
- 2.125 During construction the fence should be installed with the good standards of workmanship and attention to detail to ensure the performance of the resilient fixings is not compromised. The report recommends that metal or hard plastic signs should not be fixed to the perimeter fencing and recommends that strike boards and goal boards are not fitted inside the MUGA goals.
- 2.126 Based on an updated Noise Impact Assessment dated 13th July 2023 a consultation response has been received from the council's Environmental Health Services via its appointed consultant who indicates that the Noise Assessment has demonstrated to the satisfaction of the council's specialist advisor, that impact noise from balls striking the enclosure itself will not be disruptive within the context of the activity taking place. The recommendation refers to the mitigation measures set out between points 7.7 and 7.15 of the updated Noise Assessment dated July 13th with specific conditions to be attached reflecting the appropriate mitigation. These are included within the recommendation.

Ecology and Biodiversity

- 2.127 Information has now been submitted in relation to this matter given the view that further information was required by members prior to making a decision. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat. Where impact is considered to occur appropriate mitigation is required to offset the identified harm. Policy DM27 to the council's Local Development Framework Development Management Plan requires consideration of the impact of development upon the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
- 2.128 Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving

biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.

- 2.129 A Preliminary Ecological Appraisal has now been submitted as additional information in response to one of the reasons for deferral. This report assesses the ecological value of the site and ecological constraints identified in relation to the proposed development. The appraisal identifies 3 statutory sites being located within 2 km of the site the closest being Garrold's Meadow SSSI located 1115m south of the site. The appraisal concludes that no direct impacts will arise to any designated sites as a result of the proposed development.
- 2.130 The appraisal recognises that 2620m² of modified grassland (the existing pitch) will be lost which is likely to have a minimal impact on Biodiversity due to the low ecological value of such habitat. It is recognised that trees have recently been planted along the southern boundary of the school grounds which it is stated is likely to enhance biodiversity.
- 2.131 The appraisal stated that historically there was an on site pond (now non existent) although this was dry and unsuitable for Great Crested Newts (GCN) when surveyed back in 2009. It is indicated that Great Crested Newts are known to be present within a pond located 75m from the boundary of the development site whilst the application site itself has very limited value for such species based on the dominant short grassland with exposure to predation. Due to these factors this decreases the likelihood that GCN would commute towards or be present in the construction zone. They would be more likely to travel east within the woodland. The appraisal states and recommends that Heras fencing will be erected around the working area to prevent encroachment of any part of the work to aquatic environments where Amphibians are known to be present.
- 2.132 A question was raised by a third party regarding the need or requirement to consult with Natural England given the proximity of the site to areas of wildlife and biodiversity interests. The case officer responded indicating that the development in question given its proximity and distance from the pond highlighted as P1 on the Preliminary Ecological Appraisal (PEA) would not trigger a requirement to consult as a matter of standard procedure with Natural England. A consultation is only required where a development: Might affect a Site of Special Scientific Interest, Needs an Environmental Impact Assessment, Needs an appropriate assessment under the Habitats Regulations.
- 2.133 None of the above apply however in view of the comments raised a consultation was issued to Natural England which responded, indicating that the view of the officer was well placed and correct in that the triggers for consultation were not met. Standing advice was received from Natural England on 5th September which offered no

objection or bespoke advice. Further clarification was also provided in writing on the 19th of September highlighting the following: Thank you for your email to Natural England. I hope the following will help to clarify the situation:

'The presence of GCNs in a pond within the school grounds is not in itself a requirement for you to consult Natural England. We have produced Impact Risk Zones around designated sites (Sites of Special Scientific Interest) which indicate when we wish to be consulted; this application does not meet our criteria and thus we do not need to be consulted on this proposal'.

'I note that the applicant has instructed an ecological consultancy to carry out a Preliminary Ecological Appraisal of the application site which determined that any risks to GCNs could be mitigated by various precautionary working measures. In this case, the consultant has deemed that a GCN licence is not required; we would only expect to be consulted following the grant of full planning permission if a licence was required'.

- 2.134 The PEA also concluded that the development had no impacts upon Bat Species as the trees on site had negligible value for roosting Bats. The development will neither result in the removal of vegetation which could be used by commuting or foraging Bats. The appraisal also states that there is no evidence of badger activity within the application site, therefore the loss of grass within an area not utilised by badgers will be inconsequential in badger ecology terms.
- 2.135 No impacts are considered to Hazel Dormice or Hedgehog. The site is not suitable for Otter and Water Vole and there is no impact to consider as a result. No trees are to be removed such that the development will negatively impact upon nesting birds and invertebrates.
- 2.136 The PEA was subject of consultation with Essex Place Services Ecology team which raised no objection on the basis of the mitigation measures identified in the Preliminary Ecological Appraisal (arbtech ltd, March 2023), which it recommends should be secured and implemented in full, as this is necessary to conserve protected species. The response also highlights that as no floodlighting is proposed, it is satisfied that no impacts are likely upon the European Protected Species. It also supports the small-scale bespoke species enhancement measures outlined within the Preliminary Ecological Appraisal (arbtech ltd, March 2023), which will secure net gains for biodiversity as outlined under Paragraph 174d of the National Planning Policy Framework 2021.

Third Party / Neighbour Concerns / Objections

- 2.137 On the basis of all representations the case officer has taken account of, it would be fair to say that the Design and Access Statement as originally submitted has not been helpful and has generated comments that may not have been made in part if greater clarity had been provided at the outset by the applicant regarding what planning permission was being sought. It may be the case that the applicant had not realised that a scenario of letting out as highlighted in the Design and Access Statement would trigger a material change of use and a requisite need for planning permission.

- 2.138 It is the officers view considering the comments objectively that this aspect of the application as originally presented and perceived has subsequently given rise to a degree of conjecture on the part of third parties, in that the comments are not always relevant or well related to what the local planning authority is ultimately determining as a development proposal. An example of this is the reference to a Leisure Centre and floodlights in some of the representations, where clearly the intention is not to establish a Leisure Centre nor erect any floodlights.
- 2.139 Considering the matter raised regarding environmental and health related impacts associated with the use of microplastic and infill granulate used in 3 G pitches and escape into the atmosphere, there is no conclusive evidence at this time to indicate that the use of such pitches is of detriment to human health. No comment has been made by Sport England in this respect. Such pitches continue to be built within schools and communities throughout the UK by contractors who are bound by industry standards despite now not forming part of the European Union nevertheless reflect EU standards which are regarded as the highest in safety terms.
- 2.140 Health impacts of development can constitute a material planning consideration, taking into account how a development may counter obesity or well being for example. To refuse a planning application which is not a change of use application purely on the basis of the impacts of that hard surface on human health would be rare and seldom justifiable without overwhelming evidence. The case officer has researched this matter in view of some of the points raised by representations. Dutch research considered this matter in terms of the presence of carcinogenic substances in rubber granulate made from old car tyres which raised concerns that the use of this granulate as infill on synthetic turf pitches may cause leukaemia and lymphoma in young football players and goalkeepers. Limitations in a number of prior studies on the topic casted doubts on their conclusion that it was safe to play sports on such pitches. Rubber granulate samples from 100 Dutch synthetic turf pitches were analysed for 45 (all samples) or 79 substances (a subset). A subset of samples was additionally analysed for migration of polycyclic aromatic hydrocarbons (PAHs), phthalates and metals into sweat and the gastrointestinal tract, and for evaporation of volatile substances into air.
- 2.141 Exposure scenarios were developed to estimate the exposure of amateur football players via the oral, dermal and inhalation route to the most hazardous substances in rubber granulate. Risks to human health were assessed by comparing toxicological reference values for these substances with the exposure estimates. A number of carcinogenic, mutagenic and reprotoxic substances were present in rubber granulate used on Dutch pitches. No concern was, however, identified for phthalates, benzothiazoles, bisphenol A and the metals cadmium, cobalt, and lead, as their exposures were below the levels associated with adverse effects on health. PAHs appeared to be the substances of highest concern, but even they present no appreciable health risk with exposures resulting in additional cancer risks at or below the negligible risk level of one in a million. The findings for a representative number of Dutch pitches are consistent with those of prior and contemporary studies observing no elevated health risk from playing sports on synthetic turf pitches with recycled rubber granulate. Based on current evidence, there is no reason to advise people against playing sports on such pitches.

2.142 From a planning perspective it is clear that there would need to be overwhelming evidence to support a refusal of a planning application and it is a considered opinion that any health risks or environmental risk associated with dispersal of small plastic or rubber particles would be an issue for other regulatory authorities such as Health Boards and the Environment Agency. No corporate liability could rest with a Local Planning Authority for granting a permission for a sports pitch supporting an existing use should it transpire at a later point many years later that a link exists between the use of a facility and medical conditions as currently the link is tenuous and unproven.

Further Information Submitted : 2. The chemical composition of the pitch and health and safety impacts relating to its use

2.143 The applicant's fundamental position on this is that Health and Safety which is within the jurisdiction of the Health and Safety executive is beyond the regulatory remit of the Local Planning Authority. The applicant has now attached an excerpt from the ESTC website. All EU and UK carpet manufacturers, will follow EU and UK directives regarding carpet manufacture. As far as sand dressed carpets are concerned (as proposed for Grovewood School), the sports governing bodies, Sport England, and the respective trade body SAPCA have not imposed any restriction on using them.

2.144 Following deferral querying the health impacts of the proposed synthetic product the applicant has submitted further information relating to this matter. The following information is submitted for consideration. ESTC is the trade association for the synthetic turf industry in the EMEA region. Its objective and purpose is to serve, promote, develop, grow and advocate for the synthetic turf industry. It works in both the sports and landscaping sectors. ESTC fulfils its role by means of close collaboration with all parties involved; members, end-users, sports governing bodies and legislators. ESTC is focused on the regions of Europe, Middle East, and Africa. Via its partnership with the Synthetic Turf Council (STC) in North America, ESTC also helps its members achieve a global reach. On a local level, ESTC works closely with national industry associations to accomplish its goals and objectives.

2.145 The information held on its website has the following information relating to the safety of artificial grass carpets. Like many new innovations synthetic turf has been subjected to much scrutiny about how safe it is. For sports applications, players have wanted to be confident that the risk of injury when playing on a synthetic turf field is no greater than when playing on natural grass. For sports and landscaping applications there is a need to ensure synthetic turf surfaces do not create environmental or toxicological risks. Numerous studies by various international sports federations (FIFA, UEFA, World Rugby, etc) have all shown that the risk of injury when playing on a synthetic turf field that is constructed and maintained to the appropriate standards are no greater than playing on a well-constructed natural grass field.

2.146 When synthetic turf fields are compared to poorly maintained grass fields, the injury risk is considered to be lower on a synthetic turf field. Potential concerns about the environmental and toxicological risks of installing and using synthetic turf surfaces have led to numerous robust scientific and academic studies from Europe and the USA that have concluded that synthetic turf surfaces manufactured from high quality

materials from reputable sources provide surfaces that cause no public health concerns. Studies include those by the U.S. Consumer Product Safety Commission and U.S. Environmental Protection Agency.

- 2.147 In addition information has been submitted by Tencate Grass within a submitted document entitled : Tencate Grass: Statement of Compliance with Regulation 1907/2006/EC (REACH). This document indicates that the yarn and fabrics which are produced by Tencate do not require registration under the REACH regulations. It is indicated that chemicals used in the production process are defined as substances under REACH and therefore do require registration under the REACH. It is confirmed that all substances and mixtures that are supplied to Tencate comply with REACH regulations as confirmed by their 'upstream' suppliers. It is also confirmed that the substances and mixtures used for the production of yarn and fabrics are not restricted for use in appliances under Annex XVII of the REACH regulations.

Visual Impact & Other Assessment

- 2.148 The perception of impact of a development on property prices as has been raised in some of the representations and devaluation is not a material planning consideration.
- 2.149 A number of the objection letters have made comments regarding visual impact. In comment it is highlighted that visual impact is more of a measure in planning terms of the change a development makes to a landscape and landscape type (and residual visual impacts) whereas what is raised in this case in effect are concerns regarding private outlook or a view outward from a particular residential property which is not a material planning consideration as there is no individual rights to a view.
- 2.150 It is noted that a number of representations have made reference to what they perceive as being assessments which are required to properly assess this application. This application involves replacing grass with synthetic material, some minor ground works, the erection of a fence and drainage works within a limited area. This application should not be and is not controversial in any regard in a planning sense whilst based on the nature of this minor application as defined by statute and its location assessments as are stated by third parties simply are not necessary.
- 2.151 The application of this type and scale for example as has been explained to one contributor does not meet the triggers of Schedule 1 or 2 development as defined by the Town and Country (Environmental Impacts Assessment) Regulations 2017 which can only be applied to large development proposals or proposals which would have environmental consequences of significance on a regional or national level. Environmental Impact Statements are complicated documents only triggered by the Environmental Impact Regulations relating to Category 1 type developments such as oil refineries (as an example) or if schedule 2 a development would need to be considered to have impacts of regional significance to trigger an Environmental Impact Assessment (EIA) using the selection criteria set out in Schedule 3 of the EIA 'Regulations'.
- 2.152 No Bat surveys are necessary as suggested as the site is not close to any building or trees where bats maybe utilising. The excavations which are shallow neither affect trees and therefore an Arboricultural Assessment is not required. The development is

proposed at a location of low value in ecology terms in that the site constitutes mown grass. There are no badger setts on the site, no ruderal grassland which may harbour butterfly or insect populations. This site is across a field from the wildlife garden and the Woods where it is possible that Great Crested Newts (a protected species under EU habitat regulations) may be present in small numbers.

Third Party Representations of Support

- 2.153 Twenty-four letters of support have also been received, many from parents who experience the efforts the school makes to be inclusive and to provide opportunities for learning and play which forms part of the school curriculum. A common theme arising within the representations is the mental and physical wellbeing element which is important to children.
- 2.154 From an officer's perspective the starting point for the assessment of an application is that of whether any recognised harm would arise from a development proposal which it is not considered is the case. Recognising the benefits of which there are in this case is also a consideration which must be made as part of an objective evaluation.

The Fitzwimarc Appeal Case

- 2.155 Officer's note references relating to the appeal decision on application reference 15/00321/FUL / Appeal Reference APP/B1550/W/16/3155848 : Fitzwimarc School.
- 2.156 Communication issued to members and brought to the attention of the planning authority by Cllr Mrs Christine Mason refers to an appeal decision at Fitzwimarc school which was the subject of an appeal decision dated 30th December 2016. It is not clear what the intention of that communication with members was precisely, but the inference is that this application at Grove School should be refused as a previous application perceived to be similar had been refused and dismissed at appeal.
- 2.157 Referring to the Fitzwimarc case the appeal decision clearly at section 3 cited the main issue as 'The main issue is the effect of the development on the living conditions of occupiers of neighbouring dwellings with particular regard to noise and disturbance, and artificial light'.
- 2.158 The appeal decision at paragraphs 6 and 7 highlighted the following:
- 'The development would comprise the construction of a sports pitch with floodlighting to allow use outside daylight hours, and which could house up to four mini pitches for younger players or one full-sized pitch for older players and adults. One of the aims of the development is to facilitate use in the evenings and throughout the winter so that the facility reaches its full potential, from which statement I deduce that the hours of use of the playing field would significantly increase.
- 2.159 'The Council refused permission on the grounds of the proposed increased use and the associated noise and disturbance.' The hours of use would be 0800 – 2200 hrs Monday to Friday, 0800 – 2000 hrs on Saturdays and 0900 – 2000 hrs on Sundays and Bank Holidays. The school's projected timetable indicates that for 32 weeks between August and April, there would be a fairly consistent use of all four mini

pitches every weekday evening up to 2100 hrs, with less frequent use up to 2200 hrs. Weekend use in this period is projected to be mainly between 1000 hrs and 1700 hrs. The projected use for the summer and holiday period is less intensive but has a similar spread across the day.’

- 2.160 Paragraphs 15 and 16 of the decision clearly set out the scale and nature of the use as follows:

‘The existing use of the playing fields will generate noise, and occupiers of nearby dwellings will be used to similar noise levels to those predicted. However, the appellant states that current levels of use are modest, whereas the development proposed could generate noise continuously for up to 16 hours per day in the week, including after dark, and for 11 hours per day on Sundays. In the summer months, when residents are more likely to be using their gardens, this would be particularly irritating, especially given the underlying low level of ambient noise when the playing field is not in use’.

‘Consequently, I conclude that the current level of noise and disturbance, necessarily limited by daylight hours, would not be as acceptable to occupiers of nearby dwellings when extended across considerable periods of time on a daily basis, and after dark. Furthermore, the unpredictable nature of the noise, would perhaps be more annoying than a steady state and predictable level of noise. Given that the modelling shows that that noise levels could approach or even exceed a level recognised as causing moderate annoyance, I am not satisfied that this is acceptable for prolonged periods of time.’

- 2.161 The conclusion reached at paragraph 18 was that;

‘To conclude, whilst I appreciate that occupiers of dwellings adjacent to the playing field are subject to a level of noise and disturbance at the current time, the hours of use would be significantly increased. This would be likely to cause irritation and annoyance beyond a level I consider reasonable, which would be to the detriment of the living conditions of those occupiers.’

No harm was found in the floodlighting.

- 2.162 Noting the character and nature of the development which was subject of the appeal decision, there are notable differences between that case and this current case. On the basis of that which has been confirmed by the revised Design and Access Statement it is clear that there will be no fundamental change in the character and nature of the use of the site with no intensification resulting in a material change of use. Logic and reason would point towards the fact that the surrounding environmental conditions in terms of amenity and enjoyment of residential properties will remain unchanged therefore rendering any assessment relating to noise impacts unnecessary as this could only be applied if there were to be a material change of use involved which is not the case in this current application.
- 2.163 In conclusion therefore, there is no comparison between the Fitzwimarc application and this current application such as to make it justifiably comparable. The decision has no material relevance therefore in this case.

3.0 CONSULTATIONS AND REPRESENTATIONS

- 3.1 **Rayleigh Town Council:** (Initial Consultation response) No objection but cites concerns regarding the area being hired out for commercial reasons.

Further consultation response dated 5th July 2022 objects to the development due to not being provided with a Sport England Checklist, noise assessment, flood and biodiversity assessment, Bat Survey, Tree Impact and Arboricultural Report and Essex County Council Consultation.

- 3.2 **Sport England:** Initially advised that the sports pitches were undersized given the requisite standards whilst further clarity was required around whether the existing field was openly used and available for community use as recreational public open space. (Subsequently the pitch size was altered slightly to align with the requirements and reconsultation was issued on the basis of the revised pitch layout).

Confirmed by e mail of 14th July 2022 that Sport England raises no objection to this application as a statutory consultee and no planning conditions are requested on this occasion.

- 3.3 **Anglian Water:** No objection:

The Planning & Capacity Team provide comments on planning applications for major proposals of ten dwellings or more, or if an industrial or commercial development, 500sqm or greater.

- 3.4 **Lead Local Flood Authority (SuDS) Essex County Council:** Initially issued a holding objection on 19th October. No objection on the basis of the additional information contained within the updated Drainage Strategy submitted following deferral but still recommend pre commencement conditions for discharge.

Having reviewed the documents which accompanied the planning application, we would recommend the issuing of a holding objection on the basis of the following:
The information provided does not allow us to assess the flood risk development.

Issued a no objection letter on 30th December recommending 3 conditions be attached to the planning permission if minded granting planning permission:

- 3.5 **Rochford Environmental Health Services:** No objection on noise impacts grounds subject to conditions.
- 3.6 **Essex Place Services Ecology:** No objection subject to conditions

Third Party and Neighbour Representations: Objections

- 3.5 A number of representations of objection have been received totalling fifty-six which when combined with the 114 representations contained by the Petition total 170 objections.

Representations of objection have been received from the following households:

Avondale Road: 3.

Clarence Road: 73 (x2), 96 (x2), 98 (x2), 100 (x2), 102 (x2), 104 (x2), 106 (x2), 108 (x3), 110 (x2), 112 (x2), 114 (x2), 118 (x2), 124, 126 (x2).

Grove Road: 172.

The Spinneys: 2 (x2).

Warwick Green: 1 (x2), 2 (x2), 3,4,5 (x2), 6 (x2), 7 (x2), 8.

Warwick Road: 8, 159 (x2), 165.

2 objections e - mailed which supplies no address.

1 objection letter which supplies no address.

Additional Representations

Further to the completion of the report considered by Development Management in January additional representations have been received accounting for a further 2 representations

1 representation of objection has been received from an individual with no address being provided.

The main issues highlighted in the considered and perceived catastrophic impacts on insects and wildlife. Concern expressed regarding the breakdown of Astroturf releasing toxic particles into the soil and atmosphere. Concern expressed regarding the perceived effects of the use of such synthetic surface with human health.

1 representation has been received from the occupier of 108 Clarence Road questioning a covered stream which it is stated runs across the school field roughly from the junction of Clarence Road and Warwick Road to the open ditch in the Grove Wood playing field which has been inspected on several occasions by Essex Water. A question is also raised regarding mention within the originally submitted SuDS report of a sewer and water drain going down the back of the gardens in Clarence Road with a question raised that if this is the case where the maintenance manholes are located. Concern expressed that if this covered stream were broken that this may result in the flooding of homes.

Petition

- 3.6 A petition including 114 signatories has been submitted and re-presented following re-consultation on the revised particulars opposing the development on the following grounds:

The revisions EXACERBATES the potential noise issues by defining

‘viewing areas’ around the pitch.

- o The revision ‘EXTENDS’ the time of use from the original 8 am – 6pm to 7.15 am – 6pm.
- o The revision deliberately uses ‘AMBIGUOUS TERMS’ such as ‘current intention’ ‘current use’ and ‘currently the school has no intention to extend its hours of use nor its lettings.’
- o The revision provides no guarantee that future changes such as floodlighting will not be introduced, having further adverse effect on neighbouring properties.
- o The revisions make clear the ‘COMMERCIAL’ use of the proposed facility by referring to ‘people who hire the field.’
- o Our ‘PREVIOUS CONCERNS’ regarding the noise levels and possible bad language (potentially seven days per week and starting very early in the morning), parking loss of existing field for creative play, danger to children and wildlife from chemical microfibre pollution have been ignored.

There still appears to be no net benefit to the children who already have play areas, a large sports hall for wet weather and a walking / cycling track to keep them fit.

- o There remain numerous other potential locations away from the school (for example Grove Wood Park) far more suitable for such a facility.

3.7 Matters and comments made include the following:

This whole situation has been handled extremely badly by both agent and the school.

- o The facility appears too large and oversized to accommodate the needs of pupils up to 11 years of age.
- o If the intention is to hire this facility out the development should be declined.
- o Concern expressed that if the facility were to be used for letting this would give rise to parking issues on adjacent highways including Grove Road, Clarence Road, and Warwick Road. The parking is inadequate at weekends when the school organises events with overspill parking on adjacent highways.
- o Concern regarding potential noise impacts from wider use of site.
- o Concern / conjecture regarding potential impacts of flood lighting.
- o Comment made that the area and site is known to suffer from drainage problems and related concerns on flooding. Concern that the development provides SuDS compliant drainage to alleviate the existing saturation issues.
- o I have lived here for over 25 years and the field has only been waterlogged once which was when flooding occurred around the August bank Holiday about 10 years ago. In fact, we had storms and heavy rain last week overnight. Next morning some of the pupils were playing football on the grass exactly where the proposed pitch would be situated.
- o The Saturday soccer club has played on the grass for the last 15 years and to my knowledge has never been cancelled so why is this

needed now.

- o It would not be in the pupil's interest to restrict them for what is basically a vanity project.

- o Perception of encroachment into residential gardens.

Concern raised regarding microplastic pollution from the crumb tyre rubber used as infill in 3 G pitches.

- o Point raised that the school pupils will have a smaller area of grass for their use.

- o Concern regarding the loss and reduction in space to accommodate the athletics track and sprinting straight. The provision of a swimming pool would be more suitable and provide a valuable facility.

- o Perception that the development is a business venture with no thought for people who live in the area.

- o Concern expressed regarding hours of use.

- o Concern regarding crime.

- o It is indicated that there are 41 current parking spaces at the school.

Concern if wider use were to take place that there would be implications.

- o Concern that if used in any wider context that there are no designated convenience facilities including toilets and changing rooms associated with the sports pitch as the school hall is hired out for private events and will not be available for simultaneous use.

- o Concern that IF the use was as stated by the application form (inferring a commercial use) no account has been taken of noise impacts.

- o No assessment of visual impact of the development in particular the views from adjacent properties over the field and towards Grove Wood.

- o Point made that there is scope to place the pitch at the eastern aspect of the field closer to Grove Wood with less impacts on residential properties.

- o No prior consultation between the school and residents.

- o Points made that there are already sports pitches located in other areas of Rayleigh more far removed from residential properties.

- o Question why the fence proposed is black and not Green which would be a more appropriate colour finish.

- o There is no significant amount of under supply of football pitches in the Rayleigh area.

Environmental concerns in terms of rubber granules being washed into drainage system.

- o The loss of the existing track and pitches is a retrograde step. The staff make excellent use of the field in all weathers.

- o Concern expressed regarding impact of the development upon privacy and residential amenity.

- o Concern regarding future usage.

- o Some objections seek assurances that no future planning applications will be submitted for floodlighting and wider use in future.

- o Questions raised as to why the pitch is to be located on the western aspect of the field closest to residential properties as opposed to on

the eastern aspect adjacent to Grove Woods.

- o The noise and light will disturb wildlife.

- o If such surfaces are not kept watered constantly, when dry they are swept up by winds and carried off to the wider community. Residents living close to the pitches would have this "rubber crumb" surface accumulating on window sills together with dust and dirt normally carried by wind.

- o A lot of the residents surrounding Grove Wood school field are retired and spend a lot of their time in their gardens and after much research Sport England have noted that noise levels from artificial grass pitches are in the region of 58dBAeq at 10 metres from the side-line. This would by far exceed any existing noise levels in this location proposed on the plans!

- o We have great concerns over the impact this application represents to residents and the environment. We are also concerned that this application is being assessed prematurely and without all necessary facts being available.

- o Installations like these belong far away from any residential dwellings due to their significant environmental impacts such as noise, light and environmental pollution, affecting neighbours on what are normal quiet residential streets.

- o This application comes without a noise assessment and without an environment assessment. These types of facilities are well-known for their excessive noise and environmental impact. It thus seems evident that this application is lacking crucial information. Without this crucial information it would seem impossible for anyone to assess the true impact of this application.

When the football club meets on Saturday morning the school car park is closed. Why doesn't the school, open the car park to alleviate residents' disruption?

- o Disappointment expressed that the revised application particulars have not addressed neighbour objections.

- o We have lots of wildlife in this area, including foxes, badgers, woodpeckers, sparrowhawks, and bats (which are currently roosting nearby). If this sports pitch were to go ahead, these animals would be disturbed by the amount of noise from the pitch.

- o The school wishes to "provide usable space for children to use" – are there inadequate indoor facilities that require an outdoor pitch to be built? The sports hall has had a recent renovation, extending the size of the hall. Why is this outdoor facility just replicating existing facilities?

- o There are already suitable all-weather sports facilities located within the Rochford Council area and nearby Southend, which would have less of an impact on the residents surrounding Grove Wood Primary School. In addition, there is much loss of green space through development in Rayleigh and the surrounding areas. Why is there a reason to risk losing even more when there are suitable existing facilities in the school and surrounding areas that can be used?

- o Environmental Agencies report that rubber crumb is not a suitable surface for play, or for wildlife. 3G pitches are made of rubber, such

as discarded tyres, and there is a risk of pollution from the degradation of the pitch into the surrounding green area, as well as being picked up by wind or animals, which would increase pollution. There has also been a suggested link between carbon particulate inhalation and cancer. Among children aged 5-11, this is a needless risk when grass space and indoor space already exists for different weather conditions. 52 of the 306 chemicals in rubber crumb 3G pitches were identified as carcinogenic (1).

o The report mentions no loss of existing pitches – the school in the spring and summer has just enough room within the bike track boundaries to fit its athletics track currently. This track will be lost if the facility is built. The school use their field for the running track, sports days, and summer events, including fetes and bouncy castle days. This build will take away from the space the children can use for these events and may reduce the size of events such as fetes, which produces a good income for the Parent’s Association. Will this development leave enough space for these events?

Further representations have been received following the completion of the original report and consideration by Development Committee.

These include the following:

Address unknown,
Number 108 Clarence Road

- o Points raised cite concern regarding the loss of biodiversity and the stated catastrophic impact to local insects and wildlife.
- o Detrimental impact on habitat and other food sources.
- o Concern regarding pollution of water courses.
- o Toxins in the turf have links to cancer and can damage internal organs
- o Point raised that there is no mention of the covered stream which goes across the school field roughly from the junction of Clarence Road and Warwick Road to the open ditch in the Grove Wood Playing Field.

Letter from the House of Commons

- 3.8 In addition a letter was received from the Rt. Honourable Mark Francois MP, Member of Parliament for Rayleigh and Wickford. This letter makes reference to an e mail received from a constituent Mr John Phillips of 102 Clarence Road, Rayleigh who raises matters for comment and clarification.

Communication forwarded by Cllr Mrs. Christine Mason

- 3.9 Communication issued to a number of Cllrs by a resident Mr Mike Withington on 29th June was forwarded by Cllr. Mrs. Christine Mason to Marcus Hotten (at that time

Assistant Director of Place) on 29th June – advising that she had advised the resident that the communication had been forwarded to the council and advising that this resident may register to speak, for or against an application.

The original communication was as follows:

‘Dear Counsellor,

Please find attached to make it easy for you to access in reference to the above Application the Appeal Decision in respect of a similar rejected proposed development at Fitzwimarc School.

The reference is: Appeal Decision APP/B1550/W/16/3155848 prepared by Amanda BlicQ BSc (Hons) MA CMLI (an Inspector appointed by the Secretary of State for Communities and Local Government). This development was rejected when the nearest point to residents properties was 60 metres and up to 90 metres whereas the Grove Wood Primary School proposal is at its nearest only 7.5 metres from residents properties and up to 10 metres only away. Please let me know if you would like any other documents regarding the Fitzwimarc Application.

Many thanks,

Michael Withington’ (ended).

Officer Note: It is recommended that a copy of the appeal decision in full be attached as an Appendix to the officer’s report or as a background paper. A summary and an officer view regarding the relevance of this appeal decision is covered at Section of 3.93-3.99 Of the officer’s report.

Representations of Support

- 3.10 Twenty four representations of support have been received from the following households:

Avondale Road: 21.

Barrymore Walk: 23,31.

Blackmore walk: 12,24.

Brays Lane: “Little Brays”

Carters Crescent: 2.

Clarence Road: 71.

The Courts: 10.

The Glen: 5.

Grove Road:18.

Hawthorn Way: 2.

Kingswood Crescent: 22.

Lancaster Road: 44.

Lodge Close: 11.

Oakhurst Road: 8,19.

The Paddocks: 35.

Rayleigh Road: 625.

Shakespeare Avenue: 21.

Southview Close: 24.

Swans Green Close: 4.

York Rise: 4.
York Road: 39.

Matters raised are summarised as follows:

o Indicating that the design is great, and cannot see why the school cannot have better facilities for the children in the winter months.

Clearly there has been fragrantly inaccurate rhetoric circulated from parties that frankly as they claim to represent the community, is disappointing to say the least.

o The fact that Grove has an opportunity to invest in better facilities for its students and their families should be welcomed, embraced and without question should go ahead.

o Outlines that the school is a fantastic community school that offers a variety of in school and extra-curricular activities. People objecting to these plans need to realise that they live next to a school and children's development and well being is fundamental to their growth.

o Fully support a great development to the school's facilities.

o The increase in the cost of living makes sports clubs less accessible for all. It feels like now really is the time to ensure the facilities in school can support and promote the healthy active lives that these children deserve.

o This space will enable outdoor clubs to continue too.

o I thoroughly support this initiative and am proud to say that my child attends such an inspirational school.

o This project will help with physical and mental health.

4.0 EQUALITY AND DIVERSITY IMPLICATIONS

4.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the 'Equality Act' 2010.

5.0 CONSULTATION DIRECTION

5.1 The Town and Country Planning (Consultation) (England) Direction 2021 requires that the Council consult the Secretary of State on certain planning applications where the local planning authority does not propose to refuse the application.

5.2 The proposal has been reviewed against the criteria for referral to the Secretary of State and it is confirmed that the Council would not be required to consult the Secretary of State prior to issuing a grant of planning permission in respect of this application.

Phil Drane
Director of Place

REPORT AUTHOR: **Name:** Arwel Gwilliam Evans
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 Phone: 01702 318037
 Email: arwel.evans@rochford.gov.uk

RELEVANT DEVELOPMENT PLAN POLICIES AND PROPOSALS

National Planning Policy Framework (September 2023), Chapters: 2, 8,13,14.
Core Strategy 2011 – policies: CP1, GB1, ENV4.
Development Management Plan 2014 – Policy DM1.
Allocations Plan 2014.

BACKGROUND PAPERS

Appeal Decision Fitzwimarc School.
Appeal Decision Reference APP/B1550/W/16/3155848

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
DEVELOPMENT COMMITTEE – 24 January 2023	

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



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