

Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.: 23/02334/FUL

Date Received: 14th September 2023

APPLICANT:

Mrs Sarah Gaeta
Hatfield Peverel Parish Council
Village Hall
Maldon Road
Hatfield Peverel
Essex
CM3 2HP

AGENT:

Mr Lee West
Sports Facility Planning & Design
Limited
39 Hemwood Road
Windsor
SL4 4YX

DESCRIPTION:

Construction of two outdoor tennis courts with associated floodlighting

LOCATION:

Strutt Memorial Ground, Maldon Road, Hatfield Peverel, Essex

APPROVED PLAN(S):

Plan Description	Plan Ref	Plan Version
Location Plan	2023 CAS 002 010 A	B
Proposed Elevations	2023CAS 002 015A	N/A
Planning Layout	2023CAS 002 013A	A

DECISION:

The Braintree District Council as local planning authority hereby gives notice of its decision to **GRANT** planning permission in accordance with the above plan(s) and subject to the following conditions and reasons:

Condition 1

The development hereby permitted shall commence not later than three years from the date of this decision.

Reason: This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above.

Reason: For the avoidance of doubt and in the interests of proper planning.

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Condition 3

No development shall commence until a dust and mud control management scheme has been submitted to and approved in writing by the Local Planning Authority. The approved dust and mud control management scheme shall be adhered to throughout the construction process.

Reason: In the interests of neighbouring residential amenity. This information is required prior to development commencing so that suitable measures to manage construction activity can be agreed and put in place before works start.

Condition 4

No above ground development shall commence until a schedule of the types and colour of the materials to be used in the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

Reason: To ensure that the development does not prejudice the appearance of the locality.

Condition 5

No above ground development shall commence until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to first use of the tennis courts and shall be permanently retained as such.

Reason: In order to secure the satisfactory development of the site and in the interests of visual amenity.

Condition 6

Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity and the night-time landscape shall be submitted to and approved by the Local Planning Authority. The scheme shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications). All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed on the site.

Reason: In order to protect the amenity of the locality and to avoid unnecessary light pollution.

Condition 7

Following the installation of the lighting hereby approved, and prior to first use of the development hereby approved, a post-installation assessment by a competent person/lighting specialist shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The assessment shall ensure that the predicted light levels within the approved plans/documents above are achieved,

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lighting is sufficiently shielded, and the approved lighting columns are positioned and/or tilted to minimize light spillage and glare. Any remedial actions necessary to achieve the levels contained in the approved report shall be implemented prior to first use of the facility. The agreed guideline levels and site light levels/settings and positions as at that assessment shall be retained and adhered to thereafter.

Reason: To ensure that lighting is fit for purpose whilst also balancing consideration of visual and residential amenity and biodiversity in recognition of the local and national policy objectives.

Condition 8

Prior to first use of the development hereby permitted, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The updated NMP shall include:

- Details of the person / job role whose responsibility will be to act (amongst other duties) as a Single Point of Contact for matters concerning the management of noise and their contact details. This person must be responsible and have the authority to carry out the overall control of noise management in general and deal with any strategic issue(s) that may occur.
- A protocol for recording and responding to noise complaints.
- Details of measures to maintain the mitigation measures that form part of the development, including the maintenance of mesh fencing around the artificial grass pitch.
- Arrangements for management and monitoring of activity when the artificial grass pitch is being used.
- Timescales for reviewing and resubmitting an updated Noise Management Plan to the Local Planning Authority.

The development shall be operated in accordance with the details contained within the approved Noise Management Plan, or any subsequent Noise Management Plan approved by the Local Planning Authority.

Reason: In the interest of neighbouring residential amenity.

Condition 9

During the construction phase of the development hereby approved, no site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:

Monday to Friday 08:00 hours - 18:00 hours
Saturday 08:00 hours - 13:00 hours
Sundays, Public and Bank Holidays - No work

Reason: In the interest of neighbouring residential amenity.

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Condition 10

The tennis courts and floodlighting hereby approved shall not be used outside of the following hours:

During Winter Time (defined as being when the UK is on Greenwich Mean Time (GMT))

Monday to Saturday: 09:00 hours - 21:00 hours

Sundays, Public and Bank Holidays: 10:00 hours - 19:00 hours

During Summer Time (defined as when the UK is on British Summer Time)

Monday to Saturday: 09:00 hours - 22:00 hours

Sundays, Public and Bank Holidays: 10:00 hours - 22:00 hours

Reason: In the interest of neighbouring residential amenity.

Condition 11

There shall be no amplified speaker use for any purposes.

Reason: In the interest of neighbouring residential amenity.

Condition 12

No development shall commence until further lighting details have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed tilt of the light fixtures and shall demonstrate how the lighting would achieve a 0% upward light ratio (ULR) including any proposed spill control lighting mechanisms. The lighting shall be installed in accordance with the approved details which shall be confirmed at the time of, and along with, the requirements of post-installation assessment required by Condition No. 7.

Reason: In order to protect the amenity of the locality and to avoid unnecessary light pollution by controlling light spillage from the site.

Informative(s)

In forwarding the decision for this application, I have to draw your attention to the following:

Informative 1

When discharging the Noise Management Plan condition the Applicant is advised that this should also include the need for restrictions on the number of persons using the court at any one time; prevention of anti-social behaviour; and consider the noise/use of tennis ball machines considered.

Informative 2

i. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public rights and ease of passage over public footpath nos. 18, 51 and 52 (Hatfield Peverel) shall be maintained free

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and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the Applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

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

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

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

Policies:

The Development Plan policies taken into account when deciding this application are listed below. The policies can be viewed in full at Causeway House or on the Council's website – www.braintree.gov.uk

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP43	Parking Provision
LPP48	An Inclusive Environment
LPP50	Provision of Open Space, Sport and Recreation

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LPP52	Layout and Design of Development
LPP63	Natural Environment and Green Infrastructure
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

Hatfield Peverel Neighbourhood Development Plan 2015 - 2033

HPE1	Natural Environment and Bio-diversity
HPE3	Strutt Memorial Ground
HPE4	Sport and Recreation Provision
FI2	Parking

Dated: 24th May 2024

Signed: 

Christopher Paggi
Planning Development Manager
Causeway House, Bocking End, Braintree, Essex CM7 9HB

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Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within **12 weeks** of the Council's decision. For other application types you must appeal within **6 months** of the Council's decision.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeals] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone no. 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Land Purchase

If proposals are refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 as amended.

Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 as amended.

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