

**PLANNING COMMITTEE
6 JUNE 2013**

Present :- Councillor Jon Manning* (Chairman)
Councillors Peter Chillingworth*, Stephen Ford,
Sonia Lewis*, Cyril Liddy*, Jackie Maclean and
Philip Oxford

Substitute Members :- Councillor Barrie Cook for Councillor Helen Chuah*
Councillor Peter Higgins for Councillor Theresa Higgins
Councillor Lesley Scott-Boutell
for Councillor Laura Sykes*

(* Committee members who attended the formal site visit.)

12. Chairman

RESOLVED that Councillor Manning be appointed Chairman for the Planning Committee meeting held on 6 June 2013.

13. Deputy Chairman

RESOLVED that Councillor Liddy be appointed Deputy Chairman for the Planning Committee meeting held on 6 June 2013.

14. Minutes

The Minutes of the meeting held on 22 May 2013 were confirmed as a correct record.

15. 130752 - 58-60 Military Road, Colchester

The Committee considered an application for the erection of temporary hoarding to the site frontage. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

16. 130781 - 3 The Glade, Colchester

The Committee considered an application for a ground floor front extension to the kitchen, first floor side extension and internal alterations. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved, subject to the conditions set out in the report.

17. 130929 - Land Adjacent (South) to Grange Road, Tiptree

The Committee considered a detailed application to vary condition 01 of planning permission 121353 to allow for two extra weeks of use in June (for 2013) and condition 8, to change the 'no play' months on the community pitch to June and July and to finish earlier (16:00) for the community pitch on Sundays. The Committee had before it a report and amendment sheet in which all the relevant information was set out.

Mr Mark Russell, Principal Planning Officer, and Mr Andrew Tyrell, Planning Manager, attended to assist the Committee in its deliberations.

Mr Joseph Caffery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He suggested that as the applicant was aware of the early starting football season in 2013 at the time of the consideration of the previous application, it should have been addressed at that time. He explained that the applicant had stated he no longer required this permission. As such he requested that the Committee confirm their previous decision regarding the conditions of this planning permission and recognise the importance of the local residents' amenity. He also stated that the proposal would be akin to having ten tournaments being held in June.

Councillor Elliott attended and, with the consent of the Chairman, addressed the Committee. He raised the issue of noise levels in the areas surrounding the pitches. This had been likened to the noise level of a television and he suggested that this was unreasonable when considered in the context. He suggested that recording devices be left in the area to measure noise levels. He urged the Committee to consider the amenity of Tiptree residents over the requests of Colchester United Football Club.

In response to a request for clarification, the Principal Planning Officer explained that the applicant had arranged for alternative training accommodation in Ireland for the two weeks in question. It was understood that this was, however, only for a portion of the first team. The remainder of the first team and the youth team would still require the use of the Tiptree grounds.

The perceived "loss" from this application, of an additional two weeks of training in June for 2013, was considered to be outweighed by the perceived "gain" of two hours less use every Sunday, in perpetuity. It was clarified that the use would be only for eight days (not ten, as Wednesdays were excluded) and that these would be short days (09:30 – 15:30). Additionally, the use gained in the application was for training, whereas the use removed was match use, which was generally considered to be more disruptive.

The Committee requested clarification on whether this application would have an effect on any future use of the site. The Planning Officer explained that the extra two weeks of use outlined in this application were in relation 2013 only, but no assurance could be

given regarding the submission of any future applications which would have to be considered on their own merits. He assured the Committee that within any additional application consideration would be given to securing elements of benefit to the community.

A Member of the Committee encouraged residents, if they felt noise levels were excessive, to contact Environmental Health Officers, requesting the measurement of the level of noise being generated.

RESOLVED (NINE voted FOR, ONE voted AGAINST) that –

(a) the application be approved, subject to the Legal Agreement relating to planning application no 121353 being altered to make reference to planning application no 130929.

(b) On completion of the Legal Agreement, the Head of Commercial Services be authorised to grant planning permission subject to the conditions set out in the report.

(c) Condition 01 be amended to include “2013” after the phrase “in the last two weeks of June”.

18. 130481 - Philip Morant School, Rembrandt Way, Colchester and 130480 - Grassed Area North of Norman Way and East of Reynolds Avenue & Landseer Way, Colchester

Councillor Manning (in respect of his employment at the nearby St Benedict’s Catholic College), Councillor Ford (in respect of his daughter attending The Philip Morant School) and Councillor Cook (in respect of his grandsons attending The Philip Morant School) declared a non-pecuniary interest in these items pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for new planning permission to replace an extant planning permission 100172 for a new access road to The Philip Morant School and Sixth Form College and internal arrangements for dropping off / collection and additional parking (Renewal of application F/COL/04/2217). An application for a new planning permission to replace extant planning permission 100223 for new access road to service The Philip Morant School was also considered. The Committee had before it two reports in which all the information was set out.

The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposal for the site.

Mr David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Kennedy, on behalf of Irvine Road residents association, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He stated that the situation had changed since the original permission was

granted. The open space in question was now much more coherent. He stated that the students from the vast number of schools in the area all used the space to walk in a safe environment. He suggested that the Planning Inspectors did not appreciate the devastating effect a road through this land would have on the students and residents close by. He urged the Committee not to renew this application and to encourage students to walk more.

Councillor Hunt attended and, with the consent of the Chairman, addressed the Committee. He suggested that there was no real need for this road, as the school access had been functioning perfectly well for the past 16 years. Several changes had occurred since the original application had been decided. The land had been designated in accordance with the Community Fields in Trust scheme and, as such, it was part of Council policy not to permit development on this land. The National Planning Policy Framework (NPPF) had also recently been altered to include the protection of green spaces that were special to the local community. He suggested that the space was special to the community, as it was one of the only green spaces in the area.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Committee. She remarked that the space in question was now a lot more open and after a survey that was conducted before the original application was submitted, opinion had been split 50-50 without following a specific area pattern. She suggested that the argument that a new road would improve safety was not persuasive, as the road would expose the public, especially pupils, to a more dangerous environment. She stated that a lot of the reservations surrounding this development may have stemmed from unfounded rumour.

Members of the Committee raised several points, including that, in relation to the Community Fields in Trust, this was one of the first applications being made in relation to a site covered by the Trust and would be a test for the protection that the designation offered. Members also referred to the question of land being considered 'special' under the NPPF and questioned what precisely was meant by this. It was mentioned that it may be possible to argue that as Prettygate had very little open space, one could conclude that any open space in that area was 'special' to that community.

It was suggested that an additional condition requesting the erection of fencing alongside the proposed roads be included, to ensure that safety was maintained for local people. Reference was also made to a suggestion that access to the proposed roads be conditioned so as to restrict access during school opening and closing times however, concern was expressed that this may not be appropriate or possible to implement. It was generally acknowledged by Members that application no 130480 was preferred over application no 130481.

In response to several questions raised, it was explained that advice had been sought from the Monitoring Officer on the subject of the deed of dedication and the Community Fields in Trust scheme, and this covenant was not a planning constraint that would warrant refusal. It was also explained that the additions to the NPPF were very much in line with the Council's existing Policies.

(i) In respect of application no 130481(SEVEN voted FOR, TWO voted AGAINST and ONE ABSTAINED from voting) the application be approved, subject to the conditions set out in the report together with the following additions:

- A condition stating that in the event of Application 130480 being implemented, all works in connection with application no 130481 be removed and the land reinstated to its former condition
- A condition stating that fencing be erected along the roadside
- An informative stating that the Committee's preference was for application no130480 over application no 130481

(ii) In respect of application no 130480 (EIGHT voted FOR, ONE voted AGAINST and ONE ABSTAINED from voting) the application be approved, subject to the conditions set out in the report together with the following additions:

- A condition stating that fencing be erected along the roadside.
- An informative stating that the Committee's preference was for application no 130480 over application no 130481.