

PLANNING COMMITTEE
3 JANUARY 2013

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nick Barlow*, Nigel Chapman,
Peter Chillingworth*, Helen Chuah*, John Elliott*,
Sonia Lewis, Cyril Liddy*, Jon Manning, Nigel Offen*,
Philip Oxford and Laura Sykes*

Substitute Members :- Councillor Dave Harris for Councillor Stephen Ford
Councillor Marcus Harrington
for Councillor Jackie Maclean*

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

71. 121353 Land adjacent (south), Grange Road, Tiptree

Councillor Elliott (in respect of his previous acquaintance with the applicant) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Harrington (in respect of the statement contained in his election address indicating his support for Colchester United Football Club) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the variation of condition 27, in respect of hours of operation, condition 28 in respect of proximity to residential curtilages and condition 34 in respect of the use of pitches of planning permission 091627 which had been given approval on 7 January 2010. The application had been deferred from consideration at the meeting on 29 November 2012 in order to provide for a larger capacity venue to facilitate attendance at the meeting of those members of the public who wished to observe the proceedings. The Committee had before it a report in which all information was set out, see also amendment sheet.

The Committee had undertaken a site visit on 29 November 2012 in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Andrew Tyrrell, Planning Manager, and Mark Russell, Principal Planning Officer, attended to assist the Committee in its deliberations. The Principal Planning Officer explained the site history of the land to the south of Grange Road, Tiptree, (also known as Florence Park) which was in use as the Colchester United Football Club training ground, comprising five pitches and a club house. It was surrounded by disused farmland (zoned for housing), existing houses and paddocks and Grange Road itself. The original proposal to extend the hours of use to all day Monday to Friday (previously only two and a half hours per day) and to include use on Sundays (previously not permitted) was described in detail. It was also explained that the application had been driven by a wish on the part of the club to maintain Category 2 status in the Elite Player

Performance Plan (EPPP). The original proposed hours had been subject to negotiation to include shortening the days to 3:30pm and having a day of non-use as well as longer hours in the late pre-season and weeks of non use prior to this. Also proposed was the relaxation of the 40 metre buffer (from pitch to residential curtilages) to relate only to existing and not proposed new houses together with permission to use more than two pitches at any one time.

The report provided information on the letters and emails from objectors (mainly residents) and supporters (mainly living more remotely). The objections related to noise nuisance as well as Highway concerns and the operation of the facility outside of the existing conditions.

The Council's Environmental Control team had undertaken an analysis of the noise issues and had proposed a careful expansion of times of operation, with the exclusion of Sunday usage, and a rewording of the condition allowing more than two pitches to be used at the same time, whilst accepting the change to the buffer condition.

Mr Caffery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He stated that he was representing a number of Tiptree residents. He was concerned that the existing hours of operation had not been described correctly and he objected to the total number of hours of operation being proposed. The facility had originally been occupied by the applicant prior to consent being granted and the current conduct of the operation, including episodes of bad language and traffic difficulties, was causing stress, harm and anxiety to residents. Enforcement action had not been undertaken by the Council so far and he was concerned that with proposals for tournaments and training sessions the noise levels and traffic problems would be increased. He considered that any approval granted by the Council would result in a continuation of existing nuisance problems.

Mr Ashley Byrne addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He stated that he was representing a number of Tiptree residents. He was concerned about the current operation of the facility on Saturday and Sunday mornings, outside the existing hours of operation. He considered that the noise levels recorded by the Environmental Control team were causing a significant nuisance and threatened the emotional well being of residents. He was concerned that the case officer responsibility for the application had been changed and, in his view, this had resulted in the officer recommendation being changed to one of approval. He was of the view that the applicant should be required to comply with the existing conditions attached to the planning approval and he considered that residents should be entitled to experience a respite in the operation of the facility at weekends.

Mr Staff addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that the report contained discrepancies and he was concerned that the club's ambitions in relation to the Elite Player Performance Plan would not accord with the Football League's requirements. He requested the Committee ensure that the application was dealt with transparently as he was concerned that greater commercial gain was being sought at the expense of nuisance to residents. He was of the view that the information contained

in the amendment sheet did not support the officer's recommendation for the application to be approved. He urged the Committee to refuse the application and to agree to take enforcement action in relation to the existing conditions of use.

Mr Robbie Cowling addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained his vision for the site in terms of its mix of professional with community facilities. Changes in the professional football game had created new types of players and these changes were also being transferred to the younger teams. He confirmed that the club had applied for Category 2 status in the Elite Player Performance Plan, 15 full time and 10 part time staff were employed and £250, 000 had been invested in the facilities which would give the under 18s an opportunity to succeed either in their chosen field of football or by means of other educational opportunities. He explained that Category 2 status had been granted subject to the proposals regarding the pitches and hours of operation being approved. He referred to the Olympic legacy which demonstrated the importance of providing role models for young people to emulate.

Mr Sam Szmodics addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he had joined the Colchester United training facility at Shrub End, Colchester and at the University of Essex when he was an 8 year old boy. He had attended different venues at different times of the week over the years and he had succeeded in playing for the under 21 team. The advantage of the facility at Florence Park was that the staff were dedicated, and there were opportunities in the class room, in the gym and due to the high standard of pitches. The Category 2 status meant that the standard of opposition was better and the club was currently at the top of the league. The team had succeeded in qualifying for the Third Round of the FA Youth Cup and the long term aim was to produce local players good enough to play in the first team. He considered that he was part of a great club which demonstrated great family values.

Mr Tony Humes addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he was the Academy Manager at Colchester United Football Club and he had been involved in Youth Development for 12 years. He was passionate about the Football Club and its philosophy to invest in youth and the development of young players for the first team. The Academy provided a long term programme of self development, providing the young players with an aspiration to succeed within an holistic education programme, catering for their physical and emotional development. He had been at the club for 3½ years which provided a professional environment for children, teenagers and parents to be involved with. He considered that the Elite Player Performance Plan had brought improved standards and was of the view that the entire staff at the club believed that they could make a long term future for the club.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. He explained that five Borough Councillors were interested in the application, the three Tiptree ward councillors as well as the two Birch and Winstree Councillors. He considered that his role was to protect the interests of the residents of Tiptree and he was of the view that the current application would be the first of many to vary conditions attached to the original planning approval. The report acknowledged

that noise was an intrusive issue for residents and he was of the view that the nuisance would not be reduced as a result of increases in the hours of operation. He sought assurances regarding the enforcement of the conditions attached to the consent. Although he acknowledged that the Committee would not be in a position to take it into account, he confirmed that the residents had submitted a complaint to the Local Government Ombudsman regarding the application. He was of the view that most training facilities for Football Clubs, for example in Norwich and Ipswich, were in rural locations, which Florence Park was not. He wanted the young players to do well but he questioned why the training facilities could not be provided next to the Community Stadium where there was sufficient land available for such use. He felt sometimes people need to do the right thing not the best thing.

Councillor Fairley Crowe attended and, with the consent of the Chairman, addressed the Committee. She was concerned that the applicant should have been aware of the required hours of operation when the training facility was first opened and, if he was not, how had the circumstances changed so quickly. She was of the view that, because the club had not adhered to the existing conditions, any subsequent permission should be for a temporary period of 12 months only. She had visited the facility when a game was being played and was of the view that the noise was very loud, especially given how close the neighbouring houses were in relation to the pitches. She felt parking restrictions were necessary to overcome traffic issues and that a residents' parking scheme should be introduced. She questioned the way in which it was proposed to notify residents of the ad hoc tournaments and matches.

Councillor Martin attended and, with the consent of the Chairman, addressed the Committee. He was of the view that the original purpose of the facility was for training pitches but that this had now changed to a requirement for matches to be played and this was now resulting in excessive noise and nuisance. He agreed that the club could impose controls on the behaviour of players but this was more difficult in respect of visiting players and spectators. He felt it was reasonable for the operation of the facility to be stopped at 1pm. He was concerned about the holding of up to six tournaments a year, involving numerous visitors and problems with adequate parking facilities. He considered that there was adequate scope to extend the existing car park which would address some of the problems experienced by residents. He felt that the 40 metre buffer between the pitches and the new housing development should be maintained.

In response the Principal Planning Officer acknowledged Mr Caffery's comment regarding reductions in hours and clarified that there was a reduction in respect of the revised hours originally applied for herein not in respect of the existing permitted playing time authorised by the previous permission. He noted that several conditions had been breached in the past but this did not affect the material planning consideration and merits of the proposal made in this application. He acknowledged the parking issues and that the Highways Authority would be monitoring the situation and may consider the introduction of parking restrictions in the future. It was explained that specialist legal advice had been obtained in respect of the Elite Player Performance Plan requirements which had confirmed that the activities needed to be conducted at the principal venue unless a special dispensation was granted otherwise and, as such, there may be an option for the club to seek permission to use an additional alternative venue such as at Warrior's Rest although the club had claimed that Warrior's Rest was

not suitable for these purposes. The Principal Planning Officer went on to confirm that the applicants were applying to vary conditions as a result of changes in circumstances since the original permission was granted for the use of this site and that it had been considered that the enforcement of the noise levels was not previously required as the levels had not been considered to constitute a statutory nuisance by the Environmental Control Team.

Guy Milham, Environmental Protection Officer attended to assist the Committee in its deliberations. He confirmed the results of his investigations that the noise levels recorded were not considered a statutory nuisance in that the maximum recorded equated to the level of normal speech. He acknowledged that shouting and occasional whistles may seem intrusive but this was because there were no other noises from the site. He considered that, if the proposals were accepted, the likely exposure to noise would be no more than two hours at any one property.

Members of the Committee raised various issues which included:-

- The reasons why the Committee had not been invited to consider enforcement action,
- The non compliance with existing conditions by the club in terms of hours of use and numbers of pitches in operation,
- Problems and potential injuries to residents associated with footballs being kicked over the boundary fencing,
- Concern regarding the relaxation of the 40 metre buffer between the pitches and new housing,
- Car parking problems, the need for additional parking provision and the potential negative impact on residents if parking restrictions were imposed,
- The need for the aspirations of the applicant to be borne in mind in terms of job creation and the prosperity of the business ,
- Questioning the need for activities to continue from 10am to 6pm in the month of July,
- The likely impact for residents of the staging of up to six tournaments each year,
- The impact of the facility on the young people who train and have the opportunity to use the educational facilities,
- The need for a balance to be drawn between the impact of noise and disturbance against the economic impact and commercial importance of the facility,
- The need for the applicant and the staff at the club to take measures to improve relations with residents,
- Concern regarding the need for residents to have a break from the activities and the potential for May to June to be designated as being free from tournaments or matches

In response the Committee was reminded that parking provision was not part of the planning application and, as such, it would be unreasonable to revisit the original permission or to fundamentally amend the proposal by means of the addition of conditions to this affect unless it was required directly as a result of the new hours. Regarding the complaint about enforcement, it was explained that, where it was considered possible that an application may be acceptable, then the outcome of such application would be awaited before the taking of any enforcement action. Since the

initial complaint, the hours of use observed had reduced, whilst at the same time the Council had been involved in a range of negotiations and communications with all parties interested in the case, including both Colchester United Football Club and local residents groups. Regarding concerns about footballs being kicked over the boundary fence, it was considered that the angle of flight would be unlikely to lead to these incidents or to injuries to residents. Concerning the relaxation of the 40 metre buffer between the pitches and the new housing, it was stated that the determination of the application should be in accordance with current facts and conditions on the ground as they were now and not in respect of future considerations which may be subject to change. The Committee members were advised that the preclusion of tournament usage of the facility during May and June could be considered if they so wished. Confirmation was also provided that the needs of the applicant were a material planning consideration as set out in the list of considerations at the front of the agenda, indicating that economic and social benefits needed to be balanced against environmental harms. This was consistent with the National Planning Framework and local policies which provided for a balance to be drawn in consideration of most planning applications as to how much weight to give to various factors.

RESOLVED (EIGHT voted FOR, FOUR voted AGAINST and TWO ABSTAINED from voting) that that the application be approved with conditions and informatives as set out in the report and on the amendment sheet subject to the following:

- (a) Condition 27 to be amended in respect of May and June to state no use of pitches for matches or tournaments;
- (b) Condition 27 to be amended in respect of July to state that Monday, Tuesday, Thursday and Friday permitted hours to be 10.00 to 17.00;
- (c) One further extra condition to be applied to provide for the establishment of a community liaison group to meet on a regular basis and to report back on its discussions.

72. 122071 57 Rosabelle Avenue, Wivenhoe

The Committee considered an application for a two storey side extension to a dwelling. The application had been referred to the Committee because the applicant was a member of staff for the Council. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

73. Enforcement Report // Application no. 121353 Land adjacent (south), Grange Road, Tiptree

Councillor Elliott (in respect of his previous acquaintance with the applicant)

declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Harrington (in respect of the statement contained in his election address indicating his support for Colchester United Football Club) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report giving details of the options available to the Committee in relation to a series of complaints regarding breaches of condition at the Florence Park training ground. It was explained that the current usage of the training ground appeared to be in compliance with the amended conditions the subject of the planning application considered at Minute No 71 above.

RESOLVED (UNANIMOUSLY) that, due to the current usage of the training ground being in compliance with the conditions approved by the Committee at Minute No 71 above, no enforcement action be taken at this time.