

**14/00900/FUL**

**LAND NORTH OF SUNNYVIEW OLD LONDON ROAD  
RAWRETH**

**APPLICATION TO VARY CONDITION 4 TO PERMISSION  
FOR EIGHT FOOTBALL PITCHES GRANTED ON 25 MAY  
2010 UNDER APPLICATION REFERENCE 10/00087/FUL**

**FROM: THE USE HEREBY PERMITTED SHALL NOT BE  
OPERATED AND SHALL NOT BE MADE AVAILABLE FOR  
USE OUTSIDE THE FOLLOWING TIMES: SUNDAYS AND  
UP TO 8 SATURDAYS PER ANNUM**

**TO: THE USE HEREBY PERMITTED SHALL NOT BE  
OPERATED AND SHALL NOT BE MADE AVAILABLE FOR  
USE OUTSIDE THE FOLLOWING TIMES: ALL DAY  
SATURDAY AND SUNDAYS AND 1700 HOURS TO 2000  
HOURS MONDAY TO FRIDAY**

**APPLICANT: MR MARTIN SHIELDS**

**ZONING: METROPOLITAN GREEN BELT**

**PARISH: RAWRETH PARISH COUNCIL**

**WARD: DOWNHALL AND RAWRETH**

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List No. 1283 requiring notification of referrals to Shaun Scrutton, Director, by 1.00 pm on Wednesday, 6 May 2015 with any applications being referred to this meeting of the Committee. The item was referred by Cllr Ian Ward

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

## 1 NOTES

### The Site and its Location

- 1.1 This application is to a site 110m north of the junction between London Road (A129) and Old London Road. The site comprises a grassed playing field of some 9.66ha and is contained to the east and north by the alignment of Old London Road, Rawreth. The site boundaries are essentially hedged to varying degree. The site is crossed north east - south east by public footpath No. 16.
- 1.2 To the east of the site fronting the opposite side of Old London Road are the Chichester Hotel and adjoining Chichester Hall and cottages. The southern edge of the site is adjoined by a small group of three dwellings. A group of four dwellings front the opposite side of London Road adjoining the north east corner of the site.
- 1.3 To the west of the site is a field of some 4.74 ha that was granted permission on 13 August 2014 under application reference 14/00332/FUL to provide eight football pitches of varying size, together with changing rooms, storage containers and car parking. Condition 4 of the permission to this neighbouring site restricts the use of the site to Saturdays and Sundays. As such, both sites with permission for football are subject to the same Sunday use but there is a difference for Saturdays being limited for the application site. No use is permitted for either site for evenings for the rest of the week.
- 1.4 The site to which this current application relates was initially granted planning permission for three pitches in March 2006 and later on 25th May 2010 for a more intense use for a further eight pitches as well as a number of storage containers and other containers in use for changing rooms. The site potentially has permission for the use of up to 10 of the 11 pitches at any one time across the two permissions effective on the site. That later permission was subject to a condition set out in the description that allowed for Sunday use and up to eight Saturdays per year to cover fund raising events, tournament weekends and flexibility in match fixtures.

### The Proposal

- 1.5 Condition 4 of the permission for eight football pitches granted on 25 May 2010 under application reference 10/00087/FUL states as follows:-
- 1.6 4. The use hereby permitted shall not be operated and shall not be made available for use outside the following times: Sundays and up to 8 Saturdays per annum.
- 1.7 REASON: To enable the Local Planning Authority to control the extent and times of the use of the site in the interests of residential amenity.

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- 1.8 The current application seeks to vary that condition as follows:-
- 1.9 Proposed condition 4:
- 1.10 The use hereby permitted shall not be operated and shall not be made available for use outside the following times: all day Saturday and Sundays and 1700 hours to 2000 hours Monday to Friday.
- 1.11 Whilst the current application concerns a single issue to review the agreed days and hours for the permitted use, in law it is required that if the proposal is accepted the decision notice for the whole development would need to be reviewed and be re-issued to reflect any changes so far and the need or otherwise for other previous conditions.

## **2 PLANNING HISTORY (since the 1990s)**

- 2.1 Application No. 05/00432/COU
- 2.2 Change of use from agriculture to provision of four junior and one full size football pitches, access and parking areas.  
Permission refused 16 August 2005.
- 2.3 Application No. 05/01043/COU  
Change of use from agriculture to provision of two junior and one full size football pitches, access and parking areas.  
Permission granted 28 March 2006.
- 2.4 Application No. 09/00282/FUL  
Retain storage container and three portacabin changing facilities.  
Permission granted 24 September 2009 for a temporary period expiring 23 September 2012 to enable the Local Planning Authority to re-appraise in the light of other applications and development proposals relating to the site and re-consider the proposal in the light of that information.
- 2.5 Application No. 09/00417/FUL  
Provide additional storage container and eight youth football pitches.  
Permission refused 23 November 2009.
- 2.6 Application No. 09/00486/ADV  
Two Non-Illuminated Hoarding Signs  
Permission refused 7 October 2009.
- 2.7 Application No. 10/00088/ADV  
Erect one Non-Illuminated Hoarding Sign  
Permission granted 14 April 2010.

- 2.8 Application No. 10/00087/FUL  
Provide 8 (Additional) Football Pitches, Provide Extension to Existing Car Park and Provide Storage Container.  
Permission granted 25 May 2010.

### **3 MATERIAL CONSIDERATIONS**

#### **Principle of the Development**

- 3.1 The Allocations Plan (2014) forms part of the Development Plan for the Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. The site is located within the Metropolitan Green Belt and where the use of the site for playing fields is generally permissible and as established by the existing permission for which the condition is proposed to be varied.

#### **Highways Matters**

- 3.2 No changes are proposed to the layout of the site with regard to on site parking and servicing. The County Highway Authority has no objection to raise against the proposed increase in use as the physical requirements to allow adequate parking and visibility at the site entrance are already met.

#### **Residential Amenity Issue**

- 3.3 Condition 4 at issue is considered necessary and reasonable in order to control the intensity in use of the site because of concerns expressed in the site history at the impact of noise arising from games upon residents living close to the site and locality.
- 3.4 In a statement accompanying the current application, the applicants request to revise condition 4 to allow use on Saturdays 9.30 am to 4.30 pm and weekday nights 5.00 pm - 8.00 pm to allow Saturday teams to play and other teams to catch up on fixtures. The applicants advise that only natural light would be relied upon so the evening use would be restricted to those months where natural light is available.
- 3.5 The applicants state they have proved to be respectful neighbours and have never over-scheduled games on a Sunday to avoid traffic congestion or cause disruption to residents. This management approach would continue and favour, where possible, use of the field furthest away from residents.
- 3.6 Lastly the applicants argue that the proposed change to usage is justified, given the more recent permission for eight pitches on the neighbouring field to the west that is not subject to the same limitations. In fact, the permission to the adjoining site is subject to a similar limitation to exclude weekdays but does in contrast allow use on all Saturdays unlike that for the application site.

- 3.7 Policy CLT10 to the Council's adopted Core Strategy generally advocates the use of Green Belt locations for playing pitches provided that demand cannot be met from an area outside the Green Belt. In such cases, there should be no undue impact on residential amenity arising from such proposals. This requirement is carried through to Policy DM16 of the Council's more recently adopted Development Management Policies (2014).
- 3.8 The Council's Playing Pitch Strategy (2012) identifies a relatively low demand for youth football pitches in comparison to the national average and demand in other local authority areas (paragraph 4.29 to strategy), though it is accepted this assessment is now three years old. Furthermore, demand is set to generally reduce as the local population ages. Table 7.1 to the strategy identifies that for the Rayleigh area there is currently a surplus of 9 senior football pitches but a requirement for 15 junior and 16 mini-soccer pitches. The current application would make no change to existing provision but would, if allowed, make that existing provision more generally available though increased use by the applicants and visiting teams.
- 3.9 Whilst recreational uses and football are generally permitted in the Green Belt and with that must be an acceptance of some disturbance officers, however, remain concerned at the further intensity in use as now proposed to weekday evenings and each Saturday. In the case of this site there would be the potential prospect of up to ten pitches in operation by two separate organisations administering the site leading to an intensity in disturbance during weekday evenings and all weekend that would be unreasonable given the close proximity of those nearby residents and the degree of quiet that has been enjoyed, unlike comparison with urban edge locations. The adjoining site more recently given permission was not adjoined by so many residential occupiers and is also located closer to background noise to the A130. This allowed for a wider permission allowing Saturday play.
- 3.10 The noise generated by players, spectators and cars would result in nuisance and disturbance to nearby residents, as well as being harmful to the character of the generally peaceful rural area, despite this impact being somewhat mitigated by the A130 built in 2003 and situated 100m from the proposal to the west. The landscaping and planting which featured in the previous consent has yet to fully establish and at present has limited effect in offsetting this consequence. As such, officers consider that the intensification inherent in this current application to increase the use throughout the week should be resisted.

#### **4 REPRESENTATIONS**

##### **Rawreth Parish Council**

- 4.1 The Council objects to this application as the site is much nearer to residents than the Academy Soccer site, which in Council's opinion should have had the

same conditions imposed as Rayleigh Boys did, but didn't due to the over enthusiasm of those making decisions to grant everything.

- 4.2 Council considers that to vary this condition is denying residents their individual human rights to benefit and enjoy a quiet time at the weekend.

#### **Essex County Council Highways**

- 4.3 Advises that from a highway and transportation perspective the Highway Authority has no comments to make on this proposal.

#### **Neighbour Representations**

- 4.4 Three Letters have been received from the following addresses:-

Church Road: "Tufty Lodge"

Old London Road: "Goymers Lodge" "Ivydene"

- 4.5 And which in the main make the following comments and objections:-

- o Opposed to any more football games played on the fields on this application.
- o Because of the flood and surface water problems sometimes games extend into the summer and am fed up with shouting and screaming and traffic problems.
- o To increase the games would increase the noise and traffic that we have and would only lead to confrontation.
- o Do not believe the Green Belt polices were taken into account in the first place.
- o Should do what you are in the Council for, to represent the public and not the chosen few.
- o Our human rights are never taken into account and on this I believe this should be refused.
- o RDC applied conditions on Academy Soccer, the adjacent site, for no matches to be played weekdays or evenings for the reason "to enable the Local Planning Authority to control the extent of the use in the interest of the amenity of the nearby residential occupiers". This condition must apply to this application for the same reasons.
- o If you grant this application the residents of Old London Road/Church Road will have no break from the noise and traffic all the year round which is very detrimental to their lives.
- o They have a human right to enjoy their lives without this unnecessary intrusion into their lives.
- o We were surprised to receive the letter this morning advising that Rayleigh FC wanted to extend their hours at their current site. We were under the impression that they accepted the conditions set when their application was granted that games should be restricted to Sundays and only 8 Saturdays per year. So much so that when another local club tried to get

permission to use a field close by they strongly objected, citing over development, parking and traffic generation, to name but a few. They also claimed that it wasn't necessary to have any further development of football pitches and in turn this must also include using their own pitches more, extract taken from comment no. 2879, " If an investigation was to be carried out as to the current/future use of football pitches in the area, it may highlight that some are under utilised so could accommodate Academy Soccer". We can't imagine that six months on from when that statement was made anything has changed.

- o We note that the applicants state that they are good neighbours and endeavour to play as far away from the neighbours as possible. Unfortunately, that is impossible as they have neighbours along three sides of the field, wherever they play on the field somebody hears them.
- o We would also like to make clear that although this is beyond their control our road becomes extremely unsafe with parents taking their children to the pitches. Unfortunately many do not respect the nature of the road and we have witnessed ourselves how close they are prepared to go to pedestrians and horses. It's no fun when your shopping bags get hit by a vehicle because they wouldn't give way to an oncoming vehicle. This will only be made worse by the current situation we have in Old London Road, where the road is collapsing into the brook and has been narrowed by cones; we have complained on numerous occasions to the Highways department and to the Environmental department, but neither wants to take responsibility.
- o We appreciate the need for children to exercise, however we feel the playing structure and facility that is already in place is sufficient and as supported previously by Rayleigh FC, there is availability elsewhere in the district for these extra games to be played.

4.6 Eleven Letters have been received from the following addresses:-

Burrows way: 19.  
Downhall Park Way: 2.  
Hambro Hill: 12.  
The Knoll: 2.  
Lancaster Road: 8 (2 letters).  
Mornington Avenue: 6.  
Nore Road: "Lillywhite"  
Shakespeare Avenue: 6.  
Stambridge Road: 76.  
Wyburns Avenue: 39.

4.7 And which in the main make the following comments in support of the application:-

- o This will not cause any significant increase in noise and disruption to the local residents; this is from my own experience of living near the Council-owned recreational park.

- o Strongly support this application.
- o The club does a huge amount for the youth of Rayleigh and this just supports the chance to play on a Saturday when matches have been lost on Sundays due to bad weather.
- o There is no reason to object and the precedent has already been set by allowing Academy Soccer to use their facilities on a Saturday, therefore the application should be approved.
- o Rayleigh FC is a voluntary organisation which provides an outstanding service for local children to participate in team sport activities. They should receive the same opportunities to deliver this service as have been given to Academy Soccer, which is a money making business.
- o Rayleigh FC has proven itself to be a good, respectful and understanding part of the local community.
- o I was shocked that the decision was reversed to give planning consent to Academy Soccer and objection to this small revision for Rayleigh FC would give advantage to a business venture over a non-profit voluntary organisation.
- o I feel strongly that the Council should fully support an organisation that is dedicated and committed to the health and wellbeing of children.
- o This volunteer-run club does a huge amount for the Rayleigh and surrounding area to provide football for all ages for local boys and girls.
- o With the recent adverse weather over the past few years, matches are being lost due to no available Sundays during the season.
- o A recent application from another club already has no similar conditions/limitations against it, so a precedent has been set for this application to be approved.
- o Fully support this application. All prior posts supporting this application have raised the many benefits this application will bring to our community. However, for me personally, by increasing the opportunity for Rayleigh FC to engage the youth and adults in sport and their local community can only have positive repercussions for the local and wider community.
- o The Council and the local community should support Rayleigh FC in all its endeavours. This local football team is held in high esteem and a great ambassador for Rayleigh and the surrounding communities. By increasing opportunities for it to continue doing so, can only have positive outcomes.
- o Please be advised that since the Council granted Rayleigh Boys and Girls permission to call the Chichester home, the club has grown in stature and I personally have been paid many compliments on the wonderful set up that the club now has. As a coach of not just one of the boys' teams but also the up and coming girls' teams the need for more access to pitch space is paramount to keeping the children playing football and actively exercising outdoors.
- o The main reason for requesting extra access is the amount of fixtures postponed on Sundays due to bad weather, fixtures on other days would be instead of and not extra. I appreciate the request from the club to have extra coaching hours at the Chichester will always worry residents. However, as I believe we presently do, I as one of many coaches that is

proud of the facility, we would always be considerate to neighbours whenever we are there.

- o Rayleigh Boys is a very important sports club in the local area; it supports hundreds of local boys and girls, encouraging active healthy lifestyles, and supporting a sport loved and played by many.
- o This proposal is a simple requirement to allow them to keep the kids playing football whenever possible and to have the flexibility to play when adverse weather conditions cause postponements and cancellations of which in recent winters and with local facilities, seem to happen all too often.
- o Having been there many times at weekends during the football season, I have never seen any obvious parking/traffic issues, and the location has more than sufficient parking for even the busiest days.
- o The noise from kids and parents is not constant, it's not excessively loud over the background noise of nearby traffic.
- o There is no proposal for more building or lights, or even more users, just the flexibility to utilise the existing facility better.
- o In light of the other local team having the permission to play during the requested hours, it would seem very unfair to the boys and girls of this club to prevent them having the same right to play.
- o I think the application is a good one for Rayleigh Boys YFC. The club has a good working relationship with the surrounding neighbours and with Rawreth Parish Council.
- o The application gives the club the extra days they need.
- o Rayleigh FC has been consistently considerate and respectful to local Rawreth residents in football activities at its Chichester ground. In particular, staggering football games over match days to avoid congestion but also working with them should rare problems arise to solve them quickly and fairly.
- o Rayleigh FC is a large established community club encouraging the participation in association and grass roots football, keeping children active, and the use of Saturdays and weekday evenings supports this against a backdrop of ever constrained usable local facilities versus growing district population.
- o Recent successful application in 2014 by Academy Soccer next door to the Chichester includes Saturday use, and therefore setting a precedent. As the more established club in the area it would be inconsistent not to grant the same for similar usage, i.e., community football, in the area - cannot have one rule for one club and a different rule for the other club in the same location.
- o Football training facilities which often include local district parks and grounds are becoming unusable during football season months - largely weather related. If Saturdays were available the club has the ability to self manage its training on the ground, and become less reliant on Council facilities.
- o Noise is daytime only and would to me appear to be happy children, parents, etc., enjoying and having fun playing/watching football. There is probably ongoing noise from the A130 close by.

- o The traffic argument is becoming more difficult to support in such a densely populated district such as Rochford.
- o One objection points to how people drive their cars respecting other road users. I would hope there is not a presumption that those linked to football have no respect for other road users. I think a fairer representation is that in general a very small minority of all road users may be like this. This corrected opinion is something for local law enforcement not the planning office and certainly cannot be pinpointed on this single planning application.
- o Adequate off road parking is provided at the Chichester ground facility, to avoid (and the club actively discourages) on street parking.
- o Evening use is naturally restricted to late spring/summer months.
- o I would urge the Council planning committee focuses on the merits of this application, and approve it.
- o This is a really good idea as it will provide more sporting facilities for our young people.
- o Sport is so important for the development of children into healthy, responsible and community minded adults and this will help the club develop. Earlier fears about noise and traffic have not come to fruition and I believe the club has worked hard to develop the facility and has a good relationship with local residents. I fully support this application.
- o With the recent adverse weather over the past few years, matches are being lost due to no available Sundays during the season.
- o A recent application from another club already has no similar conditions limitations against it, so a precedent has been set for this application to be approved.

## 5 RECOMMENDATION

### 5.1 It is proposed that the Committee **RESOLVES**

That the application be refused, for the following reason:-

- (1) The proposed intensification in the use of the site for football to include Saturdays and Weekday evenings, taking into account the number of spectators, players and cars likely to be involved, is considered likely to result in a level of noise and activities each day detrimental to the amenities of nearby residents in conflict with policy CLT10 to the Rochford District Council Local Development Framework adopted Core Strategy (2011) and in conflict with part (iv) to Policy DM 16 to the Rochford District Council Local Development Framework Development Management Plan. If allowed, the proposed variation to condition 4 would result in the continued presence of playing football on each day detracting from the quiet those nearby residents ought reasonably expect to enjoy.



Shaun Scrutton

Director

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### **Relevant Development Plan Policies and Proposals**

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

GB2, CLT 9, CLT 10, T8.

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014.

DM16, DM30.

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010

D2

Rochford District Council Local Development Framework Playing Pitch Strategy Supplementary Planning Document (April 2012)

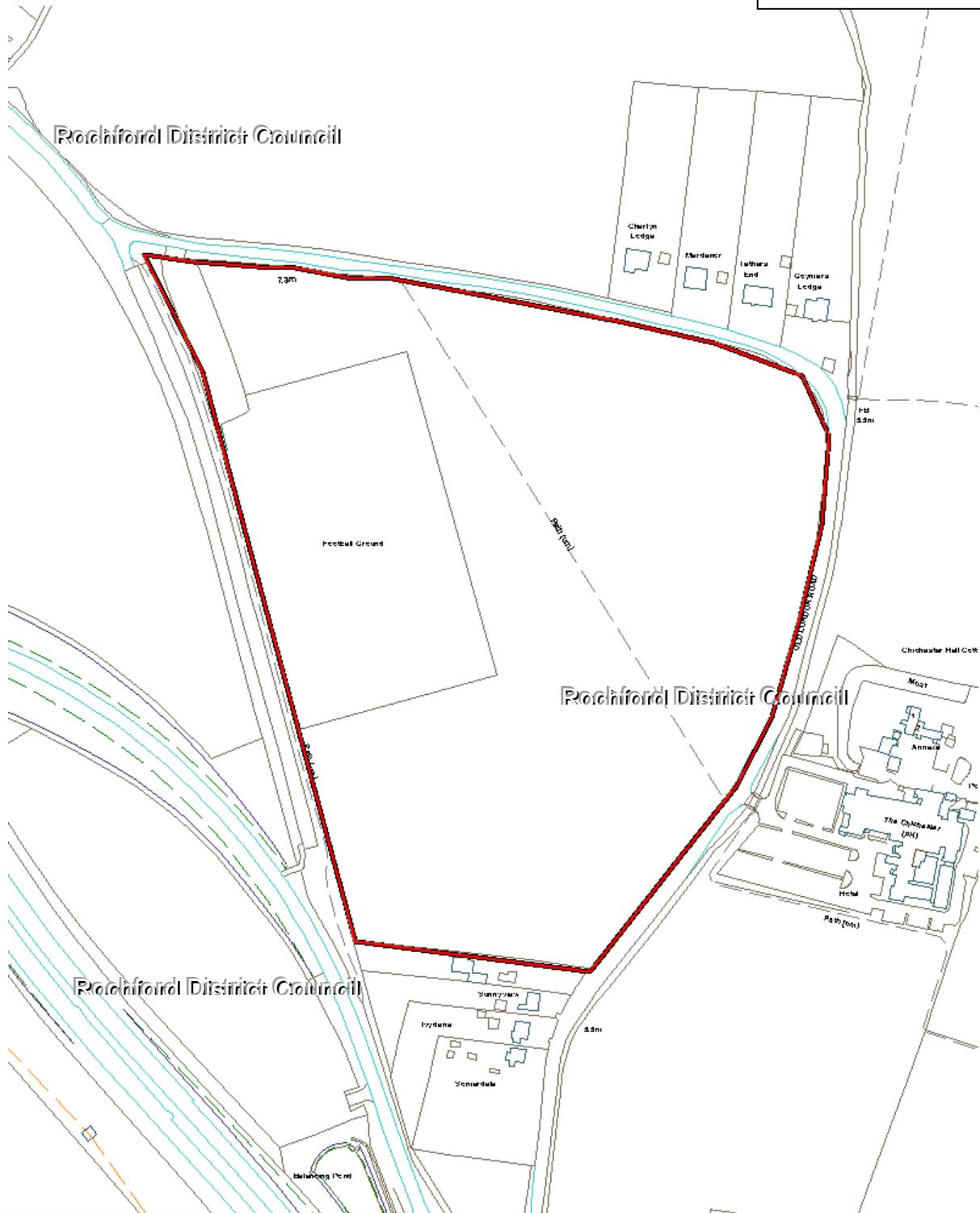
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