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| Application Ref: | 20/00513/FULM | |
| Application Type: | Full Application Major | |
| Ward: | Thorpe | |
| Proposal: | Erect new spectator stand to sports pitch | |
| Address: | All Weather Pitch, Southchurch Park, Shaftesbury Avenue | |
| Applicant: | Mr Jerry Omango | |
| Agent: | Mr Darren Munsey | |
| Consultation Expiry: | 22nd May 2020 | |
| Expiry Date: | 9th July 2020 | |
| Case Officer: | Robert Lilburn | |
| Plan Nos: | Site Location Plan, 960 SM/NAK/01A, 960 SM/NAK/02A, 960 SM/NAK/03A, 960 SM/NAK/04A | |
| Recommendation: | GRANT PLANNING PERMISSION | |



1 Site and Surroundings

- 1.1 The application relates to a recreation ground which has been laid out at the east end of Southchurch Park adjacent to Lifstan Way. The recreation area is surrounded by a white-painted metal post and rail fence and flood lighting columns, with spectator stands and ancillary facilities including a single storey building to its western edge.
- 1.2 It is situated within the wider setting of Southchurch Park which is bordered to the north by Northumberland Crescent and to the south by Shaftesbury Avenue. To the south of the recreation ground within the park are a children's' play area and a bowling green; to the west are tennis courts and a boating lake, beyond which is a wider recreational space. The park around the recreation ground to which the application relates is bordered by metal railings of some 1.5m height and hedging.
- 1.3 Elsewhere the park is subdivided by stretches of taller hedges, trees and shrubs, the effect of which at the application site is to create a discrete area at the east end of the park incorporating the childrens' play area and bowling green.
- 1.4 While the pitch is marked out, it is situated with public open space. A license agreement with the Southchurch Manor Football Club allows exclusive use for fixtures. However, the area is otherwise accessible to the public at all other times.
- 1.5 The site identified on the policies map of the Development Management Document (2015) as Protected Green Space. It is located within Flood Zone 3.

2 The Proposal

- 2.1 The application proposes the erection of a spectator stand adjacent the playing field within the recreation area. It would be situated at the eastern edge of the field. The submitted plans and application forms state that the stand would be 9.7m in width (10.1m including the base), 2.5m in depth (3m including the base) and 3.1m rising to 3.75m in height. It would be finished externally in green rib profile powder-coated metal panels and open to the front and sides with a cantilever monopitch roof.
- 2.2 The applicant states that the stand is required in order that the Southend Manor Football Club can provide covered spectator viewing from both sides of the pitch. The applicant states that this is a new Football Association requirement and that failure to comply would impact on the league status, earnings and viability of the club in the future.
- 2.3 The applicant confirms that the stand can technically hold up to 120 people, however notes that last season the average crowd at a game was 35 and as the club is not changing leagues it is expected that the number of spectators would stay the same.
- 2.4 An application has been submitted in tandem for the erection of a 2m high perimeter fence to the playing field (20/00526/FULM), however this has now been withdrawn
- 2.5 The application is supported with a Flood Risk Assessment, and a Design and Access Statement. In addition, the agent has supplied information regarding Football Association approval of the proposal, ground grading information and evidence, and a letter from Sport England indicating support for the proposal.

- 2.6 The application is referred to the Development Control Committee as it is defined as a 'major' development by virtue of the site area.

3 Relevant Planning History

20/00526/FULM: Erect 2m high border fence to sports pitch. Withdrawn.

05/01089/FUL: Demolish existing spectator stand and erect 2 new spectator stands to west elevation. Approved.

05/00682/FUL: Erect single storey extension to north elevation to enclose 2 turnstiles, erect single storey extension along south elevation and replace roof of spectator stand. Approved.

04/01035/FUL: Replace storage shed with 2.43m high steel container. Approved.

04/00729/FUL: Allow floodlights to be illuminated until 22.00 hours no more than once per week Monday to Friday (Relaxation of Condition 02 on planning permission SOS/04/00020/FUL granted 05.03.04 which states that the floodlights shall not be illuminated beyond 21:00 hours Monday to Friday). Approved.

04/00020/FUL: Site 6 x 15m high replacement lighting columns to perimeter of football pitch. Approved.

4 Representation Summary

4.1 Public Consultation

45 neighbouring properties were notified and a site notice was posted. Letters of representation have been received from eight parties. Three of the letters state objections to the proposal as follows:

- Visual impacts within park;
- Unsightliness of structure proposed;
- Noise impacts from spectators;
- Additional supporters will park on streets, harming neighbour amenities;
- Air pollution from associated additional vehicles;
- Effects of additional spectators in traffic, parking and highways;
- Littering and disorder;
- Impacts on availability of green space in the area to general public;
- Impacts on wildlife and biodiversity including protected species;
- Effect on views across the park;
- 240 signatures at a 'change.org' petition; **[officer comment: petition not received]**
- No community consultation has taken place;
- Conflict of interest as the Council would gain parking income;
- Use of club house for functions;
- The proposal is for a 'stadium' and the site is not suitable;
- Proposals caters for a minority interest;
- Precedent for further encroachment by private interests;
- Southend Borough Council should consult fully with public;
- No need for the stand as existing stands are not full.
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- 4.2 Five letters of support have been received in relation to the application. The comments raised can be summarised as follows:
- Benefits to community;
 - Health and fitness benefits;
 - Supports future of club;
 - Limited visual impacts;
 - Supports a safe environment for football.
- 4.3 Councillor Stafford has also written in support of the application.
- 4.4 Letters of support have also been supplied by the agent from Ipswich Town FC, Project Southchurch and Essex Senior Football League.
- 4.5 The concerns raised are noted and where they comprise material planning considerations they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.
- 4.6 **Sport England**
No objection. The proposal meets the following Sport England Policy exception: “2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use”.
- 4.7 **Highways Team**
No objections.
- 4.8 **Environment Agency**
The design of the proposal will allow tidal flood water to pass through and therefore not increase flooding elsewhere. The application includes a flood evacuation plan, which the emergency planners should comment on. This application will not require an Environmental Permit. [**officer comment:** this matter can reasonably be dealt with by condition].
- 4.9 **Environmental Health**
Condition relating to lighting recommended [**officer comment:** the site is already flood lit and no further lighting is proposed however a condition has been attached to ensure any future lighting is controlled and appropriate].
- 4.10 **Parks**
The proposed football stand does little to enhance the visual amenity of the park but offers some practical utility for football. Therefore, there is no objection to the proposal.
- 4.11 **Fire Service**
More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage. No objections raised.
- 5 Planning Policy Summary**
- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance and National Design Guide (2019)

- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles), CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 5.5 Design & Townscape Guide (2009)
- 5.6 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development including impacts on protected open space and provision of community facilities, design and impact on the appearance of the area, impact on residential amenity, traffic and transport considerations, sustainability and CIL.

7 Appraisal

Principle of Development

- 7.1 The NPPF seeks to support the achievement of sustainable development and at paragraph 8 states that in this respect the planning system has three overarching objectives, which are interdependent. These are an economic objective, a social objective and environmental objectives.
- 7.2 Policies KP1 and KP2 of the Core Strategy seek to promote sustainable development. Policies DM1 and DM3 of the Development Management Document seek to promote successful places through high standards of design. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 7.3 Policy CP6 of the Core Strategy advocates the need to safeguard existing, and to provide for new, leisure, recreation and community facilities. These should ensure the needs of all residents and visitors, including the disabled and other vulnerable groups, are met.
- 7.4 Policy CP7 seeks to safeguard the loss or displacement of existing sport, recreation and green space facilities. All existing and proposed sport, recreation and green space facilities will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community.
- 7.5 The NPPF notes at paragraphs 91 and 92 the need for planning decisions to support healthy lifestyles and the well-being of all sections of the community. Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless in specified circumstances including the loss resulting from the proposed development would be replaced by

equivalent or better provision in terms of quantity and quality in a suitable location.

- 7.6 The proposed development would accord with the objectives of the Borough Council in providing for leisure facilities and in this respect would be consistent with Policy CP6, and would improve the standard of spectating facilities by providing some covered space at the opposite side of the pitch to existing provision.
- 7.7 While the proposal would lead to the loss of grassed space, this would be a small proportion and would remain in use for sport and leisure purposes, improving the standard of spectating facilities while retaining in large part existing open-air spectating around the edges of the pitch. This would not conflict with the objectives of Policy CP7.
- 7.8 The application site is situated within Flood Zone 3 (highest risk). It is not located within 20m of a main river. The applicant has provided a Flood Risk Assessment which notes that the proposal is water-compatible development, and which would not materially affect flood storage. The design is described as flood resilient; the proposed stand would have a concrete base and is open-fronted. A Flood Response Management Plan is proposed; this can be secured by a condition of any planning permission.
- 7.9 The proposal is considered acceptable and policy-compliant in principle.

Design and Impact on the Character of the Area

- 7.10 Paragraph 124 of the NPPF states that *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.
- 7.11 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies support new buildings subject to maintaining the character and quality of the townscape.
- 7.12 The proposed stand would be functional in appearance. It would be situated within some 13m of the park boundary, which is populated with hedging alongside a 1.5m high railing, and modestly sized street trees on the outside.
- 7.13 At a maximum of 3.75m in height, at the front facing into the park, the stand would be relatively tall and readily visible within the street scene. The applicant states that it would be finished in dark green coloured metal panels.
- 7.14 The functional appearance and relative prominence of the stand is a negative aspect of the proposal. However, it is considered that given the dark green colouring, and at some 10m wide its small scale in the wider context of the park, that it would not be materially harmful to visual amenity.
- 7.15 It is considered that the development is acceptable in light of the development plan policies in regard to visual amenities and its impacts on the character and appearance of the site and wider area.

Impact on Residential Amenity

- 7.16 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.17 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.18 Policies DM1 and DM3 of the Development Management Document seek to support *“sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”*.
- 7.19 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”*.
- 7.20 The stand would have no direct material impact on the amenities of nearby occupiers. While it would be visible from surrounding dwellings, it would be sufficiently distant to preclude any materially harmful visual impact or impacts in terms of loss of light, outlook, and privacy, sense of enclosure and the creation of an overbearing relationship
- 7.21 The stand would potentially allow for additional spectators, however the purpose of the proposal is stated as to achieve compliance with Football Association requirements. In the longer term, an avoidance of relegation may improve the profile of the football club.
- 7.22 However, it is considered that the provision of the stand would not be likely to directly foster a material increase in visitors. Given the small scale of the development and the siting of the stand across the public realm from the nearest dwellings, it is considered that there would be no materially harmful impact on surrounding occupiers as a result of the development, in respect of additional comings and goings, noise from spectating or from general associated activity of people and vehicles.
- 7.23 The proposed stand would affect users of the park other than the football club and spectators. Given its relatively small scale, and its use in conjunction with the existing pitch, it would not materially harm the recreational use of the park by the general public.
- 7.24 It is considered that the development is acceptable in light of the development plan policies in regard to neighbour amenities.

Traffic and Transportation Issues

- 7.25 Policies CP3 and DM15 seek to maintain highway safety and accessibility. Policy KP2 requires that new development does not compromise delivery of the identified Strategic Objectives which include securing the health and well-being of the wider community.
- 7.26 It is considered that the provision of the stand would not directly lead to an uplift in the numbers of visitors to the park to a material degree. There is a tariff-free public car park at the opposite side of Lifstan Way to the pitch. There would be no materially harmful

impact on surrounding streets in terms of parking, traffic and highway safety as a result of the development.

- 7.27 It is considered that the development is acceptable in light of the development plan policies in regard to traffic and transport.

Sustainability

- 7.28 The proposed stand would not have a direct impact upon biodiversity, species or habitats. It would be sited on amenity grassland some 13m from the nearest bush and the street trees beyond. It would not have a materially harmful impact with regard to sustainability in any relevant regard. The proposal is acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

- 7.29 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 236sqm, which may equate to a CIL charge of approximately £3031 (subject to confirmation).

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and users of the park and the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. The proposal would improve sport and recreation facilities and provide for health and leisure outcomes, which would outweigh the modest impact on protected open space. This application is therefore recommended for approval subject to conditions.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01. The development hereby permitted shall begin not later than three years from the date of this decision.**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 02. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 960 SM/NAK/01A, 960 SM/NAK/02A, 960 SM/NAK/03A, 960 SM/NAK/04A and the specifications provided within the submitted document titled 'Stadium Solutions'.**

Reason: To ensure that the development is carried out in accordance with

the provisions of the Development Plan.

- 03. The stand shall provide a capacity of, and be occupied by no more than, 120 spectators at any one time.**

Reason: In the interests of the amenities of the surrounding area, further to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

- 04. The stand hereby approved shall not be brought into use until an Emergency Flood and Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. The measures in the approved plan shall be implemented in full prior to the first use of the stand.**

Reason: To ensure that the development will be safe for its lifetime, further to the National Planning Policy Framework (2019), and Policies KP1, KP2 and CP4 of the Core Strategy (2007).

- 05. Prior to first use of the stand, a scheme of external lighting shall have been submitted to and agreed in writing by the Local Planning Authority. External lighting for the development shall be provided only in accordance with the agreed details.**

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

- 06. Prior to first use of the stand, details of refuse and recycling facilities to be provided at the site shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the stand and retained thereafter for the lifetime of the development in accordance with the approved details.**

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste storage is provided in the interests of visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework, Policy KP2 of the Core Strategy (2007) and Policy DM3 of the Development Management Document (2015).

- 07. Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.**

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

10 Informatives

- 01. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.**
- 02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**
- 03. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.**