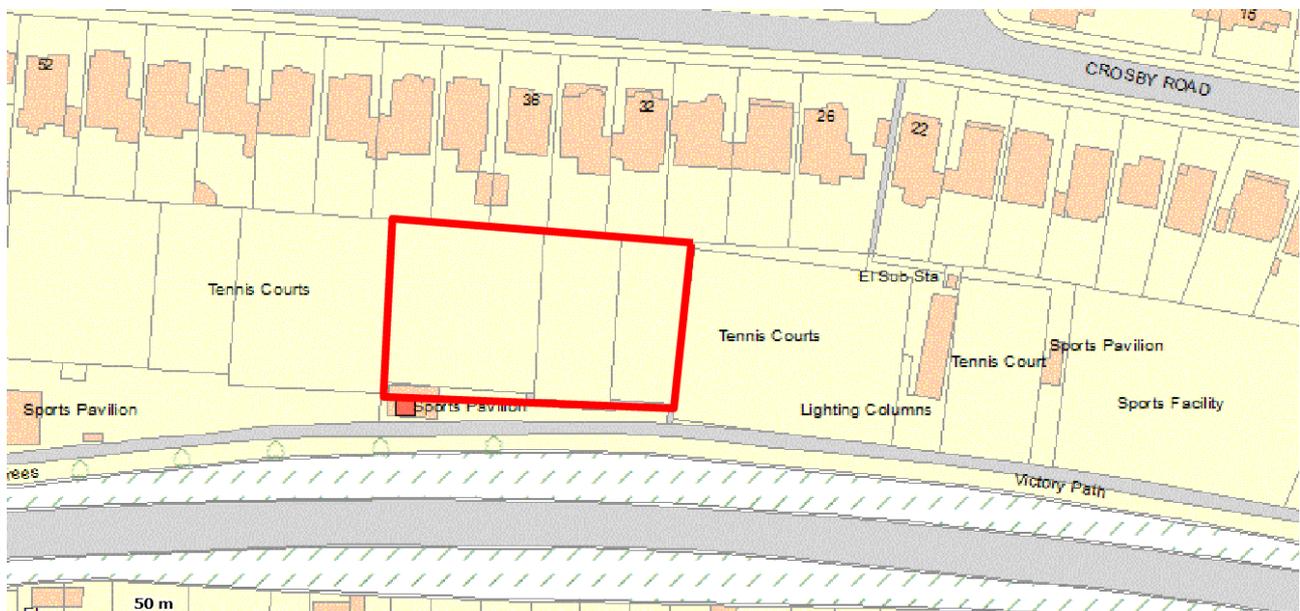


Reference:	21/01567/FUL	
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Install floodlights to the 3no. tennis courts	
Address:	Leigh Road Baptist Tennis Club Victory Path Westcliff-on-sea Essex SS0 8HW	
Applicant:	Mr Simon Joyce	
Agent:	N/A	
Consultation Expiry:	18.11.2021	
Expiry Date:	08.12.2021	
Case Officer:	Oliver Hart	
Plan Nos:	Location Plan; Site Plan; 010A; 011A; 012A	
Supporting Document:	LED Lighting Scheme	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site contains three artificial surface tennis courts belonging to Leigh Road Baptist Tennis Club, none of which are currently floodlit.
- 1.2 The courts are to the rear of dwellings (Nos 30 – 40) which front Crosby Road. The site is accessed from Crosby Road down an access track between two neighbouring dwellings.
- 1.3 The site is otherwise surrounded by tennis courts belonging to neighbouring clubs, including Invicta Tennis Club to the east and Crowstone and St Saviours Tennis Club immediately to the west, both of which have floodlights on at least one or more of their courts (between 6m and 8m in height).
- 1.4 The site is allocated as protected green space, as identified on the policies map of the Development Management Document. It is within flood zone 1.

2 The Proposal

- 2.1 Planning permission is sought to erect twelve 6m high lighting poles with 18 SP-FL (300W) LED floodlights to the three tennis courts within the application site. The lighting will be located at equidistant intervals around and within the three courts.
- 2.2 The proposed hours of use of the lights are 16:00 until 22:00 Monday to Saturday and 16:00 until 18:00 on Sundays, not including bank holidays. Operation of the floodlights would be seasonal, with the maximum hours applied for taking place in the winter months from November to February.
- 2.3 No details of the external finish materials for the lighting poles have been received.
- 2.4 The application has been called into the Development Control Committee by Councillor Folkard.

3 Relevant Planning History

- 3.1 There is no directly relevant planning history for the application site but the following applications relate to the nearby tennis club sites.

Invicta Tennis Club

- 3.2 86/0674- Erect 8m high floodlighting columns to tennis courts- Granted with condition attached limiting use of the floodlights between 08:00 and 22:00

Crowstone and St Saviours Tennis Club

- 3.3 06/00177/FUL- Erect six 6 metre high 400 watt bulb floodlighting columns to one tennis court (Renewal of permission SOS/01/00119/FUL granted 28th March 2001) - Granted with condition attached limiting use of the floodlights between 08:00 and 22:00

4 Representation Summary

4.1 Public Consultation

Twenty-two neighbouring properties were notified and a site notice was posted. Two letters of objection from one address have been received and one letter of support has

also been received. Summary of representations:

Objection

- Amenity concerns
- Noise and disturbance from later hours of operation
- Light nuisance
- Floodlights will appear as intrusive features
- Need to have restrictions on when floodlights are used

Support

- Proposed development will not have an adverse amenity impact on neighbouring properties

[Officer Comment]: The concerns are noted and those relevant have been taken into account in the assessment of the application. The points of objection have been found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.2 Highways Team

No objection.

4.3 Environmental Health

No objections subject to conditions relating to construction hours and permission to be in accordance with the LED lighting Scheme submitted by Armadillo Lighting.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2021)

5.2 Planning Practice Guidance and National Design Guide (2019)

5.3 Core Strategy (2007): KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport & Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space)

5.4 Development Plan Document (2015): DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)

5.5 Design & Townscape Guide (2009)

5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations are the principle of development, design and impact on the character of the area, traffic and transportation, impact on residential amenity and CIL contributions.

7 Appraisal

Principle of Development

- 7.1 Policy CP7 of the Core Strategy relates to sport, recreation and green space and states that the Borough Council will bring forward proposals that contribute to sports, recreation and green space facilities within the Borough for the benefit of local residents and visitors.
- 7.2 Policy CP6 of the Core Strategy (2007) relates to community infrastructure and states that new development should not jeopardise the Borough's ability to improve education attainment, health and well-being of local residents and visitors to Southend. This will be achieved by supporting improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.
- 7.3 At paragraph 98 the NPPF states that access to opportunities for sport and physical activity is important for the health and well-being of communities.
- 7.4 The proposed development would allow for evening use of the existing courts which would in turn provide improved sports facilities for local residents and visitors in line with local and national planning policy and the promotion of active, healthy communities. These public benefits of the proposal should be weighed in the assessment including should any harm associated with other areas of consideration be identified.
- 7.5 Therefore, the proposed development is acceptable in principle, subject to the determining material considerations discussed below.

Design and Impact on the Character of the Area

- 7.6 Local and national planning policies and guidance seek to ensure that new development is well designed. 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.
- 7.7 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm.
- 7.8 It is considered that the proposed floodlights are consistent with the use of the site and in terms of scale, position and 6m height would appear in keeping with the existing sports courts and adjacent floodlights at neighbouring clubs. The lights would not have any significant impact within Crosby Road. They would be publicly visible from the Victory Path but being of generally slimline design and seen in context with the existing row of courts and neighbouring courts' floodlights, they would not cause any demonstrable harm to the character and appearance of the site or the wider surrounding area.
- 7.9 No details of the finishing colour have been detailed. This can be controlled by a condition limiting the colours to grey, black or green.
- 7.10 On this basis, the proposal is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.11 Local and national planning policies and guidance seek to secure high quality

development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.

- 7.12 The nearest residential properties to the application site are No's 32-40 Crosby Road which adjoin immediately to its north. The nearest of the proposed floodlights would be positioned approx. 1m from the rear fence line of these properties beyond which their rear gardens are between 11 and 14m deep.
- 7.13 Due to the separation distance involved, and the slim-line nature of the columns it is not considered that the proposal would significantly harm nearby residential occupiers' amenity by reason of impacts on their light, outlook or sense of enclosure.
- 7.14 A Lighting Assessment has been submitted with the application. This concludes that the floodlighting would be sited and screened so as not to cause detrimental intrusion of light into adjacent premises and/or residential properties. The lighting, located on 6m high columns is designed to direct light onto the courts and would not result in any harmful overspill of lighting into the atmosphere due to its design. Environmental Health have raised no objection to the proposed development.
- 7.15 The proposed artificial lighting would enable extended playing hours up to 10pm in the evening Mon to Sat and until 6pm on Sundays, This would be in general accordance with the use and artificial lighting at the immediately neighbouring clubs, Invicta and Crowstone and St Saviours whose present hours of operation are;

Invicta
Monday – Thursday 9am to 9.30pm
Friday – Sunday 8.30am to 8pm

Crowstone & St Saviours
Monday – Sunday 9am to 10pm.

- 7.16 It is considered appropriate to include a condition to control the hours of use for the floodlighting to no later than 10pm on Mondays to Saturdays and 6pm on Sundays.
- 7.17 It is considered that any increase in activity at and around the site in association with the extended hours of operation would not significantly harm the amenity of nearby residents, given the existing use, scale of development and the site characteristics.
- 7.18 Subject to the described condition the proposal is considered to be policy compliant in the above regards.

Traffic and Transportation Issues

- 7.19 Policies CP3 and DM15 seeks 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 community.
- 7.20 An additional level of traffic and parking demand would be expected from the enhanced

facility proposed, however this would likely be minor in nature and reasonably capable of accommodation within the surrounding highways. Highways raise no objection on parking, traffic or highway safety grounds. The proposal is considered to be policy compliant in the above regards.

Community Infrastructure Levy (CIL)

- 7.21 Although this application is CIL liable, in this instance the chargeable amount has been calculated on the basis of a zero rate as applicable to a community leisure use.

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 development would provide sporting and community benefits in association with the existing use of the land and would have an acceptable impact on the character and appearance of the area, neighbour amenity and the surrounding transport network. The proposed development is found to be acceptable and compliant with planning policy in all other regards. Should any areas of harm be identified these should be weighed against the public benefits, as part of the overall assessment of the proposal. The proposal is recommended for approval subject to conditions.

9 Recommendation

MEMBERS ARE RECOMMENDED TO 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 solely in accordance with the approved plans: Location Plan; Site Plan; 010A; 011A; 012A**

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

- 03 The lighting hereby approved shall be switched off and not be operated between the hours of 22:00 and 08:00 the following day on Mondays to Saturdays inclusive and between the hours of 6pm and 8am the following day on Sundays.**

Reason: To ensure the lighting does not harm the amenities of nearby residents, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

- 04 The development hereby permitted shall be carried out and permanently operated for its lifetime thereafter solely in accordance with the details and specifications**

contained within the LED Lighting Scheme by Armadillo Lighting dated 02.07.21. All external lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into adjacent residential properties.

Reason: To ensure the development is carried out in accordance with the development plan and the floodlighting does not cause demonstrable harm by way of light pollution to nearby residents in accordance National Planning Policy Framework (2021); Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

- 05 The lighting poles and any other associated structural elements for the lighting hereby approved shall be finished only in dark green, black or grey.

Reason: In the interests of visual amenity and to ensure that the appearance of the floodlights make an acceptable contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and advice contained in the Design and Townscape Guide (2009).

10 Informatives

1. 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.
2. Community Infrastructure Levy Liability Notice: You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.
3. 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.