

Reference:	23/00434/FUL	
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Install 8 No. steel columns complete with 8 No LED floodlights mounted at 8m above the court surface for 3 existing tennis courts	
Address:	Leigh Road Baptist Tennis Club, Victory Path, Westcliff-on-Sea, Essex, SS0 8HW	
Applicant:	Mr Simon Joyce	
Agent:	Mr Lee Burton of Midlands Lighting Solutions LTD	
Consultation Expiry:	20.04.2023	
Expiry Date:	09.06.2023	
Case Officer:	Oliver Hart	
Plan Nos:	Location Plan; MLS/8MOCT/OVLED/SINGLE Rev A; MLS792/LRBCTC/ELEVATIONS/001 Rev A; MLS792/LRBCTC/EXTLIGHT/001 Rev A	
Supporting Document:	Outdoor Courts LED Lighting report ref. MLS792 dated 27-09-2022	
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. No other designations affect the site.

2 The Proposal

- 2.1 Planning permission is sought to erect eight (8no.) 8m high lighting poles with 830W Philips Asymmetrical LED floodlights to the three tennis courts within the application site. The floodlights would contain an integral louvre to control potential light spill. The lighting poles would be located at equidistant intervals at either end of the three courts.
- 2.2 The proposed hours of use of the lights as confirmed by the applicant are from 4pm until 10pm Monday to Saturday and from 4pm until 6pm on Sundays, not including bank or public holidays. Operation of the floodlights would be seasonal, with the maximum hours applied for taking place in the winter months from November to February. No details of the external finish materials for the lighting poles have been received.
- 2.3 There is recent planning history at the site including an extant permission for comparable development under reference 21/01567/FUL (the “2021 Permission”). The 2021 Permission included twelve (12no.) 6m high lighting poles located at equidistant intervals around and within the three courts. The applicant explains that the current proposal is better for costs management.
- 2.4 The main differences between the 2021 Permission and the current proposal are:
 - the number of lighting poles applied for is reduced from twelve to eight;
 - the height of the lighting poles is increased from 6m to 8m (the applicant explains that the increased height of the lighting poles represents a more cost effective way of achieving the minimum artificial lighting (Lux) levels required to meet LTA standards) and;
 - the position of several of the end lighting poles has been altered.

3 Relevant Planning History

- 3.1 21/01567/FUL- Install floodlights to the 3no. tennis courts- Granted. Extant permission. Details outlined at paragraph 2.3 above. This extant permission holds significant weight in the assessment of this proposal.
- 3.2 Invicta Tennis Club (to the east of the application site)
86/0674- Erect 8m high floodlighting columns to tennis courts- Granted with condition limiting use of the floodlights between 08:00 and 22:00

- 3.3 Crowstone and St Saviours Tennis Club (to the west of the application site)
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 limiting use of the floodlights between 08:00 and 22:00

4 Representation Summary

Call-in request

- 4.1 The application has been called in to Development Control Committee by Councillor Habermel.

4.2 Public Consultation

Thirty-two (32no.) neighbouring properties were notified and a site notice was posted. Three (3no.) letters of objection and twenty-eight (28no.) letters of support have been received. Summary of representations:

Objection

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

Support

- Physical and mental health benefits being able to play in the winter months
- Results in the enhancement of an existing sporting and community asset
- Neighbouring tennis clubs have floodlights
- LED system proposed is environmentally friendly

[Officer Comment]: The concerns are noted and those relevant to planning matters 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.

4.3 Chalkwell Ward Residents Association

Objection. Members are concerned that the increased height of the lighting poles will result in unacceptable light pollution to the rear of properties along Crosby Road. Concerns are also raised with regard the revised position of some of the lighting poles and their impact on the outlook from the rear of properties along Crosby Road.

Environmental Health

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

Highways

- 4.5 No objections.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance and National Design Guide (2021)
- 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 Southend-on-Sea Design and 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 Council will bring forward proposals that contribute to sports, recreation and green space facilities within the City 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.
- 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, and in line with the assessment of the previously approved scheme which remains extant, the proposed development is considered to be 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 As noted there is an extant permission at the application site for twelve 6m high lighting poles. Only two of the columns now proposed (columns 2 and 8) are closer to the rear boundaries of neighbours along Crosby Road.
- 7.8 It is considered that the proposed floodlight arrangement remains consistent with the use of the site and in terms of the scale, position and height, would continue to appear in keeping with the existing sports courts and adjacent floodlights at neighbouring clubs which comprise both 6m and 8m lighting poles. The lights would not have any significantly harmful impact on the character of Crosby Road subject to a condition requiring the development to be carried out in accordance with the lighting spill mitigation measures proposed. The columns 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 significant harm to the character and appearance of the site, any streetscene 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 Nos. 32-40 Crosby Road which adjoin immediately to its north. The nearest of the proposed floodlights would be positioned approx. 0.6m from the rear fence line of these properties beyond which their rear gardens are between 11 and 14m deep. When compared with the 2021 Permission, only columns 2 and 8 are now proposed to be positioned closer to the rear boundaries of neighbours along Crosby Road, specifically Nos. 32 and 40.
- 7.13 The height of the columns has been materially increased over the previous approval and the new siting of columns 2 and 8 is such that the resultant visual impact will be increased when taken in views from the rear of these properties.
- 7.14 In determining the acceptability or otherwise of the scheme, due regard has been had to the separation distances involved from the rears of the neighbouring dwellings and the slim-line nature of the columns such that 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.

- 7.15 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 8m 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.
- 7.16 The proposed artificial lighting would enable extended playing hours up to 10pm in the evening Monday to Saturday and until 6pm on Sundays, This would be in general accordance with the hours permitted under the extant 2021 Permission as well as the use of artificial lighting at the immediately neighbouring clubs, Invicta and Crowstone and St Saviours of which the 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.
- 7.17 The proposed hours are considered acceptable in amenity terms. 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.
- 7.18 In line with the findings of the 2021 Permission, 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.
- 7.19 Subject to the described condition the proposal is considered to be acceptable and policy compliant in all relevant amenity regards.

Traffic and Transportation Issues

- 7.20 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.
- 7.21 An additional level of traffic and parking demand would be expected from the enhanced facility proposed, however, in line with the findings of the 2021 Permission, this would likely be minor in nature and reasonably capable of being accommodated within the surrounding highways with no adverse impacts identified. The Council's Highways officers raise no objection on parking, traffic or highway safety grounds. The proposal is therefore considered to be acceptable policy compliant in the above regards.

Community Infrastructure Levy (CIL)

- 7.22 The proposed development creates no new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, including the extant permission, 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 neighbouring facilities 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 identified public benefits, as part of the overall assessment of the proposal. The proposal is recommended for approval subject to conditions.

9 Recommendation

9.1 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; MLS/8MOCT/OVLED/SINGLE Rev A; MLS792/LRBCTC/ELEVATIONS/001 Rev A; MLS792/LRBCTC/EXTLIGHT/001 Rev A**

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 10pm and 8am 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 Southend-on-Sea 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 Outdoor Courts LED Lighting report ref. MLS792 by Midlands Lighting Solutions dated 27-09-2022. 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 with the National Planning Policy Framework (2021); Core Strategy (2007) policies KP2, CP4; Development

Management Document (2015) Policy DM1 and advice in the Southend-on-Sea 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 colour.**

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 Southend-on-Sea Design and Townscape Guide (2009).

Positive and Proactive Statement

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.

Informatives

- 1. You are advised that as the proposed development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.**
- 2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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 city.**