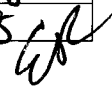


DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	11/07/2018
Planning Development Manager authorisation:	AN	16/7/18
Admin checks / despatch completed	AN	17/7/18 

Application: 18/00811/FUL **Town / Parish:** Little Oakley Parish Council

Applicant: Mr Michael Good

Address: Little Oakley Memorial Club Lodge Road Little Oakley

Development: Variation of Condition 3 of 17/01085/FUL - To allow the use of floodlights on Thursday evenings instead of Fridays.

1. Town / Parish Council

Little Oakley Parish Council Neutral stance subject to the operating times remaining the same.

2. Consultation Responses

Environmental Protection Environmental Protection have no objections or comments to make regarding this variation

ECC Highways Dept No objections

Sport England No comments

3. Planning History

01/00029/FUL	Erection of 2 screens of sports netting (4 metres high) at the eastern and western boundary at the southern end of the playing field	Approved	08.02.2001
01/01994/FUL	Replacement of dressing rooms	Approved	28.02.2002
92/01268/FUL	(Little Oakley Memorial Club, Main Road, Little Oakley) New kitchen	Approved	05.01.1993
96/01644/FUL	(Lt Oakley Memorial Club, Harwich Road, Little Oakley) Replacement changing rooms	Approved	18.02.1997
04/00114/FUL	Re-location of war memorial	Approved	06.03.2004
04/00991/FUL	Infilling of verandah's	Approved	22.07.2004
07/00852/FUL	Removal of six 6-metre posts and lights (two lighting units per post) to	Approved	09.04.2008

	illuminate training area.		
09/01077/FUL	Change of use of land from horse paddock to leisure use (area for football pitch).	Approved	10.12.2009
14/00422/FUL	Construction of a new artificial grass pitch (3rd generation), 8m high floodlight columns, new floodlights and 13 new parking spaces.	Approved	06.06.2014
15/00215/DISCON	Discharge of condition 03 (construction method statement) of planning permission 14/00422/FUL.	Approved	25.02.2015
15/00401/FUL	Change of use of land from a field to a football pitch.	Approved	22.05.2015
15/00888/DISCON	Discharge of condition 3 (Landscaping scheme) of the approved planning application 15/00401/FUL.	Approved	
15/01668/DISCON	Discharge of condition 3 (Landscaping scheme) of the approved planning application 15/00401/FUL.	Approved	13.11.2015
16/01722/FUL	Installation of new flood lights, moveable fencing, removable spectator railings, spectator stands and access paths to bring an existing full size grass football pitch to 'step 5/6' standard.	Approved	27.01.2017
17/00272/DISCON	Discharge of condition 5 (cycle parking) of planning permission 16/01722/FUL.	Approved	13.03.2017
17/01085/FUL	Variation of condition 4 of 16/01722/FUL, to replace all references in paperwork of Thursdays as matchday to Friday.	Approved	15.08.2017
18/00811/FUL	Variation of Condition 3 of 17/01085/FUL - To allow the use of floodlights on Thursday evenings instead of Fridays.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- COM1 Access for All
- COM4 New Community Facilities (Including Built Sports and Recreation Facilities)
- COM7 Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities
- COM7a Protection of Existing Playing Fields, Including School Playing Fields
- COM8 Provision and Improvement of Outdoor Recreational Facilities
- COM21 Light Pollution
- EN1 Landscape Character
- EN2 Local Green Gaps
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SPL3 Sustainable Design
- HP2 Community Facilities
- HP5 Open Space, Sports & Recreation Facilities

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In

general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is known as Little Oakley Memorial Club and is located on the south-western fringes of Little Oakley. The site currently accommodates a full size football pitch at the site together with a 3G artificial pitch that opened in September 2015, with the existing 3G artificial pitch already having flood lighting present to enable evening use for training. The existing pavilion, changing rooms, and car park are located in the northern part of the site, with vehicular access taken from Harwich Road to the east via an access drive of approximately 110m length. A secondary overflow car park is provided at the adjacent field to the west of the existing car park. To the east of the site are the rear boundaries serving the properties that front onto Harwich Road, to the west is a row of mature trees/hedging that enclose the adult pitch. The southern boundary is open and beyond is a junior football pitch.

Proposal

This application seeks to vary condition 3 of planning permission 17/01085/FUL to allow the use of floodlights on Thursday evenings instead of Fridays.

Appraisal

Condition 3, which this application seeks to vary, concerns the timings and use of the floodlights. This condition stipulated the following;

The floodlights are only to be used on Tuesdays, Fridays and Saturdays within football season and not at all outside of football season, in accordance with the following operating times;

The maximum annual usage allowance for the floodlights is as follows:

- No more than 10 days per year on any given Tuesday.
- No more than 10 days per year on any given Friday.
- No more than 10 days per year on any given Saturday.

The maximum floodlight timings are to be as follows:

- On Tuesdays and Fridays to be in use no longer than 6pm to 10pm.
- On Saturdays to be in use no longer than 2pm to 7pm.

Reason - To safeguard the amenity of neighbouring residents in respect of light disturbance.

Little Oakley Under 18's side have been accepted into a midweek league where the games take place on a Thursday evening. Consequently, the application proposes to replace all references of Friday with Thursday in the condition pertaining to floodlight usage. All other aspects of the original permission remain as previously approved.

Appraisal

Impact of Variation

As the application simply seeks to replace all reference to Friday use of the floodlights to Thursday there will be no intensification of the approved use proposed and therefore no additional impact upon highway safety or residential amenity.

ECC Highways, Environmental Protection and Sport England have no objections to the application.

The original conditions where necessary will be re-imposed. There is no need for a new time limit condition as the previous approval has already been implemented.

Other Considerations

Great Oakley Parish Council remains neutral on account that the operating times remain the same. No letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The proposed floodlights shall be shielded by fitted cowls in perpetuity as to direct light for their intended purpose.

Reason - To ensure that glare and dazzle does not result in any adverse impact on the surrounding area of residential amenity.

- 2 No variation to the floodlighting scheme hereby approved shall be made, nor shall any further floodlighting be installed without express written planning permission.

Reason - In the interests of residential amenity.

- 3 The floodlights are only to be used on Tuesdays, Thursdays and Saturdays within football season and not at all outside of football season, in accordance with the following operating times;

The maximum annual usage allowance for the floodlights is as follows:

- No more than 10 days per year on any given Tuesday.
- No more than 10 days per year on any given Thursday.
- No more than 10 days per year on any given Saturday.

The maximum floodlight timings are to be as follows:

- On Tuesdays and Thursday to be in use no longer than 6pm to 10pm.
- On Saturdays to be in use no longer than 2pm to 7pm.

Reason - To safeguard the amenity of neighbouring residents in respect of light disturbance.

- 4 The cycle storage facilities shall be erected in accordance with the details approved under planning reference - 17/00272/DISCON. The approved facility shall be retained as approved thereafter.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

- 5 Outside of match times the 4.5m high twinbar fencing on rollers and a section of the 1.1m high perimeter spectator fencing shall be removed as to allow for access to the field.

Reason - To allow for general public access to the field outside of match times.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans/documents: 151-2_PL_003 R 2, 151-2_PL_006 R 1, 151-2_PL_005 R 1 and 151-2_PL_004 R 1 and the submitted SJB Floodlighting Ltd Grass Pitch Report dated 12-07-2016.

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO