

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	04/06/18
Planning Development Manager authorisation:	AN	14/6/18
Admin checks / despatch completed	AP BB	19/6/18 19/06/18.

**Application:** 18/00472/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Holland FC

**Address:** Holland Football Club Dulwich Road Holland On Sea

**Development:** Covered stand, provision of 6 floodlights, 10m high ball stop netting, 2.4m wire sports fencing and amendment to car park (amended scheme).

### 1. Town / Parish Council

Clacton – Non Parished.

### 2. Consultation Responses

Environmental Protection      EP have the following comment to make. Please condition that all flood lighting to be turned off at 22.00. Reason: reducing the likelihood of complaints regarding light nuisance. to protect the existing amenity.

Sport England                      Do not wish to raise an objection.

ECC Highways Dept                The Highway Authority does not wish to make comment further to those submitted under application 17/01849/FUL

Tree & Landscape Officer        The information provided is sufficient to demonstrate that the development proposal can be implemented without causing harm to the mature Oak on the application site and afforded formal legal protection by Tendring District Council Tree Preservation Order 14/16/TPO Eastcliff Playing Field, Fourth Avenue, Clacton on Sea.

### 3. Planning History

09/00921/FUL	Proposed retention of existing posts and new floodlights to serve sports training area.	Approved	02.11.2009
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17/01849/FUL	Covered stand, provision of 6 floodlights. 10m high ball stop netting, 2.4m wire sports fencing and amendment to car park in relation to sport pitches approved under 14/00931/FUL.	Approved	30.01.2018
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### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

COM8 Provision and Improvement of Outdoor Recreational Facilities

EN1 Landscape Character

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

HP5 Open Space, Sports & Recreation Facilities

PPL3 The Rural Landscape

SPL3 Sustainable Design

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. 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 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. 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.

## **5. Officer Appraisal**

### **Site Description**

The application site is Holland Sports Association, Dulwich Road, Holland-on-Sea and measures 1.50 hectares, and is currently used as a football ground for Holland Football Club. The site takes vehicular access from Dulwich Road, which is wholly residential in character. A car parking area is situated off Dulwich Road to the east of the pitch. The site falls within the recognised Settlement Development Boundary for Holland-on-Sea, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### **History**

Under planning permission 14/00931/FUL, permission was granted for 65 bungalows to the west of the site. As part of this permission, the existing leisure facilities were to be demolished and replaced with new facilities including a playing pitch, club house, changing facilities and car parking for 81 vehicles and 3 coach spaces.

Under planning reference, 17/01849/FUL, permission was granted for the erection of a covered stand to the east of the football pitch, an additional two floodlights, a 10m high ball stop net, 2.4m high wire fencing surrounding the perimeter of the ground, and amendments to the car parking layout.

## Proposal

This application is a resubmission of previous planning approval 17/01849/FUL and seeks planning permission for the following:

1. The erection of a covered stand to the east of the football pitch, measuring 4.7 metres in height, 3.4 metres in depth and 16.2 metres in width, to accommodate 98 seats and 4 wheelchairs;
2. Six floodlights, with the four to be located in each corner of the pitch previously approved under planning permission 14/00931/FUL, and two at the half way line;
3. 10 metre high ball stop netting, to be located to the south-west and north-west of the application site;
4. 2.4 metre high wire fencing surrounding the perimeter of the ground; and
5. Amendments to the existing car parking layout to show the removal of parking spaces closest to the football pitch and the inclusion of three disabled parking spaces, resulting in a net loss of four parking spaces across the same existing parking area.

The only difference between this application and that previously approved is a request to amend condition 6 of the previous permission to remove the element that stated the entire car park was to be hard surfaced, sealed and marked out in parking bays.

## Assessment

### 1. Principle of Development

Saved Policy COM8 relates to the provision and improvement of outdoor recreational facilities. This policy states that proposals for new outdoor recreational facilities will be permitted where; they meet the needs of the residents, the size and location of the site is capable of accommodating a viable outdoor recreational facility, they are readily accessible and the proposal is not materially detrimental to; residential amenity, highway and pedestrian safety and the landscape and biodiversity.

Whilst under planning reference 14/00931/FUL, the principle of replacement leisure facilities including a playing pitch, club house, changing facilities and car parking for 81 vehicles and 3 coach spaces has been established, the principle for the inclusion of additional floodlights, ball stop netting, wire fencing and amendments to the car parking layout must also be established.

The proposed amendments to the existing leisure/recreational use are considered to be a compatible use given that the site forms part of an established leisure use. Furthermore, Sport England have been consulted as part of the process of the application and state that they raise no objections. Therefore the principle of development is acceptable subject to the detailed consideration below.

### 2. Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst there are numerous proposed changes, the site is relatively well screened and set away from the residential developments to the east and west. The proposed stand, at 4.7 metres in height, is located adjacent to the existing clubhouse and will therefore relate appropriately to the existing development, and would not appear prominent. The floodlights will be visible, however four

have previously been approved and therefore the additional two proposed floodlights will be seen in conjunction, whilst the proposed wire fencing surrounding the ground is expected from such a development. With regards to the ball stop netting, whilst at 10 metres high it will be visible, it will be well set back within the site and also seen in conjunction with the overall sports facilities, thereby bearing no detrimental visual harm.

### 3. Impact to Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The development would not cause any overlooking to the dwellings to the east as the stand would be enclosed to its rear. There may be a marginal increase in fans attending matches due to the creation of additional covered seats. However, this marginal increase on match days would not adversely impact upon local residents, whilst the proposed floodlights will be conditioned to be used no later than 22:00. Furthermore, the other proposed additions, including the floodlight structures, fencing and ball stop netting all have a significant separation distance from any neighbouring properties and will therefore result in a neutral impact. The amendments to the car parking layout are minor in relation to that previously approved under 14/00931/FUL and will see a net loss of 4 parking spaces, thereby resulting in less comings and goings and as such it will be a slight improvement to existing neighbouring amenities.

### 4. Tree Impacts

The Council's Principal Tree and Landscapes Officer has been consulted as part of the process of the application, and has stated the information provided is sufficient to demonstrate that the development proposal can be implemented without causing harm to the mature Oak on the application site afforded formal legal protection by Tree Preservation Order 14/016/TPO.

### 5. Highways Impacts

Policy COM8 of the Adopted Tendring Local Plan 2007 states that proposals for the provision of new and extended outdoor recreational facilities will be permitted where they do not have a materially detrimental affect on highway and pedestrian safety and vehicular and pedestrian access into the site.

Essex County Council, as the Highways Authority, have been consulted and have stated they raise no objections subject to conditions relating to the use of no unbound materials, inward opening gates, floodlighting, the surfacing of the vehicle parking area and warning signs relating to the adjacent public right of way.

The application requests an amendment to the wording of a previous condition from planning permission 17/01849/FUL relating to the hard surfacing, sealing and marking out of the parking bays. Given that the site is set so far away from the nearest highway along Dulwich Road, the initial reason for that condition 'to ensure that on-street parking of vehicles in the adjoining streets does not occur in the interests of highway safety' is not reasonable and accordingly amendments to its wording will be made within this decision.

### Other Considerations

Clacton is non-parished so no comments are required.

Three letter of objection have been received, with the following concerns:

1. Objection to the request for music and closing hours;
2. Noise disturbance;

3. Noise and light pollution via floodlights;
4. Highways Impacts.

In answer to this, points 3 and 4 have been addressed within the main body of the report above. Points 1 and 2 relate to clubhouse on site that does not form part of this application.

### Conclusion

In the absence of any significant material harm as a result of the proposed development, the application is recommended for approval.

### **6. Recommendation**

Approval.

### **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 743/HFC/1, J2/04041 and the submitted plans titled 'The 3-D Structural Steel Detailing Solution' and the untitled Site Location Plan.

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

- 3 No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 4 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 10 metres from the back edge of the highway.

Reason - To enable vehicles using the access to stand clear of the highway whilst gates are being opened and closed and to allow parking off street and not causing an obstruction or hindrance to use in the interest of highway safety.

- 5 Prior to the first use of any external lighting/ floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to have been previously submitted to and approved in writing by the Local Planning Authority. The development is to be installed and retained in accordance with the approved details.

Reason - To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

- 6 The proposed development shall not be occupied until such time as the vehicle parking area indicated in drawing number 743/HFC/1, including any parking spaces for the mobility impaired and coaches, has been completed. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

- 7 Prior to first use, warning signs of a design to have been previously agreed in writing with the Local Planning Authority shall be erected on both sides of the public right of way advising drivers that pedestrians may be crossing the access track. The signs are to be retained in accordance with the agreed details.

Reason - In the interests of highway user safety.

- 8 The floodlights shall at no time be operating beyond the hours of 22:00.

Reason - In the interests of the protection of existing neighbouring amenities.

## 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.