

<b>Reference:</b> 22/01513/FUL	<b>Site:</b> Thurrock Lawn Tennis Club Montgomery Close Grays Essex RM16 2RL
<b>Ward:</b> Little Thurrock Blackshots	<b>Proposal:</b> The installation of new low level telescopic LED floodlighting to two existing outdoor tennis courts Nr 1 and 2.

<b>Plan Number(s):</b>		
Reference	Name	Received
2022 CAS 011 TSC 010	Location Plan	10th November 2022
2022 CAS 011 TSC 011	Existing Site Layout	10th November 2022
2022 CAS 011 TSC 013	Proposed Site Layout	10th November 2022
2022 CAS 011 TSC 014	Existing Elevations	10th November 2022
2022 CAS 011 TSC 015	Proposed Elevations	10th November 2022
2022 CAS 011 TSC 022	Proposed Elevations	10th November 2022

The application is also accompanied by:

- Application Form
- Planning Statement dated 10.11.2022
- Design and Access Statement dated 10.11.2022
- LED Lighting Design - PA 07 R1 28102022 dated 10.11.2022
- Existing 3D view - 2022 CAS 011 TSC 016 dated 10.11.2022
- Existing 3D view - 2022 CAS 011 TSC 017 dated 10.11.2022
- Existing 3D view - 2022 CAS 011 TSC 018 dated 10.11.2022
- Proposed 3D view - 2022 CAS 011 TSC 019 dated 10.11.2022
- Proposed 3D view - 2022CAS 011 TSC 020 dated 10.11.2022
- Proposed 3D view - 2022 CAS 011 TSC 021 dated 10.11.2022
- Proposed Lowered 3D view - 2022 CAS 011 TSC 023 dated 10.11.2022
- Proposed Lowered 3D view - 2022 CAS 011 TSC 024 dated 10.11.2022
- Proposed Lowered 3D view - 2022 CAS 011 TSC 025 dated 10.11.2022

<b>Applicant:</b> Thurrock Lawn Tennis Club	<b>Validated:</b> 10 November 2022 <b>Date of expiry:</b> 9 January 2023
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(Extension of Time as Agreed)

**Recommendation:** To Refuse

This application is scheduled for determination by the Council’s Planning Committee because has been Called In for determination by the Council’s Planning Committee by Cllrs Jefferies, Maney, Redsell, Rigby & Thandi to consider light pollution impact, highways and parking impacts, and the neighbour amenity impacts of the proposals.

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 The application seeks permission for the installation of 9 no. telescopic flood light columns with a maximum extended and mounted height of 6.7m, providing 10 LED panel fittings to serve existing tennis courts nos. 1 and 2 at the Thurrock Lawn Tennis Club on Montgomery Close. The telescopic columns could be retracted to a minimum height of 3m and the columns would be finished in a dark green colour.
- 1.2 The existing 3.6m high boundary fencing at the Club is proposed to be replaced with a chainlink fencing of the same height and with green mesh windbreak screening fitted.

**2.0 SITE DESCRIPTION**

- 2.1 The Thurrock lawn Tennis Club is situated at the northern end of Montgomery Close in Grays. The Club is bordered on all sides by residential properties with bungalows on Victoria Avenue to the immediate west, and two storey dwellings to the immediate north on Victoria Close, immediately east on Heath View Road and to the immediate south on Montgomery Close.

**3.0 RELEVANT PLANNING HISTORY**

Application Reference	Description of Proposal	Decision
20/01526/FUL	The installation of new low level LED floodlighting to two existing outdoor floodlit tennis court Nr 1 and 2.	Refused 30.12.2020
03/01369/FUL	Floodlighting for 3 no. Tennis Courts, 6 per court on 6.7 metre high columns	Refused, Appeal - Dismissed
02/01133/FUL	Demolition and rebuilding of club house	Approved
84/00918/FUL	Toilet Extension and Rendering of Existing Building to Match. Plans, Local Planning Authority received 29.10.84.	Approved
78/00449/FUL	Ladies W.C.	Approved
64/00667/FUL	Enclosure of Shelter	Approved
54/00457/FUL	Extension to shelter	Approved

49/00551/FUL Shelter

Approved

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

#### 4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and 3 public site notices which has been displayed nearby. At the time of drafting the report the public consultation period had not yet expired and 55 written responses had been received. Members will be updated at the meeting / reporting any additional comments or material reasons that might affect the recommendation

Twenty (24) comments have been received in support of the application, on the following grounds:

- Much needed amenity at the Club;
- Community needs a thriving tennis Club;
- Facility will provide the only tennis club in Thurrock with the opportunity to play Home league matches which it cannot do at present;
- Club is a great facility for the community and should be supported;
- The Club provides affordable tennis for young people at a reasonable price;
- Courts are regularly used by the over 70s as a good social activity;
- If only opportunity for people is to play in the evenings then it is important they get the chance to do this during winter months;
- Facility helps improve fitness for locals and if lights are installed it will help with people's state of mind;
- Landscaping;
- Tidying site.

Thirty one (31) comments have been received objecting to the application on the following grounds:

- Inaccurate Descriptions / Information on application form;
- Loss of amenity;
- Loss of privacy;
- Light pollution;
- Visual impact;
- Out of Character;
- Noise & disruption;
- Parking, traffic and safety;
- Impacts upon wildlife, particularly bats;

- Property devaluation;
- Commercial Business use;
- Lack of Justification for need;
- Support is not from Local area;
- Proposal is similar to previous refusal & appeal decisions.

#### 4.3 ENVIRONMENTAL HEALTH:

No objections.

#### 4.4 HIGHWAYS:

No objections.

#### 4.5 LANDSCAPE & ECOLOGY ADVISOR:

No objections.

### 5.0 POLICY CONTEXT

#### **National Planning Policy Framework (NPPF)**

5.1 The revised NPPF was published on 20<sup>th</sup> July 2021. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 4. Decision making
- 12. Achieving well-designed places

#### National Planning Practice Guidance (NPPG)

5.2 In March 2014 the former Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Design

- Determining a planning application
- Use of planning conditions

#### Local Planning Policy: Thurrock Local Development Framework (2015)

- 5.3 The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

#### THEMATIC POLICIES

- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)

#### Thurrock Local Plan

- 5.4 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an ‘Issues and Options (Stage 1)’ document and simultaneously undertook a ‘Call for Sites’ exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council’s website and agreed the approach to preparing a new Local Plan.

#### Thurrock Design Strategy

- 5.5 In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

## 6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Background
- II. Principle of the development
- III. Design and layout
- IV. Neighbour and amenity impacts
- V. Traffic impact, access and parking
- VI. Impact on ecology
- VII. Other matters

### I. BACKGROUND

6.2 In both 2003 and 2020 similar planning applications for floodlights were refused (application refs: 03/01369/FUL and 20/01526/FUL). The Council refused application 03/01369/FUL on the grounds that the tall lighting columns by virtue of their height, lighting and visibility during ambient light levels, would result in a loss of amenity to nearby residents, as well a detrimental impact to the visual amenities and character of the area. The 2003 planning application was refused due to concerns that the proposal would enable extended hours of use of the tennis courts resulting in disturbance arising from noise and light associated with the use being extended into the evening hours of darkness which would be harmful to neighbouring amenities.

6.3 The 2003 decision was appealed by the applicant. In dismissing the appeal the Planning Inspector considered that:

*“The floodlights raise concerns about residential amenities because of the appearance of the columns, the additional playing time that would be available and the impact of the lighting. The columns would be obvious from surrounding dwellings and gardens and would harm the visual amenities currently enjoyed by residents. The evening playing hours would be the same in the summer, but any disturbance associated with play or car parking could occur throughout the year after floodlights had been installed. Light spillage could be controlled so that floodlights would not shine directly on to dwellings and gardens, but reflection off the courts would be inevitable and some residents could find this disturbing.*

..and..

*Close proximity of the Club to surrounding development would result in the proposals having a significant impact on residential amenities. On balance, this factor outweighs the benefits the proposals would bring for the wider community.”*

- 6.4 Given the Planning Inspector agreed with the Council's assessment, the appeal on was subsequently dismissed on 29<sup>th</sup> October 2004.
- 6.5 The applicant submitted a very similar follow-up planning application (application ref. 20/01526/FUL) that was refused in December 2020 on the following grounds:
1. *The proposed development would result in a brightly lit area and tall lighting columns visible from nearby streets, failing to respond positively to the character of the surrounding area and creating harm to the wider streetscene and resulting in a loss of amenity of neighbouring properties. The proposal is therefore contrary to policies PMD2, CSTP22, and CSTP23 of the adopted Thurrock Core Strategy and Policies for Development DPD (as amended) 2015 and the national Planning Policy Framework 2019.*
  2. *The proposed development would enable extended hours of use of the tennis courts which would result in detrimental impact upon neighbouring amenity arising from noise, light and additional traffic movements associated with the use being extended into the evening hours of darkness. The proposal is therefore contrary to policy PMD1 of the adopted Thurrock Core Strategy and Policies for Development DPD (as amended) 2015.*
- 6.7 The applicant did not appeal the 2020 decision however both the 2003 and 2020 decisions represent material considerations that needs to be weighed in the balance in this assessment.

## II. PRINCIPLE OF THE DEVELOPMENT

- 6.6 Core Strategy Policy CSTP9 (Well-Being: Leisure and Sports) requires details that the Council support the delivery of a physically active, socially inclusive and healthy community through the provision of high quality sports and leisure facilities. The Policy sets out that the Council will:
- Support the provision of new or improved leisure and sports facilities to address deficiencies identified in the Thurrock Outdoor Sports Strategy, Sports and Active Recreation Strategy and the Community Needs and Open Spaces Study.
  - Ensure that new or improved facilities are in locations that are accessible to the local community and create or improve links to Thurrock's network of green and historic infrastructure, including the Thames riverside.
  - Provide facilities for schools and other institutions which can be linked and shared with the community.

- 6.7 The application would meet these aims of Policy CSTP9 and there would be no in principle objection to the proposals. The proposal would still be required to comply with all other relevant Development Management policies.

### III. DESIGN AND LAYOUT

- 6.8 Policy PMD2 (Design and Layout) of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.
- 6.9 Policy CSTP22 (Thurrock Design) of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.10 The current proposal has maintained much of the design and layout of the floodlight columns as was previously applied for and refused under the most recent application (ref. 20/01526/FUL). The amended proposal still consists of 9 x 6.5 metre high flood light columns to be located entirely within the envelope of the current tennis courts, along with replacement height boundary fencing. Four of the columns would be alongside the perimeter fences, two of which are near to the gardens of the neighbouring houses within Victoria Close and one alongside the neighbouring property in Montgomery Close. Three columns would be next to the clubhouse, which backs onto the gardens of bungalows within Victoria Avenue and two columns in central positions between the courts.
- 6.11 The main difference between the current proposal and the most recent refusal is that the columns upon which the lights would be fitted would be telescopic and thus retractable. The submitted Design and Access Statement confirms that during daylight hours, and whilst the LED lights are not in use, the columns would be retracted to a maximum 3 metres height.
- 6.12 Neighbour comments have been received objecting to the proposed lighting columns, as being unsightly and uncharacteristic for a residential area. Whilst it is acknowledged that the retraction of the flood light columns whilst not in use would lessen the overall visual amenity impact on the surrounding locality, the columns would be at their full height and continue to be visible from the surrounding streetscene when in use, and lit, from the late and ambient afternoons and into the late evenings when the Club is operating. Considering a key concern previously raised by the Inspector, and in the previous refusal, related to the visual amenity and character impact of the lighting columns during times of ambient light and hours of darkness, the amended proposal appears to have done very little to lessen



its impact during these hours. The nine extended and lit 6.5m high columns would continue to appear detrimental to the visual amenities and thereby character of the immediate locality. As such, the proposal fails to respond positively to the character of the surrounding area and represents significant harm to the streetscene, contrary to Policies CSTP22, CSTP23 and PMD2.

#### IV. NEIGHBOUR AMENITY

- 6.13 Policy PMD1 (Minimising Pollution and Impacts on Amenity) of the Core Strategy states that “Development will not be permitted where it would cause unacceptable effects on (i) the amenities of the area; (ii) the amenity of neighbouring occupants; or (iii) the amenity of future occupiers of the site”.
- 6.14 The application details that the proposed LED floodlights would be designed to allow for as little light spillage as possible and would be used on the extended columns during the times set out below.

Floodlights would be used to facilitate evening play ending at:

- 21:00 hours Mon, Tues, weds, Thurs, Fri
- 20:00 hours Sat
- 22:00 hours “No more than once a week for the Club’s Home league matches”

Floodlights would not be used on Sundays.

- 6.15 The above hours replicate the hours applied for under application ref. 20/01526/FUL and were considered to be unacceptable at that time with respect to neighbour amenity and contrary Policy PMD1. There has been little physical development or change to the site and immediate locality since the most recent refusal and, based upon the neighbour comments received, there would appear to be little change in the concerns relating to neighbour amenity impacts. The proposal would result in an extension to the hours at which the courts could be used at the Club into the evenings all year round. Inherent in this is that the columns could facilitate the use of the site at times residents currently do not currently experience any evening use.
- 6.16 The neighbour comments received in objection to the proposal raise concern regarding the potential loss of amenity, impact of light pollution, loss of privacy, noise and disturbance resulting from not only the installation but also the extended hours of use of the courts with the floodlighting facility. The tennis courts are in a position which is completely surrounded by residential dwellings, many of which are bungalows and share a common boundary with the application site. The nearest

residential dwelling on Montgomery Close is some 4 metres from the boundary with the application site and other dwellings bordering the site are within 20-30m of the site boundary.

- 6.17 As with the previously refused schemes (refs. 03/01369/FUL and 20/01526/HHA), the columns would be clearly visible from surrounding dwellings and gardens and would harm the visual amenities during the evening. The application indicates that light spillage could be controlled so that floodlights would not shine directly onto dwellings and gardens, however, reflection off the courts would be inevitable and some residents could find this disturbing, in contrast to the low ambient light levels during hours of darkness. The height and proximity of the proposed lighting columns would create significant harm to the amenity of nearby residential properties as a result of visual intrusion of the columns and glare from the lighting.
- 6.18 The extended hours of use would result in disturbance arising from noise, light and traffic movements associated with the use being extended into the evening hours of darkness. Objections received highlight the fact that there are ongoing impacts due to vehicle movements related to the use of the tennis club, which is accessed predominantly by car.
- 6.19 Notwithstanding the revision to the proposed nine columns being retractable when not lit or in use, for the reasons above, it is considered that the impact of the columns on visual amenity, the extended hours of operation with associated noise and disturbance and impact of the lights on the neighbouring amenity, the proposal would be contrary to policy PMD1 of the adopted Core Strategy.

#### V. TRAFFIC IMPACT, ACCESS AND PARKING

- 6.20 Neighbour objections have been received relating to the increased traffic impacts, parking pressures and risk to pedestrian safety as a result of the extended hours of use linked to the proposals. The Council's Highways Officer has been consulted and has raised no objection to the proposal as there would be no change to the existing parking provision, which serves the club all year round. There is no objection, therefore, that would be considered to be sustainable in relation to parking provision as a result of the application.

#### VI. IMPACT ON ECOLOGY

- 6.21 Comments have been submitted highlighting concern for the impact of the floodlights on local bats, however given the application is within an existing residential area benefitting from street lights it is not considered that there would be sufficient impact to substantiate a reason for refusal on the basis of any impact on bat flight paths.

## VII. OTHER MATTERS

- 6.22 Neighbour objections have been received regarding the potential impact of the development upon property values, however this does not constitute a material planning consideration and as such has no bearing on the determination of this application.
- 6.23 Comments have also been received in relation to the previous refusals (refs. 03/01369/FUL and 20/01526/FUL). These factors have been considered within the assessment of the current proposal, however, all planning applications are determined upon their own merits.
- 6.24 The club has a successful record of providing tennis facilities for the community, including a large youth section and is currently unable to accept new members, therefore the club sees a need to increase playing time. Comments have however been received which question the basis of the community benefit given that the club is used by members only and as such is primarily a commercial business. It is acknowledged that there would be benefits to the community in extending hours of use, however, these benefits should be weighed against any harm to residential amenity and, on balance, the harm to neighbouring amenity outweighs the benefits the proposals would bring for the wider community.

## 7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 Overall, it is not considered that the revised proposal has adequately mitigated the issues and concerns raised within the previous application (ref. 20/01526/FUL) and thus the issues raised are still considered as likely to result in significant harm to the detriment of both the visual amenity and character of the street scene and neighbouring amenity. As such the two refusal reasons under 20/01526/FUL have not been overcome and thus this application is recommended for refusal for these same reasons.

## 8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reason(s):

- 1 The proposed development would result in a brightly lit area and tall lighting columns visible from nearby streets, failing to respond positively to the character of the surrounding area and creating harm to the wider streetscene, and resulting in a loss of amenity of neighbouring properties. The proposal is therefore contrary to policies, PMD2, CSTP22, and CSTP23 of the adopted Thurrock Core Strategy and Policies for Development 2015 and the National Planning Policy Framework 2021.

- 2 The proposed development would enable extended hours of use of the tennis courts which would result in detrimental impact upon neighbouring amenity arising from noise, light and additional traffic movements associated with the use being extended into the evening hours of darkness. The proposal is therefore contrary to policy PMD1 of the adopted Thurrock Core Strategy and Policies for Development 2015.

Informative:

- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

