

**Tunbridge Wells Local Plan Examination -  
Matter 7 (Residential Site Allocations)**  
Statement on behalf of Bellway

May 2022

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**Client**

Bellway Homes Limited

**Our reference**

BELR3032

15 Mar 2022

# 1. Introduction

- 1.1 This Statement provides a response on behalf of Bellway to Matter 7 (Residential Site Allocations) of the Examination into the Tunbridge Wells Borough Local Plan.
- 1.2 In particular, this Statement relates to the following proposed allocations in the draft Local Plan:
- Land North of Hawkenbury Recreation Ground (Policy AL/RTW19);
  - Policy AL/RTW 20: Land at Culverden Stadium, Culverden Down;
  - Policy AL/RTW21 Land at Colebrook Sports Field, Liptraps Lane; and
  - Policy AL/RTW22 Land at Bayham Sports Field West.
- 1.3 Bellway has a legal interest in the land to the north and south of High Woods Lane (Mouseden Farm) on the eastern edge of the built up area of Tunbridge Wells/Hawkenbury which it is promoting for residential led development. The site is separated by High Woods Lane. The area south of High Woods Lane is currently in agricultural use and bordered to the east by woodland, to the south by existing sports uses and to the west by existing residential development. The area north of High Woods Lane is also within agricultural use, with further agricultural uses/woodland to the east and an indoor bowls club and allotments to the west.
- 1.4 The draft Policies Map indicates that the southern part of the land (south of High Woods Lane) is to be designated under Policy AL/RTW19 for new and enhanced sport and recreation provision as part of a new stadia sports hub. The northern part of the land promoted by Bellway is not subject to any other proposed allocations. The draft Policies Map appears to indicate that both parts of the site will continue to be located within the Green Belt and AONB.
- 1.5 The southern part of the land promoted by Bellway (i.e. the land south of High Woods Lane) is subject to a planning permission for recreational uses. That application was submitted by the Borough Council, despite it having no interest in the land. In contrast, Bellway has a legal interest in the land and is promoting this area, as part of a wider site, for residential development. Bellway would be willing to work with the Borough Council to explore opportunities for bringing forward the approved recreational facilities in the area, which residential development on the site could help deliver.

## 2. Statement on behalf of Bellway to Matter 7 of the Tunbridge Wells Local Plan Examination

2.1 The following sets out a response on behalf of Bellway Homes Ltd to matter 7 of the Tunbridge Wells Local Plan Examination in relation to proposed Residential Site Allocations.

### MATTER 7 – RESIDENTIAL SITE ALLOCATIONS

#### ISSUE 1 – ROYAL TUNBRIDGE WELLS AND SOUTHBOROUGH (POLICIES STR/RTW1 AND STR/SO1)

##### AL/RTW19 – Land North of Hawkenbury Recreation Ground and AL/RTW20 – Land at Culverden Stadium

#### Q40. What is the purpose and justification for the allocation? Is it sufficiently clear to users of the Plan?

2.2 In our submission, Policy AL/RTW 19 is not sufficiently clear. It states that the site is “allocated for new and enhanced sport and recreation provision as part of a new stadia sports hub, to include standing/seating for supporters, other ancillary structures, and increased parking provision”.

2.3 The LPA has granted itself planning permission for the following development: *“Change of use of land to expand the existing recreational facilities through the provision of additional sports pitches, together with associated access, car parking provision, ‘ball stop’ fencing, changing rooms and ground works”*.

2.4 It is therefore unclear as to whether the AL/RTW19 site is expected to accommodate a stadium (given the expectation for a ‘new stadia sports hub to include standing/seating for supporters as those elements do not form part of the scheme granted under reference 21/00300/FULL).

2.5 Since this question raises the issue of whether the Policy is justified, we refer to the findings of the Playing Pitch Strategy 2017 (document 3.88g) which states:

- 3.7 - “There currently is an oversupply of adult pitches and an under supply of junior 11 v 11 and junior 9 v 9 pitches. All adult 11 v 11 match equivalent sessions are played on secured community use sites.”
- 3.8 - Tunbridge Wells Borough Council would like to remove some current sites as playing fields for housing development or just to leave as open space and provide new and better sports hubs across the borough. These new hubs will provide grass pitches where possible and 3G rubber crumb pitches where space is limited”

2.6 It therefore appears as though part of the justification for the loss of facilities, as expressed in the Local Plan evidence base is that TWBC “would like” to remove them for housing development. That does not make the replacement of those facilities

necessary. This point is brought into sharper focus when it is noted that TWBC is the owner of a number of those sites to be lost (but not in control of its replacement solution).

**Q41. How does the scheme approved under planning permission Ref 21/00300/FULL relate to the proposed allocation, which is dependent upon the relocation of Tunbridge Wells Football Club from the Culverden Stadium (site allocation AL/RTW20?)?**

2.7 At the outset, we reiterate that Bellway has a legal interest in the land to the north and south of High Woods Lane (Mouseden Farm) on the eastern edge of the built up area of Tunbridge Wells/Hawkenbury which it is promoting for residential led development. The site is separated by High Woods Lane. The area south of High Woods Lane is currently in agricultural use and bordered to the east by woodland, to the south by existing sports uses and to the west by existing residential development. The area north of High Woods Lane is also within agricultural use, with further agricultural uses/woodland to the east and an indoor bowls club and allotments to the west.

2.8 The land to the south of High Woods Lane is proposed to be designated under Policy AL/RTW19 – Land North of Hawkenbury Recreation Ground.

2.9 In 2017 Tunbridge Wells Borough Council itself submitted an application in relation to the land south of High Woods Lane. This application (17/03232/FULL) proposed the following development:

*“Change of use of part of land to expand existing recreational facilities through provision of additional sports pitches, together with associated access, car parking provision, 'ball stop' fencing, changing room facilities and other works”*

2.10 Application 17/03232/FULL was granted on 20th December 2017 and the permission was subject to a standard condition that development shall be begun before the expiration of 3 years from the date of the decision. The permission is also subject to a number of conditions which require details to be approved prior to the commencement of development. TWBC never made any submissions to discharge those conditions.

2.11 Despite the fact that the Applicant continued to have no control over the land, an application (21/00300/FULL) was submitted in January 2021 and then granted in April 2021 for the following development:

*“Change of use of land to expand the existing recreational facilities through the provision of additional sports pitches, together with associated access, car parking provision, 'ball stop' fencing, changing rooms and ground works”*

2.12 The application was granted despite the fact that there were numerous outstanding concerns (for example in relation to highways matters) as well as a lack of any information which showed the actual form of built structures and any information to assess the impact of the development on the AONB and Green Belt and no Flood Risk Assessment (despite the site being larger than 1 hectare in size. Representations were submitted to that application on behalf of Bellway and are included at **Appendix 1**. The proposed masterplan, showing the facilities to be provided is included at **Appendix 2**.

- 2.13 It is clear from the application form that the Borough Council, as Applicant, did not control the land required to deliver the abovementioned developments upon the granting of planning permission.
- 2.14 We note that criterion 1 of Policy AL/RTW19 does state that “development is dependent on the football stadium relocating from the current Culverden Stadium subject to allocation Policy AL/RTW20.
- 2.15 As we have already noted, the permission (21/00300/FULL) for allocation AL/RTW19 does not provide for a stadium and so criterion 1 of the Policy is not feasible without:
- A different planning permission for site AL/RTW19 which does provide for a new sports stadia (which should then be subject to separate assessments as to its impact); or
  - The provision of a new sports stadia elsewhere – however we note that there are no allocations/permissions to achieve this (and if there were, they should then be subject to separate assessments as to its impact).

**Q42. How will the relocation of Tunbridge Wells Football Club be achieved? Are the allocations deliverable, and thus, is the Plan effective?**

- 2.16 TWBC has no legal interest in the land south of High Woods Lane subject to allocation AL/RTW/19 and Bellway maintains that the allocation is not deliverable ad the Plan is not effective).
- 2.17 Policy AL/RTW19 is clear that “Development is dependent on the football stadium relocating from the current Culverden Stadium subject to allocation Policy AL/RTW 20”.
- 2.18 Criteria 2 and 3 of Policy AL/RTW20 relate to the Culverden Stadium site and state:
- “2. Planning permission shall only be granted on this site subject to planning permission having been granted for a suitable alternative sporting facility at another site;*
- 3. Implementation of planning permission granted for the development of this site shall occur only once the provision of the alternative sporting facility is operational, or will be operational in time for the start of the following football season”*
- 2.19 No planning permission has been granted (or submitted) which provides for a sports stadia development as envisaged in Policy AL/RTW19.
- 2.20 We have not been able to identify any evidence to the Local Plan which confirms the scheme at site AL/RTW19 would satisfactorily serve the needs of Tunbridge Wells FC (who we understand occupy the Culverden Stadium site). As such there is no evidence to suggest that this represents the “*suitable alternative sporting facility at another site*” as required by Policy AL/RTW20. In fact, as we explain below, there is clear evidence to suggest that the permission granted by TWBC at site AL/RTW19 is not the suitable alternative sporting facility as envisaged by Policy AL/RTW20(2)
- 2.21 At this point we refer to the Committee Report in relation to application 21/00300/FULL and which is contained at **Appendix 4**. That Committee Report address

comments made by KCC Highways (see our response to Q45 for further commentary in that regard) and states:

*“KCC Highways*

*7.16 (16/03/21) - It is disappointing that the applicant has not taken into account the advice provided during the pre-app process in September last year. Therefore additional information is required in order to assess this application. (Officers’ Note: the pre-application advice referred to by KCC relates to a materially different proposal on this site, being the development of the Football Centre of Excellence that is proposed to be allocated within the Pre-Submission Local Plan under Policy AL/RTW 19. That allocation includes a sports stadium and other ancillary uses, which this planning application does not. The pre-app did not relate to the scheme currently before Members which is of a smaller scale and lower intensity of use and is a resubmission of the extant planning permission).“*

- 2.22 Our interpretation of that extract from the Committee Report is that pre-application advice had been sought for a Football Centre of Excellence that was to be allocated in the Pre-Submission local Plan under Policy AL/RTW19. The Report explains that it is that allocation which was to include a sports stadium and other ancillary uses, which application 21/00300/FULL does not provide.
- 2.23 The Council’s ‘Infrastructure Delivery Plan’ (2021) (document 3.71) includes an Infrastructure Delivery Schedule at Appendix 1. That refers to *“Expansion and enhancements to Hawkenbury Recreation Ground and new sporting facility as a new sports hub”* which we take to be site allocation AL/RTW19. The timing of this infrastructure is said to be ‘short/medium’ and the document indicates that it is to be funded through *“Developer Funding (IL/S106)”*.
- 2.24 As far as we can establish, there is no indication as to when that funding would become available and which sites funding would be sought from. Furthermore, there is no analysis as far as we can tell as to whether such S106 contributions would satisfy the CIL Regulation 122(2) requirements in relation to planning obligations. In fact, we question whether those requirements could be satisfied when there are existing facilities in the Borough being redeveloped for housing, in order to justify allocation AL/RTW19.
- 2.25 Furthermore, we have commented on several occasions that the nature of the use envisaged at site allocation AL/RTW19 is far from clear. It is unsurprising therefore that the Infrastructure Delivery Plan indicates that its ‘indicative cost’ is ‘TBC’.
- 2.26 Notwithstanding these points, AL/RTW20 should not be seen as being a deliverable solution until such time as there is an appropriate replacement facility. There is no clarity as to what that is, but if it is a stadium facility (as per TWFC’s existing site), there is no scheme for that (and in fact TWBC has granted permission for a scheme which does not provide a stadium).

**Q43. Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?**

2.27 Whilst Bellway object to Policy AL/RTW19 and the nature of the use proposed there, they do agree that the Site should be removed from the Green Belt.

**Q44. Does site allocation AL/RTW19 represent major development in the AONB, and if so, is it justified? How have the effects of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?**

2.28 Bellway have long maintained that the LPA (as planning authority and Applicant) did not properly consider the impacts of the development when considering application 21/00300/FULL. Despite the location of the Site within the AONB and Green Belt, the application was not accompanied by any material to consider its impact on those designations.

2.29 We refer to the representations submitted in response to that application on behalf of Bellway and are included at **Appendix 1**.

2.30 We note that the LPA's 'AONB Setting Analysis Main Report' (Document 3.95) does consider site allocation AL/RTW19, however that report was prepared before the submission of application 21/00300/FULL and so does not reflect what was actually proposed at the time. Furthermore, given the uncertainties over what site allocation AL/RTW19 should provide (given its wording, and the wording of Policy AL/RTW20(2)) and whether that has been properly considered in document 3.95.

**Q45. What 'localised widening and highway improvements' will be required to facilitate the proposed new stadium? Is High Woods Lane suitable for a new football stadium and sports hub?**

2.31 Bellway also welcome clarification as to what is proposed in this regard. There are no details of works (other than a new access) shown on the application masterplan at **Appendix 2**. We also refer to the comments made by KCC Highways during the determination of application 21/00300/FULL which are contained at **Appendix 3** and which states:

*"The TS states that the access to the proposal site is from the private section of High Woods Lane. The interest of the Highway Authority is therefore regarding the impact of the development on the local network, and the safety issues that may arise on the nearby residential roads as a result of inadequate parking. The applicant has not yet addressed either of these issues adequately.*

*The TS states in para 2.11: There will need to be some localised widening of the lane to allow for two cars to pass easily. Can the applicant please provide a plan showing where this widening is proposed, and a RSA1 please. Ideally the whole length of High Woods Lane should be safety audited based on the proposed changes to the road width and the increase in traffic along here.*

2.32 So far as we have been able to establish, the Applicant (TWBC) did not provide clarification on either of those two points before it determined the application.

2.33 As a consequence, there is no clarity over the extent to which localised widening and highways improvements will be required.



- 2.34 It should also be noted that the wording of the Inspector’s question also raises a fundamental point which we address elsewhere – what is actually proposed? Is it a stadium (as per the Inspector’s question and policy), or is it the development which the LPA has granted permission for and which, if either of those, represents the scheme required by Policy AL/RTW(2).

**Q46. What level of car parking will be required to serve the proposed new stadium and where will this be provided?**

- 2.35 This Inspector’s question again raises a fundamental point which we address elsewhere – what is actually proposed? Is it a stadium (as per the Inspector’s question and policy), or is it the development which the LPA has granted permission for and which, if either of those, represents the scheme required by Policy AL/RTW(2).

- 2.36 The matter of parking provision was raised in KCC’s response to application 21/00300/FULL (**Appendix 3**) which states:

*“The Transport Statement refers to 65 parking spaces, yet the masterplan shows 65 spaces plus 15 spaces on grass-mesh. Could the applicant please confirm which of these is correct and update accordingly. Please note that these are the spaces within the red line plan: the 30 spaces adjacent to Hawkenbury Pavilion cannot be assumed as being for the exclusive use of this proposal when games are being played.”*

- 2.37 Clearly, whatever level of parking is required is contingent upon the actual nature of the use.

**Q47. Can approximately 30 dwellings be achieved on the site of the existing football ground, having particular regard to the presence of protected trees and wildlife habitats?**

2.38

**AL/RTW21 – Colebrook Sports Field, Liptraps Lane**

**Q48. Policy AL/RTW21 requires the provision of a replacement playing pitch before development can commence. Where will the replacement pitch be provided and how will it be delivered?**

- 2.39 We agree that there is no clarity as to the location of the replacement pitch.

- 2.40 If the replacement pitch is to be at site allocation AL/RTW19 then we refer to our previous comments in relation to the deliverability of that proposal.

**Q49. How has existing on-site wastewater infrastructure been considered? Is the allocation deliverable?**

- 2.41 No comments.

**AL/RTW22 – Land at Bayham Sports Field**

**Q50. How will the site be accessed and how will the allocation promote the use of sustainable modes of transport such as walking and cycling?**

- 2.42 No comments.

**Q51. Policy AL/RTW22 requires the provision of a replacement playing pitch before development can commence. Where will the replacement pitch be provided and how will it be delivered?**

2.43 We agree that there is no clarity as to the location of the replacement pitch.

2.44 If the replacement pitch is to be at site allocation AL/RTW19 then we refer to our previous comments in relation to the deliverability of that proposal.

**Appendix 1: Bellway's representations to  
21/00300/FULL**

3 March 2021

Delivered by email

Development Management  
Tunbridge Wells Borough Council  
Town Hall  
Royal Tunbridge Wells  
Kent  
TN1 1RS

Ref: BELR3032

Dear Sir / Madam

**LAND ADJ TO ROYAL TUNBRIDGE WELLS DISTRICT INDOOR BOWLS CLUB LTD HIGH WOODS LANE ROYAL  
TUNBRIDGE WELLS KENT TN2 4TU**

**PLANNING APPLICATION REFERENCE: 21/00300/FULL**

We write on behalf of our client, Bellway, to submit representations in objection to the abovementioned planning application which seeks permission for the following development:

*"Change of use of land to expand the existing recreational facilities through the provision of additional sports pitches, together with associated access, car parking provision, 'ball stop' fencing and ground works."*

In our view, and for the reasons explained below, this application is highly deficient.

## **Background**

A similar form of development was permitted by the Borough Council under reference 17/03232/FULL on 20<sup>th</sup> December 2017. However that permission was subject to a condition stipulating that the development shall commence before the expiration of 3 years from the date of the decision. We note the content of the Planning Statement submitted with the latest application, however as far as we are aware, no applications for the approval of details reserved by conditions and therefore no attempts to implement that permission have been made.

As the Borough Council will be aware, Bellway has a legal interest in the land to the north and south of High Woods Lane (Mouseden Farm) on the eastern edge of the built up area of Tunbridge Wells/Hawkenbury which it is promoting for residential led development. That position was most recently set out in representations on the draft Local Plan submitted in November 2019, and in the representations submitted by Turley on behalf of Bellway to application 17/03232/FULL. Furthermore, the site had previously been promoted to the Council as a possible site for housing.

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## Delivery

The land promoted by Bellway includes that which is subject to application 21/00300/FULL and the original permission granted under reference 17/03232/FULL.

As with the previous application, it is clear that the Applicant does not control the Application Site as Certificate B has been completed. However, neither this application, nor the previous application, has been submitted with the **express consent of the landowner** and even if planning permission was granted, clearly it cannot be implemented without their authority. Some initial discussions have taken place between the Council and the landowner's agent, with an offer for the land submitted. The offer was rejected as the landowners are not looking to dispose of the land unless residential development has been obtained.

Although it is recognised that an application can be submitted on land outside of an applicant's control, this application purports to facilitate the expansion of recreational facilities on land that **the Council is not in a position to deliver.**

## Form of Development

As with the original application, this current proposal seeks a change of use of the land. However it is clear from the Planning Statement that it is really envisaged as an application for outline consent. The Planning Statement sets out that the purpose of the application is *"to establish the principle of the change of use, with a further detailed application to address more detailed matters."* The Planning Statement also sets out that *"At this stage, the planning application is for establishing the principle of the change of use. The submitted drawings are illustrative of the potentials."*

**As the LPA will be aware, an outline permission cannot be granted for a change of use.**

In any event we do not consider that this proposal should properly be described as a change of use. It is clearly for more than that, given then proposal to introduce built form and to undertake a myriad of other works.

Our suggestion that the application seeks outline permission is also supported by the Masterplan itself. For example that drawing shows the 'Footprint of associated changing facilities'. There is no indication of the scale of that building or its intended form or appearance. The lack of detail in relation to that building, and other similar elements of the proposals, means that the LPA cannot undertake a rigorous analysis of the proposals against the key issues of landscape (including the AONB and other designations); Green Belt openness, highways and access or ecology for example.

In any event it is clear from the Planning Statement submitted with this application that a significant range of issues are still to be addressed including:

- External lighting
- Noise impact assessment
- Travel plan
- Vehicle parking
- Ground levels
- Ball-stop fencing and boundaries
- Arboriculture and ecology

- Landscape and visual impact assessment

A number of these issues are not technical matters, but go to the very heart of whether permission should be granted for the proposed development. For example:

- Without the Noise Impact Assessment, how can the LPA determine whether the scheme would have an unacceptable impact on nearby receptors, including residential properties.
- Without the arboricultural information, how can the LPA determine whether the scheme would have an unacceptable impact on trees, particularly those on the eastern and western boundaries. We note that the Masterplan shows areas of parking adjacent to the western tree boundary, but the application provides no material to consider the impact of this relationship. Similarly, the lack of any detailed access proposals (including the associated visibility splays) means that the impact of that aspect cannot be properly considered in relation to trees, or the existing hedgerow.
- Whilst we note that the application is accompanied by a Preliminary Ecological Appraisal (PEA), it is clear from that document that the PEA has been undertaken without accessing the site (paragraphs 2.6.2 and 4.2.5 refers). Furthermore, the lack of evidence and detail submitted with the application means that where the PEA does reach conclusions, these should not be relied upon. For example, various ecological features, including Ancient Woodland and the adjacent Local Wildlife site are identified, but as things stand, the LPA has no details on proposed lighting and so the basis of the PEA conclusions must be disputed. Furthermore the PEA identifies suitable habitat for a number of species, including Great Crested Newt. There is no additional survey data and the lack of evidence and detail submitted with the application must be that the PEA conclusions in that sense are disputed. Similarly, the lack of any detailed access proposals (including the associated visibility splays) means that the impact of that aspect cannot be properly considered in relation to trees, or the existing hedgerow and that then raises concerns regarding tree T1 as identified in the PEA given the elevated importance that this tree may have from an ecological perspective.
- The application is not supported by an LVIA. This is an omission of fundamental concern given the location of the site within the AONB (Policy ENV26), and the Kent Special Landscape Area (Policy EN27)

The proposed development is within the Green Belt and we set out various considerations below:

- Paragraph 145 and 146 of the NPPF 2019 confirms that “the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport) may be an exception to the definition of inappropriate development in the Green Belt.
- Paragraph 146 explains that “Certain other forms of development are also not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.” One of those exceptions is a material change of use of the land such as for outdoor sport or recreation.
- However in this case, there is a fundamental issue of concern which arises from the limited detail within the submission (for example in relation to the groundworks and changing room building). There is no assessment as to the impact of the proposal on the openness of the Green Belt, but even if there were, the limited detail means that the assessment would not be able to properly address the requirement of paragraphs 145 or 146 of the NPPF.

The Site is significantly in excess of 1 hectare in size, yet the application is not accompanied by a Flood Risk Assessment. The only material submitted in this sense is a 'Drainage Statement', but in reality that is an email from Monson Engineering Ltd which makes claims in relation to flood risk and drainage, none of which is supported by technical evidence or justification. For example, that email states that "The proposal will not increase the risk of flooding on the site or elsewhere". That claim cannot be substantiated without the detailed evidence.

We note that the application is accompanied by a Traffic Statement, but not by any explanation as to the proposed access (including its visibility splays), the adequacy of the proposed parking provision (but quantitatively (is there enough/too much) and qualitatively (are the spaces large enough, is there sufficient turning space, including for coaches).

The application does not include any material in relation to the impact of the proposals on archaeology. However the draft Local Plan (Regulation 18, November 2019) states "There is an area of archaeological potential on the site and adjacent to it." It is clear that the proposals have the potential to impact on archaeological resources in a number of ways, for example through the groundworks associated with the access, parking and the changing room building, but also through the potential changes to ground levels. The application does not provide an analysis of its potential impacts.

In addition to the above, we note that it is not possible to calculate the size of the proposed parking spaces. As such, we suggest that the LPA cannot rigorously consider whether appropriate provision is made in that regard.

Notwithstanding the issues we highlight above, we note that the nature of the application, as described by the description of development does not reflect what is proposed. There is no reference in the description to a changing room building for example. In our submission it is not sufficient to propose a change of use, not refer to any buildings as part of the description and to secure the details of that building by condition. That was the approach adopted in the original permission, but in our view it is flawed. That is just one such example of the flawed nature of the application.

Even if the Applicant's approach of seeking to establish the principles of the development (with detailed proposals to follow is appropriate (a point we contend with), it is abundantly clear that this application does not provide the information for the LPA to form that conclusion.

In addition to the concerns set out above, we note that the Masterplan refers to 'Proposed additional parking' on land south of and outside of the application site that cannot be delivered by this application and as far as we can tell from the Council's website, no such permission has been granted.

## Emerging Policy

As is referred to in the application material, this site is a proposed allocation in the emerging Local Plan under Policy AL/RTW23 for a new sports hub to include standing/seating for supporters and other ancillary structures. The draft Policy states that development on the site shall accord with a number of requirements. The following table sets these out and provides a response as to why the LPA should not conclude that the requirement has been satisfied:

| Requirement   | Response   |
|---|--|
| 1. Development shall contribute to substantial improvements to local road junctions and crossings within the immediate area, and to other traffic or sustainable transport measures; to include the junctions of Pembury Road with Halls Hole Road and with Sandown Park (see Policies TP1: Transport | There is no material within the application to demonstrate how the proposal will contribute to substantial improvements to the local road junctions and crossings within the immediate area, and to other traffic or sustainable transport |

|   |  |
|---|--|
| Assessments, Travel Plans, and Mitigation and TP2: Transport Design and Accessibility);   | measures; to include the junctions of Pembury Road with Halls Hole Road and with Sandown Park  |
| 2. Regard will be given to existing hedgerows and mature trees onsite, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment (see Policy EN 14: Trees, Woodlands, Hedges, and Development and criterion 3 of Policy EN 1: Design and other development management criteria); | The application lacks the detailed material required in order to fully understand the proposal. However even if the detailed plans were available, there is no arboricultural information and no LVIA.     |
| 3. The provision of improved cycle and pedestrian linkages (see Policy TP 2: Transport Design and Accessibility);   | There is no material with the application to demonstrate how the scheme would lead to improved cycle and pedestrian linkages.  |
| 4. The provision of improvements to the environmental quality and accessibility of land within the site, including through opportunities to provide increased accessibility and net gains to biodiversity (see Policy EN 11: Net Gains for Nature: biodiversity);   | Whilst the application is supported by a Preliminary Ecological Appraisal, we set out elsewhere the reasons why this should not be relied upon. In any event, the application lacks the detail required to |
| 5. The proposal will need to provide a scheme for lighting that is in accordance with the requirements of Policy EN 10: Outdoor Lighting and Dark Skies.  | There is no evidence submitted with the application to demonstrate that this criterion could feasibly be met.  |

For the reasons we set out above, we do not consider that the LPA is in a position to determine that the proposal accords with Policy AL/RTW23 in any respect.

## Need

We note that the application material refers to the perceived need for this development. However we note that permission was granted for the development more than 3 years ago and no attempts were made as far as we can establish to discharge the pre-commencement conditions and allow the scheme to proceed. In Bellway's submission, if the need for the development is genuine, necessary and in the public interest, then the previous permission would have been implemented by now.

Furthermore, the current application seeks consent subject to a five year period for implementation. If that is accepted by the LPA, then it is feasible that a period of around 8 years will have been spent since the submission of the original application. Even allowing for the complexities referred to in the Planning Statement, it seems counterintuitive for there to be period of around 8 years for the delivery of this development when the Applicant claims that it is needed. If it is needed then that suggests the Applicant should prioritise its delivery.

Fundamentally, if the Applicant considers that this facility is necessary then it is perverse that it has elected to propose a site which it does not control and which could only be delivered through the lengthy and costly CPO process.



We note that the application material identifies the following considerations in relation to the need for the development, alongside our response to each point:

| Applicant's Case on Need   | Response   |
|--|--|
| The Tunbridge Wells Borough Councils Sports Strategy (Playing Pitch Strategy) identifies the corporate aim to provide sports hubs across the borough, which will include enhanced sports and recreation facilities serving a wider catchment area. | That point does not explain the need for this proposal specifically.   |
| The draft plan indicates that development contributions, either in kind (land) or financial, will be sought from residential and commercial schemes to help fund the delivery of this site allocation  | We cannot find any reference in the draft Local Plan to contributions, either in kind (land) or financial, being sought from residential and commercial schemes to help fund the delivery of this site allocation  |
| the Infrastructure Delivery Plan (IDP) for Tunbridge Wells, identifies the need for new enhanced and expanded provision and sporting facility at Hawkenbury, as well as improvements to existing facilities at Hawkenbury.                         | It is correct that the IDP identifies that this facilities is to be funded through developer contributions, however there is no analysis to demonstrate whether that funding is sufficient (which may be a consequence of the detailed scheme not having been submitted) |
| The Kent FA Local Football Facility Plan (LFFP) has identified a sports hub at Hawkenbury as one of its priority projects for the county.  | There is no evidence submitted with the application to support this claim.   |

### **Bellway's Proposed Provision**

Notwithstanding the comments set out above, Bellway's representations on the Local Plan have demonstrated how it could deliver recreation uses in association with new housing. Accordingly, if the Council were to support Bellway's proposals then this could deliver the proposed sports pitches, in contrast to the Applicant's current approach which does not.

### **In particular, Bellway's proposal would deliver the sports pitches at no cost to the public purse.**

We note that Tunbridge Wells Borough Council is in the process of preparing a new Local Plan and Bellway's representations set out specific concerns regarding the suitability and deliverability of proposed allocations. It would appear premature to seek to sterilise land adjoining the settlement at this time when the Council should be reviewing all opportunities to provide new homes in sustainable and deliverable locations.

## Summary

We would be very happy to discuss Bellway's interest in this land and their proposals in greater detail.

Yours sincerely

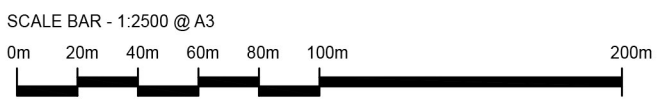
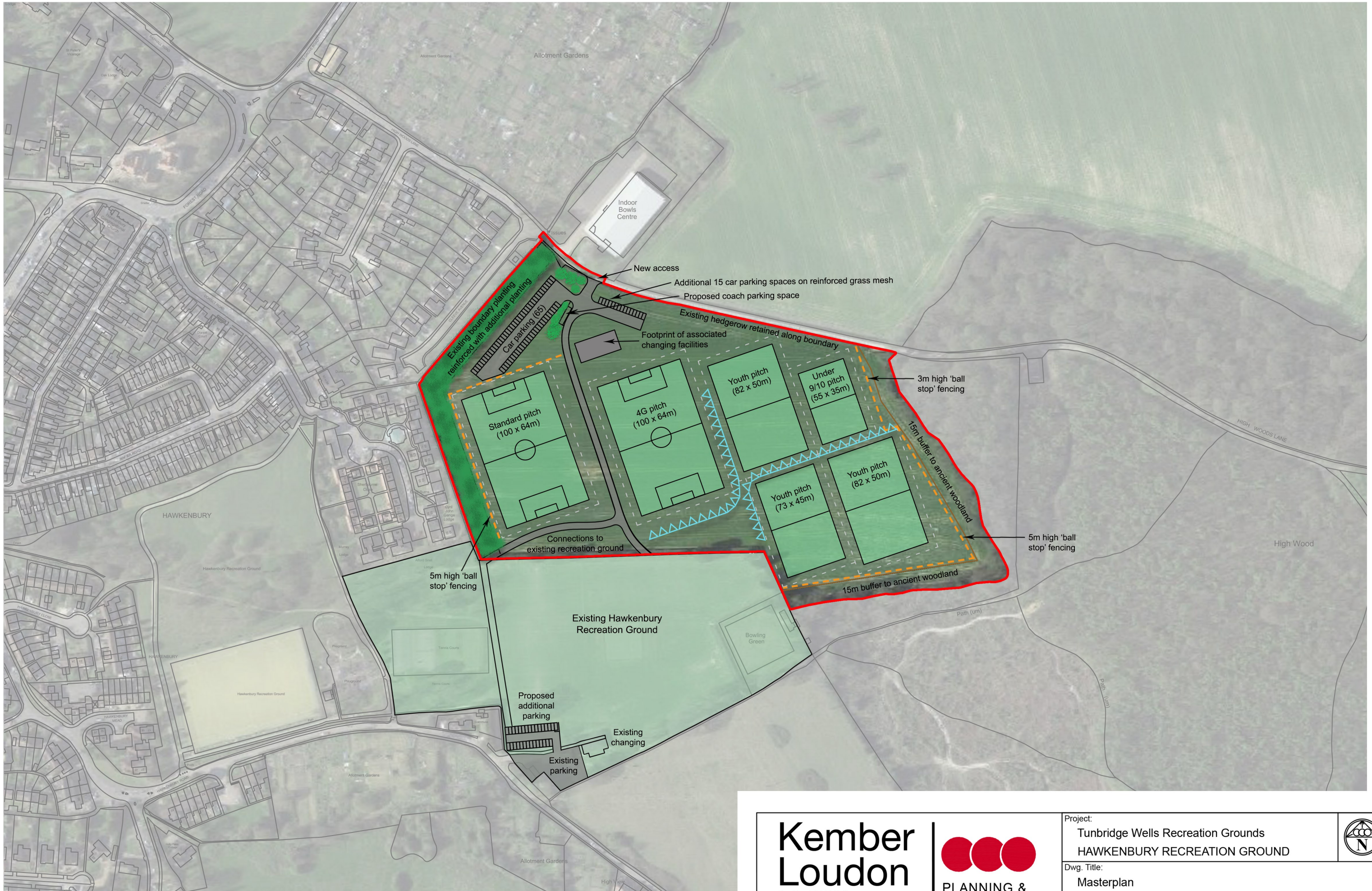


David Murray-Cox

**Director**

david.murray-cox@turley.co.uk

**Appendix 2: 21/00300/FULL Application  
Masterplan**



**Kember  
Loudon  
Williams**



**PLANNING &  
DEVELOPMENT  
CONSULTANTS**

T: 01892 750018 E: enquiries@klw.co.uk W: www.klw.co.uk  
Ridgers Barn, Bunny Lane, Eridge, Nr Tunbridge Wells, Kent, TN3 9HA  
VAT Registration Number 509 95 95 95. Registered in England No: 04996123 at the above address.

Project:  
Tunbridge Wells Recreation Grounds  
**HAWKENBURY RECREATION GROUND**



Dwg. Title:  
Masterplan  
**FOR PLANNING PURPOSES ONLY**

Scale: 1:2500 @A3 Date: September 2017

Drawn by: CWJ

Dwg: 00/000/01

Rev. C

Project Manager: CS

**Appendix 3: Comments made by KCC Highways  
during the determination of  
application 21/00300/FULL**



**Tunbridge Wells Borough Council**

**Highways and Transportation**

Ashford Highway Depot

4 Javelin Way

Ashford

TN24 8AD

**Tel:** 03000 418181

**Date:** 16 March 2021

**Application - TW/21/00300/FULL**

**Location - Land Adj To Royal Tunbridge Wells District Indoor Bowls Club Ltd, High Woods Lane, Royal Tunbridge Wells, Kent, TN2 4TU**

**Proposal - Change of use of land to expand the existing recreational facilities through the provision of additional sports pitches, together with associated access, car parking provision, 'ball stop' fencing and ground works**

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

It is disappointing that the applicant has not taken into account the advice provided during the pre-app process in September last year. Therefore additional information is required in order to assess this application.

The Transport Statement refers to 65 parking spaces, yet the masterplan shows 65 spaces plus 15 spaces on grass-mesh. Could the applicant please confirm which of these is correct and update accordingly. Please note that these are the spaces within the red line plan: the 30 spaces adjacent to Hawkenbury Pavilion cannot be assumed as being for the exclusive use of this proposal when games are being played.

The TS states that the access to the proposal site is from the private section of High Woods Lane. The interest of the Highway Authority is therefore regarding the impact of the development on the local network, and the safety issues that may arise on the nearby residential roads as a result of inadequate parking. The applicant has not yet addressed either of these issues adequately.

The TS states in para 2.11: There will need to be some localised widening of the lane to allow for two cars to pass easily. Can the applicant please provide a plan showing where this widening is proposed, and a RSA1 please. Ideally the whole length of High Woods Lane should be safety audited based on the proposed changes to the road width and the increase in traffic along here.

There is reference to the Borough Council being able to control the booking process to limit the number of pitches being used at once. How can this be guaranteed if there are overflow parking issues? If TWBC cannot be conditioned to limit bookings to an agreed level (or in reaction to traffic/parking issues that may arise), the worst case scenario must be assessed, which would be that all 6 pitches are in use at once. The number of participants is clearly listed in Appendix B which is helpful. This predicts up to 160 players across all 6 pitches. With 80 parking spaces (applicant to confirm) available, the assumption that 59 cars/108 trips can be assessed as a maximum seems unlikely. A more robust assessment would

be 80 cars/190 trips. The narrowness of High Woods Lane (owing to unrestricted on street parking) is therefore a concern, and the applicant should provide analysis to illustrate how this would work on a match day – including how road widening referred to in the TS would improve the situation.

The applicant states that the pitches will be used at weekends with the busiest time being Sunday morning/lunchtime. Will the pitches be used in the after school/PM peak during weekdays? At pre-app, I asked that trips be added to the local road network through a transport model to better understand the impact of this proposal. Confirmation of when the pitches will be in use, and whether TWBC are able to limit the use through condition is required before this can be ruled out. It is possible that the network PM peak needs to be modelled and assessed if the pitches are to be used at this time. Weekend assessments may also be required. The Halls Hole Road/A264 Pembury Road is a particularly sensitive junction on the network and additional trips from this site may require assessment to understand the impact here and possibly elsewhere.

I note that the comments from the TWBC Parking Services team of 10<sup>th</sup> March reflect similar concerns.

Yours faithfully

**Vicki Hubert**

Principal Transport & Development Planner

**Appendix 4: Committee Report in relation to  
application 21/00300/FULL**



## REPORT SUMMARY

|   |
|---|
| <p><b>REFERENCE NO – 21/00300/FULL</b></p>  |
| <p><b>APPLICATION PROPOSAL</b></p> <p>Change of use of land to expand the existing recreational facilities through the provision of additional sports pitches, together with associated access, car parking provision, 'ball stop' fencing, changing rooms and ground works</p>   |
| <p><b>ADDRESS</b> Land Adjacent to Royal Tunbridge Wells District Indoor Bowls Club Ltd High Woods Lane Royal Tunbridge Wells Kent TN2 4TU</p>  |
| <p><b>RECOMMENDATION</b> to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation)</p>  |
| <p><b>SUMMARY OF REASONS FOR RECOMMENDATION</b></p> <ul style="list-style-type: none"> <li>• The proposal would result in the delivery of additional playing fields on land allocated for this purpose within the Site Allocations Local Plan (July 2016).</li> <li>• There is an extant planning permission on this site for the same development (using identical plans) which expires on 1 May 2021 (ref:17/03232/FULL);</li> <li>• The proposal would not cause a significantly harmful impact towards the Area of Outstanding Natural Beauty (AONB).</li> <li>• The changing facilities and operational development plus the engineering operations which would be undertaken as part of the proposal are considered to comply with Development Plan and NPPF Green Belt (GB) policy, and there are considered to be Very Special Circumstances which outweigh the very limited harm associated with the proposed development;</li> <li>• Ecological impacts are limited and can be addressed by a scheme of mitigation and enhancement by condition;</li> <li>• The development would not cause significant harm to the neighbouring residential amenity spaces.</li> <li>• The traffic movements generated by the development can be accommodated without detriment to highway safety, the residual cumulative impacts on the road network would not be severe;</li> <li>• The proposal would not have an adverse impact on the character and visual amenities of the street scene.</li> <li>• Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.</li> </ul> |
| <p><b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b></p> <p>The following are considered to be material to the application:</p> <p><b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):</b> N/A</p> <p><b>Net increase in numbers of jobs:</b> N/A</p> <p><b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> N/A</p> <p>The following are not considered to be material to the application:</p>   |

|   |  |   |          |
|---|--|---|----------|
| <b>Estimated annual council tax benefit for Borough:</b> N/A                                  |  |   |          |
| <b>Estimated annual council tax benefit total:</b> N/A  |  |   |          |
| <b>Estimated annual business rates benefits for Borough:</b> N/A                              |  |   |          |
| <b>REASON FOR REFERRAL TO COMMITTEE</b>   |  |   |          |
| The applicant is Tunbridge Wells Borough Council  |  |   |          |
| <b>WARD</b> Park  | <b>PARISH/TOWN COUNCIL</b><br>N/A  | <b>APPLICANT</b> Tunbridge Wells Borough Council<br><br><b>AGENT</b> Kember Loudon Williams |          |
| <b>DECISION DUE DATE</b><br>29/04/21  | <b>PUBLICITY EXPIRY DATE</b><br>17/03/21   | <b>OFFICER SITE VISIT DATE</b><br>13/10/17, 24/11/17, 24/02/21                              |          |
| <b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> |  |   |          |
| 17/03232/FULL   | Change of use of part of land to expand existing recreational facilities through provision of additional sports pitches, together with associated access, car parking provision, 'ball stop' fencing, changing room facilities and other works | Granted   | 20/12/17 |

*\*Planning permission 17/03232/FULL was due to expire on 20/12/2020. However the Business and Planning Act 2020 has temporarily modified the Town and Country Planning Act 1990 to enable certain planning permissions in England which lapsed during 2020 to be extended to 1/5/2021*

### Relevant planning history for the adjacent Hawkenbury Recreation Ground

|                 |  |         |          |
|-----------------|--|---------|----------|
| 12/01614/FUL    | Proposal: Minor material amendment to application TW/10/03462/FUL for new sports pavilion with changing rooms, showers, toilets, kitchen and stores to show an enlarged plan relocation and external doors | Granted | 13/07/12 |
| 10/03462/FUL    | Proposal: New sports pavilion with changing rooms, showers, toilets, kitchen and stores  | Granted | 09/12/10 |
| 05/01232/FUL    | New floodlights to all weather football/hockey pitches.  | Granted | 21/07/05 |
| 93/01403/TWBRG3 | Regulation 3 (TWBC) - construction of an extension to the existing car park  | Granted | 22/04/94 |

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 This site is a large open field in arable use that currently forms part of Mousden Farm, a 550 acre agricultural holding to the east of Hawkenbury. The application site is on the southern side of High Woods Lane, which runs from its junction with Halls

Hole Road and leads to two residential cul-de-sacs (Chester Avenue and Cleeve Avenue – the latter is adjacent to the application site). High Woods Lane also serves a bowls club facility and its ancillary parking area to the north of the application site. There is an electric farm gate, pedestrian access and a short stretch of pavement adjacent to the entrance to the bowls club, at which point High Woods Lane becomes a private road. Beyond this it serves Mousden Farm and a few other scattered dwellings/farms.

- 1.02 Chester Avenue is a development of bungalows to the NW of the site, with the dwellings lining one side of the road. A ditch forms the boundary between the application site and Chester Avenue, with a small Southern Water pumping station close to this boundary (but outside the site).
- 1.03 To the SW of the application site is Sherborne Close, which comprises 94 sheltered housing units. South of the application site is the Hawkenbury Recreation Ground, which is a large TWBC owned area of public open space which includes playgrounds, an artificial football pitch, tennis courts, bowling green, pavilion and an open area which is used for both football and cricket. There is a small car park attached to the pavilion, which is accessed from Hawkenbury Road. A S.106 contribution has been secured to extend this car park to provide 30 additional spaces as part of the approval for the large residential development at 'Hawkenbury Farm' (Hollyfields), to the south of Hawkenbury Road, subject to a further planning application specifically for this.
- 1.04 East of the site is an area of Ancient Woodland (High Woods) which is also a designated Local Wildlife Site. To the north of the site on the other side of High Woods Lane is open land belonging to Mousden Farm.
- 1.05 The boundaries of the site are well defined by hedging, trees and woodland. The site slopes upwards from the north-western corner towards the centre of the site, and then forms a raised plateau in the south-eastern corner. The land currently rises about 10m from the north-west corner to the south-east boundary of the site.
- 1.06 The whole site lies outside (but adjacent to) the Limits to Built Development (LBD) as defined within the 2006 Local Plan, although the field subject to the application is allocated for use as sports pitches through 2016 Site Allocations Local Plan policy AL/RTW30. The whole site also lies within the GB and AONB. High Woods Lane is a designated Rural Lane.

## 2.0 PROPOSAL

### *Scope of application*

- 2.01 The application is a full application and not outline. In terms of the drawings and application site it is identical to the proposal granted planning permission in December 2017 (ref: 17/03232/FULL). That permission has not been implemented. This application is submitted as the 2017 permission is due to expire shortly.
- 2.02 This proposal is only for the provision of additional recreational use, additional sports pitches and associated ancillary development in accordance with the current adopted site allocation (AL/RTW 30 of the 2016 Site Allocations Local Plan). The Draft (Pre-Submission) Local Plan contains a draft allocation for this site for materially different purposes, being the development of a Football Centre of Excellence and sports stadia under Policy AL/RTW 19. This planning application is not for the greater amount of development envisaged under that draft policy.

*Proposal*

- 2.03 The application proposes to change the use of the open field to sports pitches. The application is accompanied by a block plan showing that the land can accommodate two senior pitches (100m x 64m), one of which would be 3G; one pitch for under-9/10s (55m x 36m) and three youth pitches (two of which are 82m x 50m, the other is 73m x 45m).
- 2.04 The block plan and the accompanying cross-section are indicative only as the number/distribution of pitches is not fixed. Subsequent planning permission would not be required to change the pitch layout, within the confines of the anticipated level changes set out on the plan as the use being sought is for recreational use and sports pitches. No hard engineering features (such as retaining walls) are shown and it is anticipated the land level changes would be dealt with through re-grading works, employing 'cut and fill' to create level areas. 'Ball Stop' net fencing at 3m - 5m height is shown to be provided on the western and northern boundary of the adult grass pitch, as well as on the boundary with the Ancient Woodland buffer.
- 2.05 A new vehicular access would be created from High Woods Lane, to replace the existing field gate access. A coach turning space is shown. This would be beyond the bowls club entrance, to avoid conflict between the two access points. 80 parking spaces (65 plus 15 overspill) are shown to be accommodated within the site and pathways are shown to be laid which connect the development to the existing Hawkenbury Recreation Ground to the south. A 15m development-free buffer is shown to the Ancient Woodland within High Wood.
- 2.06 The application also includes details of the changing rooms. Although the elevations are described as indicative only, the position on the site, footprint, eaves/ridge heights, and the roof design are considered to be final. External materials and the internal layout of the building would be determined by the final pitch requirements of the applicant. The description of development was amended mid-application to include reference to the changing rooms (which are part of the extant permission).
- 2.07 The agricultural fields are not in the ownership of the applicant. The planning application procedure requires an applicant to serve notice on any third-party landowner whose land falls within the red line of the application site, and for them to certify they have done so on the application form. It does not require the consent of the landowner to be submitted. This procedure has been followed and does not relate to a Compulsory Purchase Order, which is an entirely separate process to the determination of a planning application. This issue is addressed further in paras 10.01 – 10.04 below.

### 3.0 SUMMARY INFORMATION

|                                     | Existing  | Proposed  | Change (+/-)  |
|-------------------------------------|---|---|---|
| Site Area                           | 7.07ha  | 7.07ha  | No change   |
| Land use(s) including floor area(s) | Agriculture ( <i>sui generis</i> ).<br><br>The existing pitch provision at Hawkenbury Recreation Ground is:<br>2 x senior, one of which | D2 playing fields comprising:<br>2 x senior pitches, one of which would be 3G/4G; | Total number of pitches:<br>4 x senior,<br>4 x youth,<br>2 x junior |

|                             |  |   |     |
|-----------------------------|--|---|-----|
|                             | is artificial surface,<br>1 x youth,<br>1 x junior   | 1 x junior pitch,<br>3 x youth<br>pitches.                            |     |
| Changing room<br>dimensions | Existing pavilion (outside<br>red line of application<br>site):<br>approximately 13m x<br>21m. | Proposed<br>pavilion:<br>32m x 8m.<br>2.8m to eaves,<br>5.5m to ridge |     |
| Car parking spaces          | 0 on application site; 16<br>on existing recreation<br>ground.                                 | 80  | 96* |

*\*A separate plan for a 30-space extension to the existing recreation ground car park exists, but does not form part of this application – see para 1.03 above. The 16 on the existing recreation ground would not be for the sole use of this development but the wider recreation ground*

#### 4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 3 (*This information is taken from the MAFF 1998 national survey series at 1:250 000 scale derived from the Provisional 1" to one mile ALC maps and is intended for strategic uses. These maps are not sufficiently accurate for use in assessment of individual fields or sites and any enlargement could be misleading. The maps show Grades 1-5, but grade 3 is not subdivided*).
- Ancient Woodland + 30M Buffer Area to the east/south east of the site (High Woods)
- Area of Outstanding Natural Beauty (AONB) (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)
- Biodiversity Opportunity Areas (*this is a broad indication from the Kent Wildlife Trust to inform potential biodiversity enhancement*)
- Metropolitan Green Belt (GB)
- Limits to built development OUTSIDE
- Area of Potential Archaeological Importance on the eastern side of the site
- Local Wildlife Sites TW21 - High Wood, Hawkenbury to the east of the site
- Potentially Contaminated Land (this constraint only applies to the curtilage of the bowls club building to the north)
- Public Right of Way - Bridleway WB43 passes along the northern boundary within High Woods Lane Also WB44 and WB54
- Public Access Land Highwood, Hawkenbury
- High Woods Lane is designated as a Rural Lane

#### 5.0 POLICY AND OTHER CONSIDERATIONS

**The National Planning Policy Framework (NPPF) 2019**  
**National Planning Practice Guidance (NPPG)**

**Site Allocations Local Plan Adopted 2016**  
Policy AL/STR 1: Limits to Built Development

Policy AL/RTW 30: Land allocated for sports pitches and other outdoor recreation facilities

### **Tunbridge Wells Borough Core Strategy 2010**

Core Policy 1: Delivery of Development  
Core Policy 4: Environment  
Core Policy 5: Sustainable Design and Construction  
Core Policy 8: Retail, Leisure and Community provision  
Core Policy 9: Tunbridge Wells  
Core Policy 14: Development in Villages and Rural Areas

### **Tunbridge Wells Borough Local Plan 2006**

Policy LBD1: Development outside the Limits to Built Development  
Policy MGB1: Metropolitan Green Belt  
Policy EN1: Development Control Criteria  
Policy EN10: Archaeological sites  
Policy EN13: Tree and Woodland Protection  
Policy EN25: Development affecting the rural landscape  
Policy TP1: Major development requiring Transport Assessments and a Travel Plan  
Policy TP4: Access to Road Network  
Policy TP5: Vehicle Parking Standards  
Policy TP9: Cycle Parking  
Policy R1: Retention of existing recreation open space

### **Supplementary Planning Documents:**

Landscape Character Area Assessment 2017  
Recreation and Open Space SPD  
Rural Lanes SPD

### **Other documents:**

High Weald AONB Management Plan 2018  
Kent County Council Supplementary Planning Guidance SPG4: Kent Vehicle Parking Standards (July 2006)  
Draft Pre-Submission Local Plan (Version agreed by Full Council on 3<sup>rd</sup> February 2021)  
TWBC Playing Pitch Strategy 2017 – 2033 (published November 2017)

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 10 site notices were displayed around surrounding roads on 17 February 2021. They were replaced on 23 February 2021 when the originals were found to contain an error relating to the Council's website address. The application was also advertised in the local press.
- 6.02 52 representations have been received (including from the Hawkenbury Village Association, Tunbridge Wells District Indoor Bowls Club, the Civic Society and Bellway Homes - who have an option on the land for housing development) raising the following concerns;

*Some comments object to the 'Sports stadia' plans in the Pre-submission Local Plan which this application does not propose or seek to provide in any way;*

- Insufficient detail on use times;
- Existing anti-social behaviour in the area;
- Development is unnecessary;

- Support the development, but the use should be for informal recreation rather than sport; plus insufficient provision for other sports than football;
- Air quality;
- Highway safety – conflict with farm traffic and coaches accessing the bowls club plus residential and other uses in the vicinity;
- Parking pressure around the site;
- Conflict with equestrian use of the bridleway;
- No toilet facilities;
- Development should incorporate community facilities;
- Impact on AONB and Green Belt;
- Loss of hedgerow;
- Impact on ecology/biodiversity and Ancient Woodland;
- Risk of parking on Bowls Club property;
- Light pollution;
- Noise and disturbance from the development towards nearby elderly population;
- Impact on Southern Water pumping station and drainage ditch ;
- Costs will be prohibitive;
- Existing controlled access gate needs to be retained for security purposes;
- Hawkenbury already has a number of playing pitches within the adjacent recreation ground, along with the Forresters Football Club and Tunbridge Wells Rugby club both in Hawkenbury;
- Events field at Dunorlan Park or a site closer to the A21 would be a better location;
- Applicant does not own the land;
- Development cannot be delivered;
- Application appears to be Outline rather than Full;
- Insufficient detail to assess impacts relating to Green Belt, AONB, trees, ecology, lighting, traffic, archaeology and noise;
- Application not supported by an LVIA
- Council has a duty under the Care Act 2014 with regards to the elderly residents who currently live in the adjoining roads.

6.03 Matters relating to property value/rights of access/loss of view are not planning issues.

## 7.0 CONSULTATIONS

### Health & Safety Executive

7.01 **(18/03/21)** - The proposed development site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

### Natural England

7.02 **(26/02/21)** – no comments. Refer to standing advice regarding impacts on protected species, or LPA may wish to consult its own ecology services for advice. Refer to standing advice on ancient woodland and veteran trees. LPA may wish to consult High Weald AONB unit. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the LPA to determine whether or not this application is consistent with national and local policies on the natural environment.

## **Environment Agency**

- 7.03 **(22/03/21)** - have assessed this application as having a low environmental risk. Therefore have no comments to make.

## **Forestry Commission**

- 7.04 **(03/03/21)** – standard advice given regarding development near Ancient Woodland.

## **Sport England**

- 7.05 **(05/03/21)** – The above application which is a resubmission of the application previously permitted subject to conditions under ref: 17/03232/FULL in December 2017. Sport England had no objection to the application at that stage subject to the attachment of a condition requiring details to be submitted to and approved in writing before commencement of development of the design and layout of the changing rooms/ clubhouse.
- 7.06 Therefore, SE do not wish to raise an objection at this stage subject to the same condition being attached. Emphasise that the changing rooms should also comply with the FA's design guidance (attached for information).

## **Southern Water**

- 7.07 **(05/03/21)** – Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.
- 7.08 It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 7.09 Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SUDS scheme;
  - Specify a timetable for implementation;
  - Provide a management and maintenance plan for the lifetime of the development.
- 7.10 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

## **KCC Public Rights of Way & Access Service**

- 7.11 **(18/03/21)** - Public Bridleway WB43 follows the private access road also known as High Woods Lane. The location of the bridleway is shown on an enclosed plan.
- 7.12 The application proposes access along a short section of High Woods Lane, that is also shared with the public bridleway. The bridleway is metalled and already in use as a private access drive and shares access to the adjacent bowls club.
- 7.13 The proposal will result in an increase in traffic and although the traffic report states that this will be outside peak traffic times, this is likely to coincide with times when the bridleway would be used for recreational purposes by walkers, cyclists or horseriders.
- 7.14 The application states there would be widening of the carriageway and the pinchpoint over the ditch/stream is to remain. No further details have been provided on these proposed changes or how the public using the bridleway will be considered during



peak traffic times, for example with the provision of passing places or signage/traffic calming and consider pedestrian/cyclists walkers etc. This detail could be secured by condition if TWBC is minded to approve this application.

- 7.15 Finally, please bring the following to the applicant's attention:
- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
  - There must be no disturbance of the surface of the Public Right of Way, or
  - obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
  - No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.
  - Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
  - No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, KCC would need six weeks notice to process this.

### **KCC Highways**

- 7.16 **(16/03/21)** - It is disappointing that the applicant has not taken into account the advice provided during the pre-app process in September last year. Therefore additional information is required in order to assess this application. ***(Officers' Note: the pre-application advice referred to by KCC relates to a materially different proposal on this site, being the development of the Football Centre of Excellence that is proposed to be allocated within the Pre-Submission Local Plan under Policy AL/RTW 19. That allocation includes a sports stadium and other ancillary uses, which this planning application does not. The pre-app did not relate to the scheme currently before Members which is of a smaller scale and lower intensity of use and is a resubmission of the extant planning permission).***
- 7.17 The Transport Statement refers to 65 parking spaces, yet the masterplan shows 65 spaces plus 15 spaces on grass-mesh. Could the applicant please confirm which of these is correct and update accordingly ***(Officers' Note: the plans – being the documents on which permission would be granted - show 80 spaces – 65 main and 15 overspill – and the application has been assessed on this basis)***. Please note that these are the spaces within the red line plan: the 30 spaces adjacent to Hawkenbury Pavilion cannot be assumed as being for the exclusive use of this proposal when games are being played.
- 7.18 The TS states that the access to the proposal site is from the private section of High Woods Lane. The interest of the Highway Authority is therefore regarding the impact of the development on the local network, and the safety issues that may arise on the nearby residential roads as a result of inadequate parking. The applicant has not yet addressed either of these issues adequately. ***(Officers' Note: as discussed in the appraisal, this application is identical to the one approved by Planning Committee in December 2017 and includes the same number of off-site parking spaces. Since then, parking restrictions have been introduced on High Woods Lane and Chester Avenue and on-street parking has increased)***.
- 7.19 The TS states in para 2.11: There will need to be some localised widening of the lane to allow for two cars to pass easily. Can the applicant please provide a plan showing

where this widening is proposed, and a RSA1 please. Ideally the whole length of High Woods Lane should be safety audited based on the proposed changes to the road width and the increase in traffic along here **(Officers' Note: the widening works to High Woods Lane would, as last time, take place on the private section of road around the new access. KCC Highways are not responsible for this section of the road. KCC Highways did not request a Stage 1 Road Safety Audit last time on the identical application. This is an allocated site in the adopted 2016 Site Allocations Local Plan and the principle of an access at this location for this development has previously been accepted in that document and in the previous approved application by both KCC Highways and the Council as Local Planning Authority).**

- 7.20 There is reference to the Borough Council being able to control the booking process to limit the number of pitches being used at once. How can this be guaranteed if there are overflow parking issues? If TWBC cannot be conditioned to limit bookings to an agreed level (or in reaction to traffic/parking issues that may arise), the worst case scenario must be assessed, which would be that all 6 pitches are in use at once. **(Officers' Note: Condition 8 recommended below – which is identical to the condition used on the extant planning permission – controls the management of pitch use to ensure off site parking issues do not occur).** The number of participants is clearly listed in Appendix B which is helpful. This predicts up to 160 players across all 6 pitches. With 80 parking spaces (applicant to confirm) available, the assumption that 59 cars/108 trips can be assessed as a maximum seems unlikely. A more robust assessment would be 80 cars/190 trips. The narrowness of High Woods Lane (owing to unrestricted on-street parking) **(Officers' Note: to clarify, on-street parking is not unrestricted on High Woods Lane as there are parking restrictions in place along one side of it)** is therefore a concern, and the applicant should provide analysis to illustrate how this would work on a match day – including how road widening referred to in the TS would improve the situation. **(Officers' Note: as stated before no road widening is planned for the public highway, only on private land where space would be created for a footway and two cars to pass at the entrance to the site. The term 'Match day' appears to refer to the Football Centre of Excellence scheme and the new stadium for Tunbridge Wells FC which is not what is being applied for here).**
- 7.21 The applicant states that the pitches will be used at weekends with the busiest time being Sunday morning/lunchtime. Will the pitches be used in the after school/PM peak during weekdays? At pre-app, I asked that trips be added to the local road network through a transport model to better understand the impact of this proposal. Confirmation of when the pitches will be in use, and whether TWBC are able to limit the use through condition is required before this can be ruled out. It is possible that the network PM peak needs to be modelled and assessed if the pitches are to be used at this time. **(Officers' Note: this can be addressed through the pitch management scheme required by condition 8. Additional transport modelling was not sought by KCC Highways in response to the previous application, nor were the participant numbers/trip figures challenged and reference to the pre-application discussions again indicates assessment of the Centre of Excellence development, which is not part of this proposal).**
- 7.22 Weekend assessments may also be required. The Halls Hole Road/A264 Pembury Road is a particularly sensitive junction on the network and additional trips from this site may require assessment to understand the impact here and possibly elsewhere.
- 7.23 I note that the comments from the TWBC Parking Services team of 10th March reflect similar concerns.

For reference - comments (and Officers' notes on the 2017 Committee report) from previous 2017 application

- 7.24 **(16/11/17)** – Access will be taken from High Woods Lane to a new car park. At this point High Woods Lane is a private road which is a single carriageway width and rural in character with no footway provision through the gate or beyond that which serves the Bowls Club (**Officers' Note: there is pedestrian access besides the existing electric access gate on the northern side, along with a short stretch of pavement**)
- 7.25 The Traffic Statement (TS) makes reference to localised widening of the lane but no details are given: this should be addressed within these proposals, to ensure safe access for all can be provided. (**Officers' Note: this localised widening of the southern side of High Woods Lane, from a position from the existing gate to the access point into the site would widen the lane and provide a footway on the southern side between the position of the gate and the access. This would only need to take place alongside the private road and it is considered this can be addressed by condition**)
- 7.26 Reference is made to the existing facilities with only 16 parking spaces but significant overspill to the highway occurs when the facilities are in use and additional parking controls are likely to be introduced in the area as a result of recent planning approvals.
- 7.27 The highway authority would therefore recommend that the proposals identify an area for additional overspill parking (**Officers' Note: this is now addressed in the amended plans**).

**KCC Heritage**

- 7.28 **(08/03/21)** - The site of the proposed development lies close to the discovery of a Bronze Age arrowhead. As such, an archaeological condition is recommended.

**KCC Flood and Water Management**

- 7.29 **(03/03/21)** - satisfied that the principles proposed for dealing with surface water are achievable and will not lead to an increase in flood risk.
- 7.30 Advise that the introduction of 4G sports pitches to a site has the potential to increase flood risk by creating very large, drained areas. This could lead to an increase in the rate and volume of surface water generated by the site compared to an undrained natural turf pitch. It is important that controls are placed upon the outfalls from artificial pitches to restrict discharges to greenfield rates (or lower where the volume of run-off is likely to increase) so flood risk is not increased elsewhere.

- 7.31 Conditions requested.

**Mid Kent Environmental Protection**

- 7.32 **(16/03/21)** - this site does not fall within an Air Quality Management Area (AQMA) nor is it suspected to be on contaminated land.
- 7.33 No details of flood lighting included within this application. This indicates that the pitches will be used during daylight hours only. In the event that this changes, a detailed scheme of lighting should be submitted and approved by the Local Planning Authority.

7.34 In regards to noise, this application briefly discusses noise issues but largely dismisses them by suggesting that adequate controls can be achieved through facility management. The Environmental Protection Team has experienced noise complaints from this type of the facility in the past despite management measures being in place. Therefore, request that a Noise Impact Assessment should be completed and if required, a suitable mitigation scheme implemented.

7.35 Conditions requested regarding a noise impact assessment and details of lighting.

#### **TWBC Landscape & Biodiversity Officer**

7.36 **(12/10/17 – verbal comments);**

- Ecology – agree no additional surveys required;
- Need a detailed scheme of ecological mitigation and a management plan for the boundaries;
- Need to consider drainage system and on-site attenuation, which can be addressed by condition. Playing pitch and hard surface run-off can to be catered for fairly easily with a comprehensive SUDS-led scheme, including swales and ditches, secured by pre-commencement condition;
- Assume no lighting included with the scheme – control by condition;
- The management plan for the hedgerow on the northern boundary can include managing its height to provide a natural ball-stop and further screening.
- A buffer should be included along the northern hedgerow;
- Seek additional planting and mitigation to support landscape and ecological objectives the hedgerow areas.

#### **TWBC Parking**

7.37 **(10/03/21)** - Parking Services have concerns with the application. Although the application appears to be identical to the expired previous proposal, the traffic and parking situation has changed since 2017, particularly in respect of parking along High Woods Lane. In 2017, cars occasionally parked for the allotments but prior to the first lockdown, nose-to-tail parking occurred frequently. This can be partially attributed to the introduction of the Hawkenbury residential permit restrictions.

7.38 It should be noted that Monson appear to have not updated their Transport Statement to reflect the addition of 15 overspill spaces on the 2017 amended plans. In light of that, Parking Services would not expect the proposed development to displace parking onto the network. However, access may be an issue, as on street parking along High Woods Lane reduces the available road width. Paragraph 2.11 of the Transport Statement does note that 'there will need to be some localised widening of the lane to allow for two cars to pass easily', but no further detail is given. We would request that more information is provided regarding these proposed improvements.

7.39 While it is implied that improvements are only needed over the private stretch of High Woods Lane south of the drainage ditch, they may also be needed further north along the adopted highway. The adopted highway is circa 5m in width with unrestricted parking along the north east edge, which limits the available road width. Swept Path Analysis suggests that only one way access is facilitated by the current road dimensions along the majority of High Woods Lane if parked vehicles are present. This is particularly of issue just south of Chester Avenue.

## **8.0 APPLICANT'S SUPPORTING COMMENTS *(taken from part 7 of the supporting planning statement)***

- 8.01 The recreational use proposed is in full accordance with the site allocation for this purpose within the Site Allocations DPD 2016. It also accords with the principles set out in the NPPF, and the wider strategy of the Council to improve facilities in a number of locations and to encourage increased participation rates in team sports.
- 8.02 The detailed site considerations have been given careful thought. The layout proposed is illustrative only at this stage, and will be subject to further review following a grant of planning permission. However, the illustrative layout has been produced to work with the topography of the site, and to retain and enhance the site boundaries with new planting and a suitable buffer to the Ancient Woodland to the south and east.
- 8.03 The site has limited ecological value owing to its use as an arable field, with a high degree of ground disturbance. There is the opportunity to provide biodiversity enhancements.
- 8.04 There are existing parking facilities at the recreation ground, accessed from Hawkenbury Lane, which are due to be expanded. In addition to this, it is proposed to provide a new access to the expanded facilities, from High Woods Lane, with additional car parking. Cycle parking facilities will be provided.
- 8.05 There are significant benefits to the community arising from the additional sports provision, which weigh significantly in favour of the proposal.

## **9.0 BACKGROUND PAPERS AND PLANS**

- 9.01 Application form  
Site Location Plan  
Covering e-mail  
Indicative elevation drawings  
Drawing numbers 00/000/01 Rev C; 00/000/02; 00/000/03 Rev A  
'Ball-Stop' Fencing – Typical Detail  
Outline drainage strategy 30th September 2020  
Supporting planning statements September 2017 and January 2021  
Preliminary Ecological Appraisal April 2020  
Traffic statement 30th September 2020  
Design and Access Statement 2021

## **10.0 APPRAISAL**

- 10.01 The main issues are considered to be the principle of the development at this site (including GB considerations, and the loss of agricultural land); impact on the AONB/landscape, design issues, residential amenity, highways/parking, drainage, ecology and other relevant matters.
- 10.02 The applicant does not own the site. This is not in itself a reason for refusal. Notice has been served on the freehold landowner. If the applicant does not have the right to access the land to undertake the development the permission simply cannot be implemented. Grants of planning permission only permit development of land under the Town and Country Planning Act 1990 and do not override civil law or other legislation. They do not permit the applicant to take ownership or control of the land subject to the application, nor enter the land to carry out the development.

- 10.03 There is no certainty that TWBC would become the freehold landowners in the future. Granting planning permission for this scheme would not in itself enable that. Furthermore, any planning permission would not be personal to the Council as applicant but would run with the land. Some objectors have raised the issue of a TWBC using a Compulsory Purchase Order (CPO) to acquire the land for the uses that this application seeks planning permission for.
- 10.04 The Draft Local Plan states in the supporting text to AL/SP 2 (the allocation at the Rusthall Recreation Ground for sports pitch use) that it may be necessary to serve a CPO to ensure that site can come forward as expected. The same would be the case at High Woods Lane, although no specific CPO reference is made in the supporting text to AL/RTW 30. CPOs are used to enable land to be acquired for the wider benefit of the community, usually to enable regeneration and development schemes that involve complex or multiple land ownership, without which development would be unlikely to be delivered.
- 10.05 This is not an application for a CPO. The granting of this permission does not in itself enable a CPO to take place. An extant planning permission (which there already is on the site) is only one of the considerations that would be necessary as part of a CPO Inquiry and the bar is rightly set very high for any such proceedings to be successful. Any such CPO proceedings stand outside the planning process and are subject to a separate body of legislation and procedures; they are not a material planning consideration.

### **Principle of Development**

- 10.06 The site is outside the LBD and within both the GB and the AONB countryside to the east of Hawkenbury.
- 10.07 Section 38(6) of the Planning and Compulsory Purchase Act 1990 requires that the determination of a planning application must be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making. The Council's Site Allocations Local Plan (July 2016) (SALP) forms part of the adopted Development Plan.
- 10.08 In light of the above, the starting point of this appraisal of the principle of development will be Policy AL/RTW 30 of the SALP, which specifically allocates the land proposed to form the extension of the playing fields/recreation grounds for sports pitches and other outdoor recreation facilities. This allocation replaces Policy R3 of the 2006 Local Plan, which allocated the site for the same use but no longer forms part of the Development Plan (hence it no longer appears on the current 2006 Local Plan Proposals Maps).
- 10.09 The TWBC Playing Pitch Strategy 2017-2033 (PPS) is referred to by both objectors and the new Local Plan. This is not a planning document - it identifies the corporate aim to provide sports hubs across the borough, which will include enhanced sports and recreation facilities serving a wider catchment area. The document assesses total pitch requirements to meet the anticipated future loss of facilities at Culverden Stadium, Colebrook Recreation Ground, Cadogan and Bayham Road; plus the need to replace these with better facilities and pitches at a larger modern site. This loss is due to either the playing fields no longer being suitable for regular sports use, other longstanding issues with the pitches/facilities, loss to housing development or in the case of Bayham the need to extend the adjacent cemetery.

- 10.10 The PPS states at 3.12 that the existing cricket and hockey facilities at Hawkenbury will need to be protected. The following replacement football pitches will be required to provide for current and future match equivalent sessions:
- 2 adult grass 11 v 11 pitches.
  - 2 junior 11 v 11 pitches.
  - 2 3G full size pitches.
- 10.11 The two full size 3G pitches with floodlights would provide the 9 v 9, 7 v 7 and 5 v 5 pitch requirements for Saturday and Sunday mornings. The second 3G pitch would need to be in addition to the 3 adult pitch requirements (2 grass and 1 3G).
- 10.12 The need for the second 3G pitch is dependent on the community use agreement put in place for community use of the new St Gregory's Catholic School 3G pitch which will have community use by Tunbridge Wells Foresters FC, Tunbridge Wells Ridgeway and Langton Green FC.
- 10.13 The second 3G pitch could just mean replacing the carpet on the existing artificial floodlit grass pitch within the recreation ground used for hockey.
- 10.14 The PPS also states that where land is being purchased to replace existing facilities, there is a need to ensure that existing facilities (changing rooms etc.) are not placed under undue pressure by the provision of new pitches and that ancillary facilities must provide for the maximum number of sports teams able to play at the site at peak time and be either equivalent or better.
- New Local Plan*
- 10.15 The draft new Local Plan has progressed to the point that the pre Reg 19 version was agreed by Full Council on 3rd February for approval of Reg 19 submission and consultation. Within it Policy AL/RTW 19 of the Pre-submission Local Plan states the site will be allocated *'for new and enhanced sport and recreation provision as part of a new stadia sports hub, to include standing/seating for supporters, other ancillary structures, and increased parking provision.'* The hub would primarily be used by sports clubs and leagues for training and match play, but also to provide activities and sports programmes for general community use to increase physical activity and wellbeing.
- 10.16 This is however a materially different allocation and use of the land to that within the 2016 SALP as the current allocation only permits additional playing pitches and does not include a sports stadia hub or associated development.
- 10.17 In any event, the early stage of the new Local Plan, plus the significant objections to AL/RTW 19 and the arguable conflict between RTW 19 and the adopted SALP it can only be given limited weight given it has not progressed through the formal Regulation 19 or examination process. More weight would be given to it once it is formally submitted for examination and as it progresses through the adoption process.
- 10.18 The proposal must therefore be assessed against current adopted policy AL/CRS 30 of the 2016 SALP, which (as an allocation policy) deems the use for recreation purposes as applied for as part of this planning application to be acceptable in principle on this land.

*Extant planning permission*

- 10.19 The same development also benefits from an identical extant planning permission, which carries significant weight in the determination of this matter. That permission, following the Government's extension arrangements due to the pandemic, remains extant until 01/05/2021.

*Additional sports facilities*

- 10.20 Para 91(a) of the NPPF states that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, along with high quality public space, and to encourage the active and continual use of public areas. Para 91 (c) states that planning policies and decisions should enable and support healthy lifestyles, for example through the provision of sports facilities.
- 10.21 Para 92(a) and (b) states that LPAs should plan positively for the provision and use of shared space, community facilities (such as sports venues) and to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
- 10.22 No objection is raised to the proposal by Sport England. The inclusion of changing room facilities within the scheme is at their request. Back in 2017 they agreed to the wording of condition 9, which seeks final details of the changing room facilities, the requirements of which is dependent on the identified sport usage of the pitches.
- 10.23 This site is allocated in the Development Plan for additional sports pitches. Some objectors have questioned the requirement for the additional pitches and consider the allocation is out of date. The proposed use of this site had been reviewed on more than one occasion since 2006 – in 2016 and again as part of the emerging Local Plan. On each occasion it has remained in the plan, albeit the Draft Local Plan seeks an alternative recreational use. The inclusion of this land for recreation/playing fields use was not challenged at the examination of the SALP 2016; in the 2013 consultation on the first draft document, only one (supportive) comment was received. Ultimately the SALP is a Development Plan document which has been found sound by an independent inspector. The proposal is in accordance with Policy AL/RTW 30.

*Green Belt*

- 10.24 The NPPF is more recent than the Green Belt development plan policies (LP policy MGB1 and Core Strategy Policy CP2) and is therefore the most relevant policy consideration for development affecting the GB. NPPF Para 133 sets out that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs are their openness and their permanence. Para 141 states that LPAs should plan positively to enhance the beneficial use of the GB, such as looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation.
- 10.25 It is set out at Para 145 (b) of the NPPF that new buildings can be appropriate development in the GB if they comprise "*appropriate facilities for outdoor sport and outdoor recreation...as long as it preserves the openness of the GB and does not conflict with the purposes of including land within it*". It is considered that the proposed changing facilities satisfy this requirement: although final details are to be secured by condition, they are of a size which will satisfy relevant changing standards but are generally low in terms of their height and scale. It is therefore necessary to consider whether the engineering operations to create the levelled areas for the pitches and car parking areas, and the material change in the use of the land itself, are appropriate development in the GB.



- 10.26 Para 146 (b) states that engineering operations are 'not inappropriate' development provided they preserve the openness of the GB and do not conflict with the purposes of including land in it. Engineering operations will be involved in the creation of the car park area, plus to provide the 3G pitch with its attendant sub-surface drainage and to level the land elsewhere to make it suitable for sports pitch use. However, there will not be retaining walls (rather the land will be re-graded between the pitches), and it is considered that this will not conflict with the purposes of including land in the GB.
- 10.27 NPPF Para 146 (e) states that material changes in the use of land (such as changes of use for outdoor sport or recreation) are 'not inappropriate'. The Green Belt designation would have been taken into consideration in allocating the site under AL/RTW 30 and it was also addressed in depth in the report to the identical 2017 application.
- 10.28 As the use of land is supported by Green Belt policy, the actual harm from the operational development then falls to be considered. The following are considered to be small scale developments which do not create a significant quantum of structures or built form;
- goalposts, which are typically made from steel/timber and which are likely to remain in place between uses, with only the netting attached/detached each time they are used;
  - security fencing (likely to be required around the 3G pitch to prevent vandalism/unauthorised use when the site is closed);
  - the proposed 'Ball Stop' fencing, being sited towards the edges of the land parcel;
  - proposed connecting pathways and car park area.
- 10.29 All the above are considered to be small scale developments would all appear visually lightweight and /or would not have the effect of visually or functionally subdividing the land. The development would have a very limited impact on the openness of the Green Belt, owing to the proximity of the car park and changing rooms to existing built form on the western boundary. In terms of Very Special Circumstances: this site is already allocated for use as sports pitches/recreation; the location within the GB would have formed part of the considerations at the examination stage of both the SALP and the 2006 Local Plan; and there is clear support in the NPPF to improve sport and recreation facilities. This is also a site where the new sports facilities can be provided in a contiguous way with the existing facilities within the recreation ground. These are, in this case, Very Special Circumstances that are considered to overcome the very low level of actual harm to openness which has been identified.
- 10.30 This is similar to the conclusion reached in 2017, however back then the NPPF did not explicitly support changes of use in the Green Belt (this was amended in the February 2018 edition). It now does, and consequently the identified level of Green Belt harm is far less than considered in 2017.

#### *Loss of agricultural land*

- 10.31 The NPPF (Paragraph 170b) states that LPAs should take into account the economic and other benefits of the Best and Most Versatile (BMV) agricultural land. Where significant development of agricultural land is demonstrated to be necessary, LPAs should seek to use areas of poorer quality land in preference to that of a higher

quality. This does not preclude the loss of BMV agricultural land but does require that be justified.

- 10.32 In this instance the application relates to a relatively small area of land and a small part of Mousden Farm. Principally, this site has been specifically allocated for the uses for which planning permission is now sought (and has been since 2006): the Inspector would have considered the loss of BMV agricultural land when considering the allocation in 2016, and found it acceptable. Furthermore, in this case the loss would be potentially reversible should the playing fields ever become disused.
- 10.33 It is also noted that a housebuilder (Bellway) has an option on the land (although there is no proposed allocation for housing here in the Pre-Submission Local Plan nor has permission been granted for housing here before). This indicates the landowner does not consider its loss unduly harmful to the viability of the existing agricultural enterprise.
- 10.34 No representations were made in relation to this matter in the run-up to the most recent allocation of the site (July 2016) and in allocating the site the Inspector would have been satisfied in this respect. Planning legislation is clear that proposals should be assessed in line with adopted development plan policy unless material considerations indicate otherwise: in this instance the adopted development plan allocates the site for this use, and there are not considered to be such material considerations that indicate a different assessment.
- 10.35 On this basis the proposed use of the land is considered acceptable in principle and this is the same conclusion reached in 2017.

#### **Impact towards the AONB**

- 10.36 Adopted Development Plan Policy (including Core Policies 4 and 14) requires the conservation and enhancement of the AONB and rural landscape. The NPPF within paragraph 172 states that *“great weight should be given to conserving landscape and scenic beauty of AONB”*. Paragraph 172 of the NPPF relates to major development in the AONB and states that *“planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest”*.
- 10.37 NPPF Footnote 55 states that for the purposes of paragraphs 172 and 173, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. In this case, given the limited amount of new built development within the AONB, it is not considered that this should be deemed as a ‘major’ development. This proposal was not considered ‘major development’ in 2017 either.
- 10.38 The application is not supported by an LVIA. One was not required last time, nor is it required by the allocation or the Landscape Officer. It is not a requirement for the application to be deemed valid. Reference is made by objectors to 2006 Local Plan policies EN26 and EN27 however these have not formed part of the Development Plan since 2009, when they were declared ‘not saved’ by the Secretary of State. The Kent Special Landscape Area no longer exists as a planning constraint since the revocation of the Kent and Medway Structure Plan in 2010.
- 10.39 The existing character is that of an open, undeveloped field with natural levels. An impact on the AONB will be created through the levelling of the land where necessary, regular grass cutting, the loss of the site’s agricultural

appearance/function and the presence of ancillary sports equipment, along with the car park/pavilion and the 3G pitch.

- 10.40 However, the site would retain its open, rural character – the perimeter trees and hedgerow will remain (aside from the removal of a small section to create the new access from High Woods Lane, and a further small section to the south to create pedestrian access to the recreation ground) and there will be very little need for hardstanding outside the car parks. Given the site allocation and the associated expected impact from the change of use and minor development it is not considered the proposal can be refused on grounds of AONB impact. It is clear from the proposals that the development sought is in line with the expectations of that adopted policy.
- 10.41 The PPS refers to the need for floodlit 3G pitches. The scheme does not include floodlighting: the impacts of any floodlighting in this location will need to be carefully assessed. Once there is certainty regarding future pitch requirements, an application can be made for floodlighting at a later date if the applicant considers it necessary. The SALP allocation does not preclude the presence of floodlighting on this site nor does the ecological survey consider it unsuitable in principle. Given the scope of Local Authority PD rights, conditions restricting lighting on/around the new pitches will be imposed.
- 10.42 The proposal would result in land levelling within the site to accommodate the pitches, along with the works required to extend the parking area. The Council, as the applicant has been unable to access the land to undertake a topographical survey however these matters, along with details of the surfacing material, parking bay layout, ball-stop fencing, extent of the hedge removal, final details of the changing rooms, security fencing around the 3G pitch and the provision of connecting pathways between the car park and the pitches can all be addressed by condition. The impact on the wider landscape from the changing facilities, levelling, fences, car parking, access roads, lighting would be minimal and localised; such features would have been anticipated to be present on the site when it was allocated. They are not considered significant and not harmful to the wider landscape.

### **Residential amenity**

- 10.43 The proposal would not result in any structures or physical development which would impact nearby dwellings through the loss of light/outlook or overlooking.
- 10.44 The Mid-Kent Environmental Protection team has agreed a noise impact assessment can be required by condition (as it was last time). This is considered to be the most appropriate/pragmatic approach given the land is already allocated for recreation purposes. It is not considered that the impact of the proposal is such that local residents will be required to be re-housed, as suggested by objectors.
- 10.45 Reference is also made to floodlighting in the EP response. They have suggested a standard condition, however given the rural location it is considered that any lighting which is not security lighting for the changing room building (i.e. floodlighting for the 3G pitch) should require a full planning application.
- 10.46 Concern has been raised regarding the potential loss of the security gate at the entrance to High Woods Lane. However, this lies in private ownership and a decision as to whether to retain it would be a civil matter between the Council (if it takes ownership of the site) and the owner of the gate. Condition 4 addresses the new gate from High Woods Lane leading into the site, not the existing one.

## **Air quality**

- 10.47 Reference is made by objectors to air quality. The Council has adopted the TWBC Air Quality Action Plan 2018-2023. However, the site is not within an area specifically identified by TWBC as requiring intervention pursuant to the Environment Act 1995 owing to current air quality issues (unlike the A26 corridor which is a designated air quality management area).
- 10.48 This is not a matter which the existing allocation in the 2016 Site Allocations Local Plan policy requires to be addressed. Nor is it required to be addressed by the extant planning permission. The AQAP does not advise that any planning application that results in an increase in traffic should be refused on the basis of additional air quality impacts, as most developments result in a traffic increase.
- 10.49 In addition, the conditions require details of cycle storage and EV charging points plus the site is close to a regular bus route running between Hawkenbury and the town centre.

## **Highways/parking**

- 10.50 As with the identical extant planning permission, a new access to the site would be created from the private section of High Woods Lane. This would lead from the existing access point on to the public highway from High Woods Lane, which is also used by the bowls club, Mousden Farm and other dwellings/farms further along the lane.
- 10.51 The applicants advise that, following reference to KCC Highways guidance within SPG4 (Kent Vehicle Parking Standards), a level of 1 car per 2 participants should be used for the assessment. This will give an absolute maximum of around 79 cars for both the proposed and existing pitches (including summer cricket use on the existing recreation ground). Assuming a typical maximum usage of 5 out of the 6 pitches in use at any time, this would reduce the car parking spaces required by participant numbers down to 64-69, and taking into account a small number of cyclists and walkers to the site would reduce this further. These figures were accepted last time by KCC Highways but are not now. However it is unclear why, given the application is identical.
- 10.52 The scheme includes provision for an 80-space car park within the application site (65 spaces plus 15 overflow). Reference is made within the Transport Statement to the provision of a 30-space extension to the existing parking facilities within the recreation ground, but these extra spaces do not form part of this application, nor are they given any more than minimal weight as they have yet to be built. There is no firm timescale for them to be provided and the same is the case now. A financial contribution of £70,000 was secured from the Hawkenbury Farm/Hollyfields housing development towards their provision (subject to planning permission being granted for them via a separate planning application). Ultimately there is no certainty as to when this application will be made or when the car park extension will be provided. Similarly, the existing 16 spaces in the car park next to the pavilion are for all recreation ground users, not just sports pitch users.
- 10.53 The TS reference to an overall provision of around 126 spaces (including existing and proposed parking areas to the south) is therefore not accepted. Excluding the planned 30-space car park extension to the south, the total parking provision in the Recreation Ground (existing and extended) would be 96 spaces, with 16 of those not for the exclusive use of the new sports pitches but nevertheless available for use.

- 10.54 The Planning Committee Report of December 2017 (from which permission was granted for application 17/03232/FULL) was written at the time of a proposed permit zone for the Hawkenbury area and greater parking restrictions. This was in response to increased parking pressure that resulted from the insurance firm AXA taking over the former Land Registry office building (now called International House) and their more intensive use of it. Issues arose with office workers parking in residential streets, resulting in greater parking stress within the area. At the time of the report, a Council consultation on a proposed permit zone and other on-street restrictions had recently concluded, having run between 15 September and 6 October 2017.
- 10.55 Prior to that, in a report presented at Joint Transportation Board (JTB) on 17 July 2017 (which is available on the Council's website), it was outlined that *'a single yellow line only be applied to the south-western side in the first instance but parking on the north-east side be monitored to determine whether further action is necessary'* (Para 4.1 (c)). It was also set out that Cleve Avenue be monitored to see whether parking stress worsened there.
- 10.56 These proposed on-street parking restrictions were not in place at the time the December 2017 report was written although they were detailed and given weight as a material consideration. Since the December 2017 permission was granted the parking restrictions have come into effect: there are still no parking restrictions in Cleve Avenue however the SW side of High Woods Lane and all of Chester Avenue is controlled by a single yellow line which precludes parking Monday-Friday between certain hours of the day.
- 10.57 TWBC Parking Services advise that (pre-March 2020 lockdown) on-street parking had worsened along High Woods Lane, which is the effect of the restrictions near International House displacing office workers' parking beyond the centre of Hawkenbury. They refer to High Woods Lane now being narrowed as on-street parking along it reduces the available road width – and suggest that physical road widening may also be necessary on the public highway around the area south of Chester Avenue.
- 10.58 No changes are proposed to the shared access point on to High Woods Lane as part of this application, nor to the public highway itself. The Traffic Statement (TS) refers to some 'localised widening' of High Woods Lane (details of which can be secured by condition as it lies within the private section of the road): as above this would both provide a pedestrian footway and create a wider lane to improve the ability for vehicles to pass. The TS does not consider there is a potential highway safety issue from the proposal and in 2017 KCC Highways raised no issues with the safety of the access neither in itself, nor its suitability for an intensified use. However, both KCC Highways and TWBC Parking Services now indicate that since on-street parking close to the application site has increased and therefore the proposal (which is identical to that which benefits from extant planning permission 17/03232/FULL) may not be acceptable.
- 10.59 At this juncture however it must be noted that there is a difference between the inconvenience of high parking pressure to local residents and parking-related highway safety. Inspectors have traditionally only given weight to concerns regarding highway safety and any impact on convenience of residents is not considered to be a matter that would warrant refusal of this application. In general terms (and unless there is a concern regarding highway safety), the provision of residents' parking schemes fall outside of the planning system.

- 10.60 Referring back to the report presented at Joint Transportation Board (JTB) on 17 July 2017, this stated that parking levels in the area would be monitored once the new on-street restrictions came in, particularly around the NE side of High Woods Lane and Cleeve Avenue. Whilst the applicant does own the land adjacent to the NE side of High Woods Lane, it is not clear why the default option should be road widening and not further on-street restrictions (such as further single yellow lines or tighter controls over the areas already yellow-lined) to manage on-street parking. This is a site which has been allocated for sports pitch use for 15 years and the current allocation in the 2016 SALP does not refer to a need for off-site highways improvements. More importantly, the site is allocated for a far more intensive use in the pre-submission Local Plan: if the Football Centre of Excellence and stadia scheme goes ahead that could well necessitate road widening, if deemed necessary. That allocation would involve a greater amount of development and greater pressure on the highway network. Members did not elect to delete the proposed (and more intensive) Football Centre of Excellence and stadia scheme allocation under AL/RTW 19 of the PSLP based on parking/highways safety matters.
- 10.61 The TS reasons that the parking standards for outdoor sports facilities relate to participants and supporters but it is difficult to assess the number of each that can be expected on a regular basis. They also set out that it is unlikely that all the pitches will be in use at the same time and that the existing 3 pitches have operated successfully with a modest parking provision for some years.
- 10.62 Use levels and times (to ensure kick off times are staggered) can be managed by TWBC (as the applicant) who control the bookings. It is considered a further way of addressing parking issues is to require the submission of a management plan for the site which will seek to spread bookings out and to prevent an over intensive use of the site. This is recommended as a condition (8), with the same wording as last time.
- 10.63 An internal link for vehicles through the site has previously been suggested by Parking Services however the applicant would prefer not to include this due to potential conflict within the recreation grounds between pedestrians (especially children) and vehicles.
- 10.64 KCC Highways also refer to the Halls Hole Road/A264 Pembury Road junction which is a particularly sensitive junction on the network. A subsequent e-mail from KCC Highways advises that modelling is unlikely, even though pressure on the local road network would have changed since 2017.
- 10.65 NPPF Paragraph 103 states that the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- NPPF 108 a) requires that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - 108 b) states that safe and suitable access to the site can be achieved for all users;
  - 108 c) requires that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
  - Para 110 also requires that development minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- 10.66 LP Policy TP4 concerns access to the road network. It states that proposals will be permitted provided all five of its criteria are satisfied. The subtext at Para 11.27 states that sites should be well-linked by all modes of transport to key destinations and this may require provision of, for example, a new footway, cycleway or road crossing facility.
- 10.67 The NPPF test in Para 109 is whether the residual cumulative impacts on the road network would be 'severe'. The severe test is a very high bar in order to justify the refusal of permission. It was not judged to be so unacceptable as to warrant refusal last time and the only difference is that more parking occurs along High Woods Lane. KCC have not advised that in their view as the Highway Authority it would now be 'severe'.
- 10.68 KCC do not seek to argue the consequential impact would cause such 'severe' cumulative residual impacts in Hawkenbury (e.g. the consequence of queues in terms of driver behaviour, risk and safety, as opposed to inconvenience) to the extent that planning permission should be refused in the context of paragraph 109 of the NPPF. Taking account of the overall implications of the proposal on the local highway network, it is not considered that the residual cumulative effects of the proposal would be severe.
- 10.69 Similarly, TP4 (1)'s requirement that the road hierarchy and the function of routes have adequate capacity to cater for the traffic which will be generated by the development, is not considered to be clearly breached. The development makes provision for alternative modes to the private car through its network of footpaths and public transport enhancements. Likewise, TP4 (5) requires that the traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others. Whilst some limited disruption to the flow of traffic caused by parking and additional vehicle movements will occur the safety impacts (after moderation through the suggested conditions and the applicant's ability to manage on-street parking) are not considered to be at the NPPF's high bar of 'severe'.
- 10.70 Ultimately it is considered that although conditions on the highway have changed since 2017, there are ways in which on-site parking demand and on-street parking can be managed by the applicant. It would be difficult to make the jump to a significant adverse impact from this, let alone a severe one.
- 10.71 TP4 (5) also states that where a proposal necessitates highway improvements, the developer will be required to meet the cost of the improvements where these are fairly and reasonably related to the development. However it is not clear those highway improvements here are necessitated and that the impacts cannot be managed in other ways through the applicant's role as parking authority and through the recommended condition 8.
- 10.72 On this basis it is considered the impacts upon highway safety and parking arrangements are appropriate and can be addressed both through conditions and the applicant's management of the site and on-street parking, both of which are in its remit to control.

## **Drainage**

- 10.73 The EA had no comments to make on this application last time. The site does not lie within the higher risk EA Flood Zones 2 or 3. No consultees have requested that a Flood Risk Assessment accompanies the application; one did not accompany the previous application.
- 10.74 The outline drainage strategy sets out that although permeable, all the playing surfaces will be constructed with active drainage to benefit the playing surfaces. This drainage system will be in accordance with the Sustainable Urban Drainage Scheme (SUDS) hierarchy, with the sub-surface drainage of the pitches envisaged to also act as attenuation prior to the run-off soaking into the ground as it does at present. Water will also be discharged towards the boundary ditch. KCC has identified that access to this ditch needs to be possible for its maintenance, which can be required by condition.
- 10.75 The use of ponds or swales as alternative attenuation means were considered by the drainage consultant. It is considered that drainage details can be addressed by condition - KCC Flood and Water Management and Southern Water have recommended conditions.

## **Ecology**

- 10.76 Kent Wildlife Trust (KWT) highlighted last time that the proposal involves the loss of arable farmland and the site will become less attractive to many farmland birds. They considered that the site can deliver a satisfactory landscaping scheme and monitoring/management plan to deliver habitat of equal importance to wildlife, albeit for different species. They consider that features that are of particular importance within the scheme include:
- 15m protected buffer zone to the Ancient Woodland (eastern boundaries) and an enhanced treatment of the vegetated western boundaries of the site;
  - Retention of species-rich hedgerow along the north boundary;
  - Retention of the species-poor hedgerow along the south boundary;
- 10.77 KWT made it clear that all boundary features are important on this site because they help wildlife penetrate the suburbs and adjacent urban-fringe areas from the richer habitats of High Wood and the countryside beyond. High Wood is of more-than-local significance for wildlife. It is remnant Ancient Woodland and the Kent Nature Partnership has selected it as a Local Wildlife Site (TW21).
- 10.78 The application is accompanied by an Extended Phase 1 Habitat Survey (April 2020). This summarises that;
- Development of the site will have no deleterious effect on statutory designated sites of conservation importance – no works would take place within the High Woods Local Wildlife Site;
  - Recommendations have been made to account for the presence of High Woods and the designated ancient woodland within it. This involves the creation of a 15m buffer to be fenced off during construction work with HERAS fencing and a dust barrier;
  - Habitats within the site are common and widespread and no further botanical surveys are required.
  - Retained trees should be protected in accordance with BS 5837:2012 '*Trees in relation to design, demolition and construction*'.



- Further surveys of tree T1 (an oak tree in the top northern corner of the site, at the junction of High Woods Lane and Cleeve Avenue) to determine the presence/likely absence of roosting bats are recommended only if the tree is to be affected by the proposed development. It is not proposed to be felled or otherwise worked on as it lies outside the area proposed for development;
- Lighting can be detrimental to bats using tree lines for foraging and commuting, any external lighting proposed for the redevelopment should be sensitive to the boundary trees, avoiding direct illumination of them, for example through the use of directional and low-level bollard lighting.
- Suitable nesting habitat exists within the site and recommendations in regard to timings and methods of best practice for breeding birds have been provided.
- Albeit limited in size, suitable habitat for GCN and reptiles is present within the site and waterbodies suitable for GCN exist within 250m of the site. However, further surveys for GCN and reptiles are considered onerous by the ecologist. and precautionary methods of works to ensure GCN and reptiles are not disturbed by the proposed works are recommended.
- Although of sub-optimal suitability for dormice, Hedgerow H2 (on the SW/southern boundary) is connected to suitable dormouse habitat in the surrounding area and its clearance should be carried out under the supervision of a suitably licensed ecologist.
- The likelihood of other protected and notable species to occur within the site is considered negligible and no further surveys for other protected species are required.
- Recommendations to enhance the site's suitability for wildlife have been provided.

10.79 The results are very similar to the 2017 appraisal that supported the last application. The Council's Landscape & Biodiversity Officer considered these matters can all be addressed by a condition which requires a scheme of mitigation and enhancement; this will include the matters raised by the Kent Wildlife Trust in the last application. A detailed Biodiversity Net Gain assessment is not included as part of the PEA report, however given the limited impacts set out above indicate the recommended >10% net gain can be sought by condition. Having discussed the matter verbally with the Landscape & Biodiversity Officer, the necessary net gain can be achieved through planting and other enhancements.

### **Archaeology**

10.80 This site is constrained as being of Potential Archaeological Importance, due to the discovery in 1990 of a Bronze Age arrowhead and a Roman vase nearby. KCC Heritage has requested an archaeology condition which will be added. This matter was addressed in the same way last time.

### **Other issues**

10.81 An online HSE assessment was undertaken as a large gas pipeline passes to the east of the site, passing through the very eastern edge of High Wood. The results do not require further consultation with the HSE and as such the pipeline is not considered to be a constraint on the site. Scotia Gas Networks advised last time that there were no gas pipelines within the site area; similarly UK Power Networks advised there were no power cables within the site area.

### **Conclusion**

10.82 The site has been assessed as suitable in principle for a recreation purpose within the current Development Plan. Again, this (despite the poor choice of wording in the planning statement) is not an Outline application and given the site is allocated for

recreation/sports use it is considered reasonable for all of the matters subject conditions to be addressed in this way. As with last time - and notwithstanding the change in parking conditions outside the site - there is considered to be sufficient detail on which to determine the application.

- 10.83 In conclusion, the development is proposed for a site which has been allocated for playing field/recreation ground use within the recent SADPD. The impacts of this type of development in this location have already been assessed as part of the Local Plan allocation and found to be acceptable. There are not considered to be any other material considerations which would indicate a refusal of planning permission is appropriate.
- 10.84 The proposal complies with NPPF Green Belt policy and is considered to cause limited harm to the landscape and AONB. The development would not cause significant harm to neighbouring amenity, ecology or highway safety, with sufficient parking provision within the application site. Other impacts can be satisfactorily controlled by condition.
- 10.85 Overall, the proposed development is considered to be acceptable in the balance of issues discussed within this report and there are not considered to be any other material considerations which would indicate a refusal of planning permission is appropriate.
- 10.86 Pre-commencement conditions 4, 6, 9, 12, 13 and 16 listed below have been agreed by the applicant in accordance with section 100ZA (8) of the Town and Country Planning Act.
- 10.87 The applicant seeks a five year planning permission rather than the standard three years (p.4 of the supplementary supporting planning document). The PPG states at Paragraph: 027 Reference ID: 21a-027-20140306 (under heading: 'Conditions relating to time limits') that '*A longer time period may be justified for very complex projects where there is evidence that 3 years is not long enough to allow all the necessary preparations to be completed before development can start.*'
- 10.88 The supporting statement cites the complexity of delivering the development. The risk of non-implementation of the extant permission after 3 years is stated to be due to competing corporate priorities, negotiating land acquisition and the development of a business plan which is still ongoing. The applicant states that the next stages of working up a detailed scheme would then involve Sport England, several NGAs as well as the local community. In addition, delivery of the sports field is related to the bringing forward of proposed housing sites which potentially would cross fund.
- 10.89 However the standard three-year period to implement a planning permission is rarely extended by this LPA, even for large housing schemes. The fact that the site has been allocated for these purposes for nearly 15 years but has not been developed also counts against granting a longer permission. On this basis it is not considered reasonable to recommend a longer period than the standard three years.

**11.0 RECOMMENDATION** – GRANT subject to the following conditions;

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory

Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 00/000/01C

Reason: To clarify which plans are approved

- 3) No external lighting shall be installed on the changing room building until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority prior to its installation. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written permission to any variation.

No external lighting shall be installed anywhere else on the site without the prior written planning permission of the Local Planning Authority.

Reason: In the interests of amenity of adjoining residents and to prevent light pollution in this rural area.

- 4) Notwithstanding the submitted details or approved plans, prior to the commencement of development, the following details shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter shall be carried out in accordance with the approved details;
- a) Details of all changes to existing ground levels throughout the site, to be illustrated by way of cross-sections and reference to spot heights;
  - b) Details of all ball-stop fencing, including height, materials, location and alignment;
  - c) Details showing the extent of the hedge removal required to facilitate access from the existing Recreation Ground and from High Woods Lane;
  - d) Details of connecting pathways between the car park and the pitches including surfacing materials;.
  - e) Details of security fencing around the 3G pitch, including height and materials;
  - f) Details of the new access gates within the site, taking in to account the use of full gates or manual swing arm gates, that can be locked open during legitimate pitch usage or locked closed when the site is not operating, in order to deter/prevent fly tipping, vehicle misuse, trespass etc;
  - g) Details of any necessary localised widening works to High Woods Lane. Including the provision of the pedestrian footway, signage and traffic calming.
  - h) Details showing how access to the watercourse on the western side of the site will be facilitated.
  - i) Details of the proposed pitch layout.

Reasons: To preserve the visual amenities of the locality and to secure a satisfactory standard of development. This is a pre-commencement condition as these matters will need to be addressed from the beginning of the construction phase.

- 5) Notwithstanding the submitted details or approved plans, the area shown on the approved drawings as vehicle parking space and turning shall be provided, surfaced

and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced and shall be retained for the use of the occupiers of, and visitors to, the development. The submission shall include details of electric vehicle charging points, the number and distribution of which shall have regards to KCC standards at the time of submission.

No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users. To promote emission-free vehicle use.

- 6) No development shall take place until a scheme for the mitigation and enhancement of biodiversity has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally.

The submitted scheme shall include mitigation measures, plus details of the management of the field margins, additional planting within the 15m buffer zones to the Ancient Woodland, enhanced planting within the boundary hedgerow and replacement tree planting to maintain arboreal linkages (as recommended within the submitted Preliminary Ecological Appraisal).

The approved scheme shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing populations of protected species and to improve their habitat on the site. This is a pre-commencement condition as biodiversity matters will need to be addressed from the beginning of the construction phase.

- 7) Prior to the first use of the site, details showing a covered and secure space for bicycle storage shall have been submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to first use of the development and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety

- 8) Prior to the first use of the development hereby approved, details of a management plan for the use of the playing pitches in order to limit pressure on the car parking facilities shall be submitted to and approved in writing by the Local Planning Authority.

The management plan shall include details of available time slots, measures taken at the point of booking to control the amount of pitches in use at any one time, measures to mitigate the impacts from two way movement through the access at changeover times, and measures to enable access by (and parking for) coaches. The development shall then be operated in accordance with the approved details thereafter.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

- 9) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure that features of archaeological interest are properly examined and recorded.

- 10) Notwithstanding the submitted details or approved plans, prior to the commencement of construction work on the approved changing room building, scaled internal layout plans and photographic samples of all proposed external materials of the structure (by reference to scaled elevation details) shall be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details.

The changing room building shall be provided in accordance with the approved details prior to the first beneficial use of the development and thereafter retained.

Reasons: In the interests of visual amenity and to ensure that sufficient changing room facilities are provided to serve the development. To ensure the development is fit for purpose and sustainable

- 11) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows

- 12) Prior to the commencement of development, a noise impact assessment of the proposed use shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be completed by a suitably qualified person. If necessary, this shall then be used to design a scheme of mitigation to include both physical and management measures to reduce noise to nearby receptors. The scheme shall then be installed and retained thereafter as approved.

Reason: In the interests of residential amenity. This is a pre-commencement condition as some of the measures may have to be built into the development from an early stage.

- 13) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the

local planning authority. The detailed drainage scheme shall be based upon the drainage statement dated 30th September 2020 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at rate no greater than the existing greenfield run off rate without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details. Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions. This is a pre-commencement condition as the drainage details will be one of the first physical operations to be undertaken.

- 14) Prior to the first use of the development, a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- 15) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 16) Prior to the commencement of development, means of foul and surface water sewerage disposal (which have been designed in consultation with the relevant foul drainage authority where necessary) shall be submitted to and approved in writing by the Local Planning Authority.

These details should include the size of any individual cesspools and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

The development shall only then be carried out in accordance with the approved details.

Reason: to ensure provision for foul sewage disposal. This is a pre-commencement condition as the drainage details will be one of the first physical operations to be undertaken

## **INFORMATIVE**

- 1) No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.

There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.

No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.

Any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, KCC would need six weeks notice to process this.

Case Officer: Richard Hazelgrove

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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