
East Malling & Larkfield East Malling	569044 155155	01.02.2005	TM/05/00322/FL
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Proposal:	Four sports pitches
Location:	Land At Heath Farm North Of Teston Road Waterringbury Maidstone Kent
Applicant:	Liberty Property Trust UK Limited

1. Description:

- 1.1 This proposal seeks planning permission to construct and lay out four sports pitches to serve the existing Kings Hill development. (There is a legal obligation for such facilities to be provided to serve the developments carried out at Kings Hill).
- 1.2 In order to provide levelled surfaces for the sports pitches it will be necessary to change natural levels and gradients currently existing on the site and this would be carried out by using clean soils to 'infill' natural hollows and depressions and raise land where needed to provide two distinct plateaux. It will also be necessary to remove some of the existing vegetation on the site - including a belt of poplar trees.
- 1.3 Landscape buffers would be provided to help stop stray balls leaving the playing areas. Some indicative landscaping is shown but the applicants have asked that fully detailed landscaping proposals be provided at a later date and, thus, be secured by a planning condition.
- 1.4 Vehicular access to the site would be obtained via a new access road emanating from within Kings Hill.
- 1.5 The plans illustrate future parking and changing room facilities to serve the sports pitches. Firm proposals are not detailed in this application as more sports pitches are to be provided within Heath Farm and it is intended that one central car park and changing rooms/pavilion facility will serve all of the pitches. Once the additional proposals for sports pitches have been planned/advanced, further detailed proposals for the central parking and changing facilities will be finalised and submitted for approval. (There is a legal obligation for the applicants to provide those facilities as part of planning permission TM/02/03429/OAEA i.e. Kings Phase 2).
- 1.6 The applicants have submitted wildlife and ecology survey information to demonstrate that there would not be any undue impacts upon local ecology. This report identifies the presence of some important species within the site area that would be affected. However, it also specifies mitigation measures that would ensure compliance with the requisite regulations.

- 1.7 An archaeological appraisal has also been submitted to demonstrate that there should be no undue impact upon archaeology providing that the existing land levels are not excavated.

2. The Site:

- 2.1 Heath Farm is an area of largely abandoned fruit farm and orchard and currently comprises grasslands, scrub, existing woodland and regenerating woodland. It has been the subject of planning permission for a golf course, establishing the principle of leisure uses on the site. In the northern part is a former Oast House and farm buildings including a barn and other associated buildings. There is also a tennis court, small garden area and ornamental pond as part of this complex. This complex has more recently been used as a healing / alternative medicine centre.
- 2.2 The Kings Hill development area and associated retained areas of ancient woodland lie to the west of Heath Farm. Elsewhere around Heath Farm, there is land under current or former orchard production and a scattering of farms, small holdings and other residential properties. Minor roads adjoin parts of the boundary of Heath Farm, with Wateringbury Road to the east, The Heath to the north and Teston Road to the south.
- 2.3 The proposed sports pitches would be sited in the south-western extremes of Heath Farm, i.e. adjacent to the Kings Hill development site boundary close to the new 'Discovery School'. This part of the farm predominately comprises agricultural fields with peripheral vegetation.
- 2.4 There is currently no direct vehicular access to the site of the proposed pitches other than via farm tracks but PROW MR115 runs through the site.
- 2.5 The site lies outside any defined built confines and within a designated Green Wedge under policy P2/19 of the TMBLP.

3. Planning History:

- 3.1 TM/05/00163/FL Approved 06.06.2005
Variation of conditions 2 (*the nature of the details requiring approval before the development can be commenced*) and 6 (*timing of the submission of details of materials for approval*) of planning application no. TM/02/03429/OAEA (outline application: Additional 92,900 square metres B1 Business floorspace, residential development, public open space, sports, leisure and recreation facilities and associated infrastructure at Kings Hill and adjoining land at Heath Farm, East Malling) to enable the submission of details and implementations of the development to be undertaken in phases.

- 3.2 TM/02/03429/OAEA Approved by FSoS (28.10.2004)
Outline Application: Additional 92,900 square metres B1 Business floorspace, residential development, public open space, sports, leisure and recreation facilities.
- 3.3 The original Business Park permission from 1990 (TM/89/1655) and subsequent outline permissions for housing totalling some 1850 units have all been implemented.
- 3.4 There are many detailed approvals relating to the extant outline permissions mentioned above.

4. Consultees:

- 4.1 East Malling & Larkfield PC (summarised): The PC is concerned that there would be noise implications for nearby dwellings. It wishes to see that trees that do not need to be removed are protected and would like to see the PROW MR115 retained on its existing line. Objects to any floodlighting of pitches. Raises potential for archaeology on site.
- 4.2 Kings Hill PC: No objections.
- 4.3 EMCG: Raises fears that the proposals could encourage car parking in Teston Road as the site could be accessed from there via PROW MR115. Recommends that parking restrictions/access restrictions be introduced within Teston Road and/or restriction measures on the PROW to obstruct cycles and motorcycles to combat this potential problem.
- 4.4 DL: Indicative plans of future provision of pitches were sought to ensure that the entire sports facility would be feasible and be able to operate in the most efficient and effective way. It is desired that the facility be approached in a holistic way and not on a phase by phase ad-hoc basis.

Any buffer vegetation boundary will take time to establish and become effective.

It is noted that proposed parking provision would meet the requirements for the four pitches highlighted in this application. Additional pitches are planned and any built facilities, including the car park, must take these into consideration.

Consideration may also be given to the type of surfacing used and it may be appropriate to use a combination of Tarmac and other surfacing that offers a more sympathetic aesthetic look.

- 4.5 DHH: Views awaited.

- 4.6 KCC PROW (summarised) : Expresses concern that the development would change the gradient of PROW MR155 and also that there would be surface water run-off onto the PROW as a result of the proposed changes in land levels. An objection is raised therefore.
- 4.7 KCC Highways: The proposal would accord with previous approved uses for the area. However, this application is a 'stand alone' one. The applicant is requesting that the details of access and parking be dealt with by condition for future consideration.

Points for clarification.

1. The emerging KCCVPS puts this facility in Class D2. For playing fields parking is to be provided at 1 space per two participants plus 1 space per 10 spectators. Bays to be a minimum of 2.4m x 4.8m with end bays widened to 2.7m. On site turning required.
2. Are changing facilities to be provided, as this is a 'stand alone' application and not used in conjunction with another facility?
3. Will flood lighting be proposed?
4. The parking allocation will need to take into account the possibility of coaches or mini buses bring participants? Parking and on site turning required.
5. Will a safe pedestrian link need to be incorporated in the new access road?
6. Access to the pitches for maintenance and emergency access required.

I would not raise objections at this point but I will await the submission of further details for consideration. Conditions are required to secure appropriate access, parking and turning facilities.

- 4.8 Private Reps Art 8 Site & Press Notices + 13/0X/6R/0S: Objection is raised on the following grounds:
- The proposals could lead to direct vehicular access from Kings Hill to East Malling/Wateringbury Road.
 - There is likely to be an increase in the use of Teston Road junction because cars will park there to access pitches from MR115 and this would give rise to highway hazards.
 - The development would compromise the function of a designated Green Wedge.

- Undue impact upon the character and appearance of this rural locality – particularly resulting from the proposed infilling.
- Loss of trees/existing vegetation.
- Noise disturbance and similar detriment to the amenity of nearby dwellings is likely to arise from the use of these pitches.
- Concern is expressed that the site could be illuminated.
- Detrimental impact upon wildlife.

5. Determining Issues:

- 5.1 As Members will be aware, the First Secretary of State (FSoS) granted outline planning permission for proposals that are informally referred to as 'Phase 2' of Kings Hill following a lengthy Public Inquiry that was held during 2003/4 (application ref.: TM/02/03429/OAEA). Those proposals included plans to use Heath Farm for open sports and recreation purposes – a use that is appropriate within areas of designated open countryside such as this. Accordingly, the principle of this proposed use and development is firmly established and, therefore, essentially it is only matters of detail that need to be considered. Indeed, open recreation uses such as this do not conflict with rural planning policies and I am satisfied that these particular proposals can not be considered to compromise the designated Green Wedge.
- 5.2 Dealing first with access issues, vehicular access to the facilities would be obtained directly from the internal road network of Kings Hill. (As indicated above, a car park facility will be provided in due course to serve these pitches and the wider complex of sports pitches. The current application does not include provision of the car park, but the submitted plans show it to be located largely outside, but immediately adjacent to this application site). Dedicated pedestrian and cycle access would also be derived from Kings Hill, although there is of course also the potential for visitors to access the site on foot via the local PROW network given the proximity of a PROW.
- 5.3 In the light of the above, I am satisfied that the access arrangements to the site are acceptable and that the fears and concerns expressed regarding direct vehicular access from Kings Hill to East Malling and Wateringbury Road are unfounded.
- 5.4 I concur with the views that have been tabled that this development could give rise to additional use of Teston Road. Although I consider that it would be prudent to secure by condition measures to prohibit cycle and motorcycle access to the site along MR115, I do not consider that it is this authority's role to introduce parking or

access restrictions on Teston Road. This would be a matter for the Highway Authority in the event that the use of the pitches generated local highway hazard problems.

- 5.5 Notwithstanding the above, the provision of adequate parking facilities at the site would certainly help to avoid parking taking place in Teston Road. I would therefore propose that any consent be conditional upon parking facilities being provided to county standards **before** the use of the pitches commences given that the central car park is not being provided as an integral part of this application. I also consider that a scheme of signage should be required to encourage users of the facilities to use the 'official' parking facilities provided rather than park elsewhere in places such as Teston Road.
- 5.6 Given that there is likely to be an increased use of this section of MR115 and that KCC PROW office is concerned about run-off onto that path, I believe that the applicants should be required to surface the footpath within the site. Improvements to the PROW should also be required to include measures to prohibit use by motorcycles and cycles in line with the suggestions of the EMCG. The applicants have now confirmed that this PROW will be retained on its current horizontal and vertical alignment, with banks being formed either side.
- 5.7 In terms of visual impacts, the proposals necessitate the removal of some areas of existing vegetation and also the creation of level plateaux to provide flat sports pitches. Whilst it is regrettable that some vegetation must be lost – including a row of poplar trees – I do not consider that any of this vegetation is of such significance that it would warrant a sustainable objection. Compensatory landscaping can be obtained by an appropriate landscaping condition.
- 5.8 Furthermore, whilst the natural gradients and topography of the land will be altered noticeably, in my opinion the current landform does not have any high landscape value and the finished appearance of the development would appear appropriate once landscaping has had time to establish.
- 5.9 I agree entirely with the objections that have been made in respect of potential illumination and consider that this would be likely to unduly harm the rural character of this area. Whilst a further permission would be required for permanent floodlighting, temporary floodlights would not fall under this Council's control so it would be necessary to prohibit any illumination by condition, should planning permission be granted for the pitches themselves.
- 5.10 This application does not include any provision of changing facilities, it being the intention that details of these be finalised only once details of the other pitches come forward. However, I anticipate that some interim provision will be needed, and this can be secured by a condition.

5.11 The nearest dwellings to the site are 100m away and, as indicated above, outline planning permission already exists on this site for open recreational development. In such circumstances, I do not believe that the proposals are objectionable on noise impact grounds. Notwithstanding this fact, I have sought to consult with the DHH and hope to be able to report his views on this matter in my Supplementary Report.

5.12 Turning finally to the issues of archaeology and ecology, expert analysis has been provided to demonstrate that the proposals will not have any undue impact upon those important assets - providing that the certain mitigation measures are carried out. Therefore, planning permission could not be refused on grounds of impact upon ecology or archaeology because appropriate mitigation measures can be secured by condition.

6. Recommendation:

6.1 **Grant Planning Permission** subject to the following conditions:

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

3 The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

4 Any public right of way which crosses the site shall be retained on its existing line or on such other line as may be legally established and be kept free from physical obstruction.

Reason: To safeguard existing public rights of way.

- 5 There shall be no direct means of vehicular access from or to Wateringbury Road or Teston Road.

Reason: Pursuant to the terms of the main planning permissions for Kings Hill.

- 6 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 7 All trees planted shall be protected (particularly against stock and rabbits) immediately upon planting and such protection shall be retained at all times for 10 years thereafter.

Reason: In the interests of good forestry and amenity.

- 8 The sports pitches hereby permitted shall not be used until vehicle-parking space in accordance with the adopted County Council Vehicle Parking Standards has been provided at the site. The applicant shall submit full details of these facilities to the Local Planning Authority for approval and, upon completion, the parking facilities shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved parking area.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

- 9 No development shall take place until details of a scheme of land drainage measures have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of amenity and the prevention of flooding.

- 10 There shall be no illumination of the site at any time unless previously agreed to writing by the Local Planning Authority.

Reason: In the interests of amenity.

- 11 Prior to the first use of the sports pitches, details of a scheme of improving Public Right of Way MR115 shall be submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. Such a scheme shall include measures to strengthen and improve the surface of Public Right of Way and to safeguard against its use by persons on motorcycles and cycles.

Reason: To ensure that the development does not harm the appearance, amenity and enjoyment of the Public Right of Way.

- 12 No development shall take place until details of a scheme of signage to encourage users of the sports pitches to use the official parking facilities have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of amenity and highway safety.

- 13 Use of the pitches hereby approved shall not be commenced until details of changing facilities to be provided in the vicinity, pending the provision of permanent facilities, have been submitted to and approved by the Local Planning Authority, and the approved facilities have been provided.

Reason: To facilitate use of the pitches and in the interests of amenities.

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