
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 As Members will recall, this case was reported to the August meeting of this Committee when Members resolved to defer consideration in order that additional information could be obtained from the applicant. The requisite information has been obtained from the applicant in the form of a detailed response which is reproduced below:

Timing of Provision of the Phase 1 Sports Pitches: This is proposed to comply with the Section 106 document drawn up in relation to the Kings Hill and Heath Farm Phase 2 planning approval (see below for extract) i.e. Phase 1 playing fields should be completed 24 months from the Implementation Date of Phase 2. Liberty Property Trust (UK) has not yet finalised the date for Implementation of Phase 2 but anticipates that this will be in late 2005.

Timing of Changing Rooms: The obligation in the Section 106 relating to the Phase 2 approval (see below) is to complete changing facilities to accommodate in total (including Phase 1 changing) 150 players and officials supported by appropriate car and coach parking and laid out or constructed to a specification approved by the Council by the date 30 months following the Implementation Date of Phase 2. Liberty Property Trust (UK) proposes to complete the changing facilities to comply with the above.

If the above timings cause up to a 6 month gap between the opening of the Phase 1 pitches on Heath Farm and the opening of the changing facilities then temporary storage facilities as used on the existing temporary pitches could be provided for this interim period if so required by TMBC.

Timing of Car parking for Phase 1 Pitches on Heath Farm: Whilst the obligation within the Section 106 to complete the parking provision is not until 30 months following the Implementation Date, Liberty Property Trust UK/ Rouse Kent Ltd proposes to provide 84 car spaces and 4 coach spaces to coincide with the opening of the Phase 1 pitches i.e. within 24 months of the Implementation Date.

Cricket Pitch and Temporary Pitches: Please Note: The cricket pitch which has already been constructed on Kings Hill (near to Discovery Primary School) also forms part of the Phase 1 playing field obligation. Additionally two temporary football pitches have been constructed and retained on Kings Hill as an interim measure until the permanent Phase 1 facilities are finalised, two temporary football pitches will be retained on Kings Hill until the Phase 1 pitches at Heath Farm are completed.

Below is an extract of the Deed of planning obligations, pursuant to Section 106 of the Town and Country Planning Acts, dated 2nd February 2004 and the Deed of Variation and Supplement dated 6th June 2005.

2.1.3. *Unless otherwise agreed between the Council and Developer and subject to Planning Permission having been Implemented and agreement of the type of playing fields/sports provision with the Council the Developer is to:*

- (a) *Complete the outstanding **Phase 1 playing field obligations** ready for use **no later than 24 months from the Implementation Date**; and*
- (b) *Complete no less than **1.7 hectares** of the Phase 2 playing field/sports provision obligation (equating to **45 sq m of land per dwelling**) by the later of:
 - i) the **end of 2007**, or
 - ii) the date when **375 residential units** have been completed on the Site; and*
- (c) *Complete the remainder of the **Phase 2 playing field/sports provisions** obligation by the later of the **end of 2010** or the date when **600 residential units** have been constructed; and*
- (d) *Complete changing facilities to accommodate in total (including phase 1) 150 players and officials supported by appropriate car and coach parking and laid out or constructed to a specification approved by the Council by the date 30 months following the Implementation Date.*

2.1.4 *The Developer agrees that temporary pitches provided in part discharge of the obligations relating to the Phase 1 Facilities will be maintained until replacement Phase 2 Recreational and Sports Facilities have been provided on Heath Farm.*

2. The Site:

- 2.1 As the residential element of Kings Hill increased from 250 to 550 then to 1850 and laterly around 2600 so the plan space needs clearly increased. As the scheme has developed, especially with the latest Phase 2, so these new facilities become necessary.

3. Recommendation:

3.1 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. (Z015)

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 in 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.

- 14 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisement) Regulations, no advertisements, whether permanent or temporary, shall be displayed within the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity of the locality.

Contact: Kevin Wise